

RESOLUTION NO. 08-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF PUBLIC ALLEY NO. 62 BETWEEN OLD NEWPORT BOULEVARD AND PUBLIC ALLEY NO. 61

WHEREAS, the City Council of the City of Costa Mesa did, on the 1<sup>ST</sup> day of April, 2008, adopted Resolution No. 08-24, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATON OF A PORTION OF PUBLIC ALLEY NO. 62 BETWEEN OLD NEWPORT BOULEVARD AND PUBLIC ALLEY NO. 61, RESERVING A PUBLIC UTILITY EASEMENT FOR ALL EXISTING UNDERGROUND AND OVERHEAD PUBLIC UTILITIES, AND A DRAINAGE EASEMENT FOR DRAINAGE PURPOSES TOGETHER WITH RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF MAINTAINING, REPLACING AND UPGRADING SAID EXISTING PUBLIC UTILITIES AND DRAINAGE FACILITIES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO.

WHEREAS, pursuant to said Resolution of Intention, the time and place for hearing all persons interested in or objecting to the proposed vacation was set for Tuesday, the 15<sup>th</sup> day of April, 2008; at 7:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa, California; and

WHEREAS, notices of said proposed vacation were duly and regularly posted as required by law, all pursuant to the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California; and

WHEREAS, on said date of hearing, the proposed vacation came on regularly to be heard; all persons appearing on the proposed vacation were heard; and said hearing was closed on the 15<sup>th</sup> day of April, 2008; and

WHEREAS, the Costa Mesa City Council finds and determines from all the evidence submitted that the hereinafter described right-of-way is unnecessary for present or prospective street purposes so long as the conditions included herein are met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDER AND RESOLVE AS FOLLOWS;

1. That the hereinafter described right-of-way is unnecessary for present or prospective Alley purposes.
2. It is hereby ordered that the following described right-of-way be, and the same are hereby vacated:

All as more particularly described in legal description shown in Exhibit "A" and on map shown in Exhibit "B," attached hereto and by this reference made a part hereof.

PASSED AND ADOPTED this 15<sup>th</sup> day of April, 2008.

\_\_\_\_\_  
Eric R. Bever, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Julie Folcik, City Clerk

\_\_\_\_\_  
Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF COSTA MESA )

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-24 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15<sup>th</sup> day of April, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16<sup>th</sup> day of April, 2008.

\_\_\_\_\_  
JULIE FOLCIK, CITY CLERK

(SEAL)

# EXHIBIT "A"

SHEET 1 OF 2

## "LEGAL DESCRIPTION" OF VACATION OF A PORTION OF CITY OF COSTA MESA ALLEY NO. 62

THAT PORTION OF CITY OF COSTA MESA 17.5 FOOT WIDE ALLEY NO. 62 TO BE VACATED, THAT PORTION BEING SHOWN ON TRACT NO. 427, IN THE CITY OF COSTA MESA, AS PER MAP RECORDED IN BOOK 19, PAGE 18 OF MISCELLANEOUS MAPS, IN THE ORANGE COUNTY RECORDERS OFFICE AND ON PARCEL MAP, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 52 PAGE 16 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINING AT THE MOST WESTERLY CORNER OF LOT 7 OF TRACT NO. 427, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 19 PAGE 18 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID ORANGE COUNTY, SAID WESTERLY CORNER ALSO BEING A POINT OF INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY OF NEWPORT BOULEVARD AND AND THE NORTHEASTERLY RIGHT-OF-WAY OF SAID ALLEY, (17.50 FEET WIDE); THENCE SOUTH 50°10'24" EAST ALONG THE NORTHEASTERLY RIGHT-OF-WAY OF SAID ALLEY AND SOUTHWESTERLY LINE OF SAID LOT 7 A DISTANCE OF 153.26 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 10.00 FEET; THENCE EASTERLY 2.68 FEET ALONG SAID ALLEY RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 29°57'29" TO THE INTERSECTION OF NORTHEASTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF PARCEL 1 OF SAID PARCEL MAP; THENCE SOUTH 39°49'36" WEST ALONG SAID PROLONGATION A DISTANCE OF 18.84 FEET TO THE INTERSECTION OF THE SOUTHWESTERLY LINE OF SAID ALLEY; THENCE NORTH 50°10'24" WEST ALONG SAID SOUTHWESTERLY LINE A DISTANCE OF 158.17 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID PARCEL 1 SAID POINT ALSO BEING A POINT ON THE SOUTHEASTERLY LINE OF NEWPORT BOULEVARD, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 845.37 FEET AND TO WHICH A RADIAL LINE BEARS NORTH 51°03'21" WEST; THENCE NORTHEASTERLY 17.50 FEET ALONG SAID CURVE AND ITS PROLONGATION THROUGH A CENTRAL ANGLE OF 1°11'10" TO THE POINT OF BEGINNING.

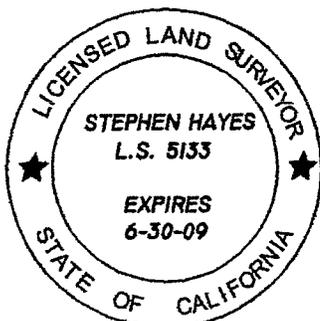
RESERVING THEREFROM A PUBLIC UTILITY EASEMENT FOR ALL EXISTING UNDERGROUND AND OVERHEAD PUBLIC UTILITIES, AND A DRAINAGE EASEMENT AS SHOWN ON THE ATTACHED EXHIBIT, FOR DRAINAGE PURPOSES TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF MAINTAINING, REPLACING AND UPGRADING SAID EXISTING PUBLIC UTILITIES AND DRAINAGE FACILITIES.

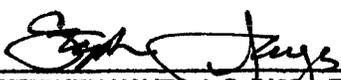
THE ABOVE DESCRIBED VACATION CONTAINING AN AREA OF 2,771 SQ. FT.

**SEE EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.**

THIS DOCUMENT CONSISTING OF TWO PAGES, (EXHIBITS "A" AND "B") WAS PREPARED BY ME OR UNDER MY SUPERVISION.

PREPARED BY:



  
STEPHEN HAYES L.S. 5133 EXPIRES 6-30-07

2/1/08  
DATE



12 SEMBRADO - RANCHO SANTA MARGARITA - CA. 92688  
TEL: (949) 459-8989 - FAX (949) 709-3040

# EXHIBIT "A"

## CITY OF COSTA MESA VACATION OF A PORTION OF A PUBLIC ALLEY

### AFFECTED PROPERTY OWNER'S

ALLEY NO. 62 TCA:(15007)

ASSESSOR'S PARCEL NUMBER	ADDRESS	PARCEL/ LOT	PROPERTY OWNER
425-341-03	1500 OLD NEWPORT BOULEVARD	PARCEL 1 OF PARCEL MAP/ BK. 52, PG. 16	GEORGE E. MINNEY II, AN UNMARRIED MAN
425-341-04	1510 OLD NEWPORT BOULEVARD	LOT 7 OF TRACT NO. 427 BK. 19, PG. 18	THOMAS C. WILSON AND JEAN F. WILSON, AS TRUSTEES OF THE 2002 THOMAS AND JEAN WILSON REVOCABLE TRUST

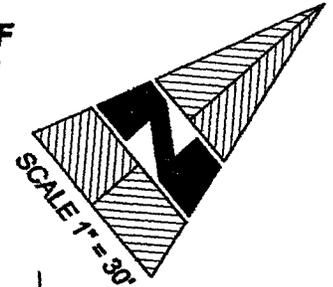
# EXHIBIT "B"

## LEGEND

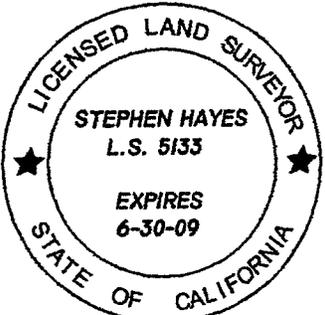
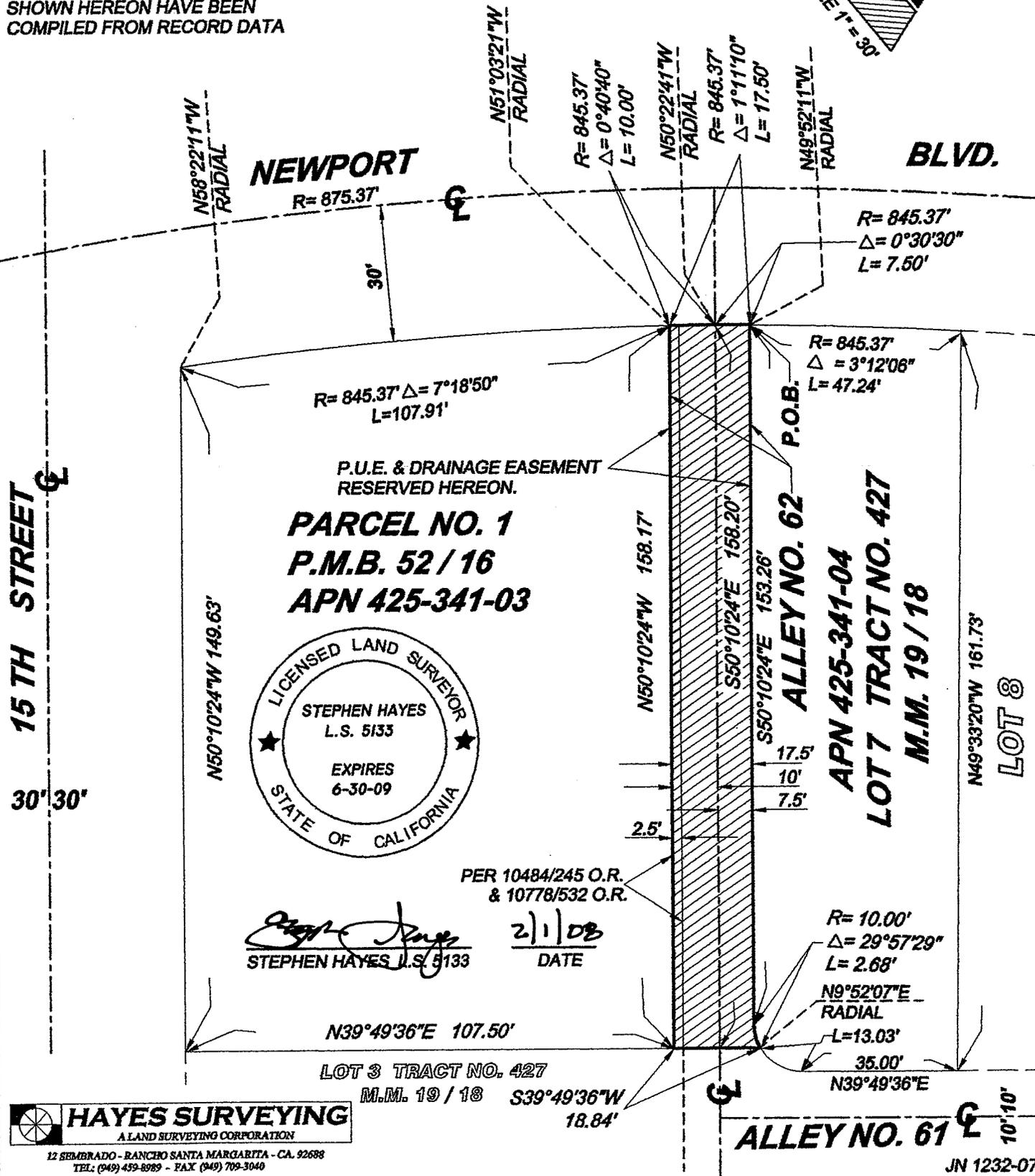
 TO BE "VACATED"

P.O.B. POINT OF BEGINNING

NOTE: THE BEARINGS AND DISTANCES SHOWN HEREON HAVE BEEN COMPILED FROM RECORD DATA



### MAP TO ACCOMPANY LEGAL DESCRIPTION OF VACATION OF A PORTION OF "ALLEY NO. 62"



*Stephen Hayes*  
 STEPHEN HAYES L.S. 5133

PER 10484/245 O.R.  
 & 10778/532 O.R.  
 2/1/08  
 DATE