



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 21, 2008

ITEM NUMBER:

**SUBJECT: VACATION OF A PORTION OF CITY SIDEWALK AND LANDSCAPE EASEMENT
ALONG SAKIOKA DRIVE AND ANTON BOULEVARD AT 450 ANTON BOULEVARD**

DATE: OCTOBER 9, 2008

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, DEPARTMENT OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER, (714)-754-5335

RECOMMENDATION:

1. Adopt Resolution (Attachment 1) summarily vacating a portion of an existing City Sidewalk and Landscape Easement along Sakioka Drive and Anton Boulevard at 450 Anton Boulevard.
2. Authorize execution of the Quitclaim Deed (Attachment 2) by the Mayor and City Clerk.

BACKGROUND:

The Irvine Company Apartment Communities, property developers of 450 Anton Boulevard (Enclave), have requested the City to vacate a 5 foot portion of a 25 foot wide City Sidewalk and Landscape Easement surrounding the property (see Attachment 3). The fee title owner dedicated this easement to the City to accommodate a proposed meandering sidewalk buffered from the street by landscaping. The Enclave Apartment Community is however located within the North Costa Mesa Specific Plan area, which requires a 20 foot landscape area, and therefore the existing landscape easement of 25.00 feet has a surplus of 5 feet. The applicant proposes to reduce the easement area to accommodate additional onsite buildable area and still meet the current required landscape easement depth of 20.00 feet. The existing landscaped parkway and sidewalk will be unaffected by this request. Approval of the easement reduction is consistent with the recently approved similar easement reduction at The Lakes property at 3400 Avenue of the Arts located across Sakioka Drive from this site.

City Fire Station No. 6 at 3350 Sakioka Drive is located adjacent to the Enclave site and the proposed easement reduction would have no adverse affect to the fire station's existing landscape.

Planning Application PA-05-56 contains development conditions for the Enclave Development at 450 Anton Boulevard. Included in the development conditions is the reduction of the Sidewalk and Landscape Easement adjacent to Sakioka Drive and Anton Boulevard, and was approved by the Planning Commission on June 12, 2006. On July 5, 2006, City Council approved the Planning Commission's decision by adopting Resolution 06-58 (see Attachment 4).

ANALYSIS:

The excess portion of the Sidewalk and Landscape Easement has been reviewed by the Engineering and Transportation Services Divisions. After reviewing the request, pursuant to the California Streets and Highway code Section 8333.(a)and(c), staff has determined that the subject portion of Sidewalk and Landscape Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation described hereon, and that said excess easement is unnecessary for public purposes. The summary vacation of this portion of Sidewalk and Landscape Easement would eliminate the City's responsibility for its maintenance. Once vacated, the land will revert to the underlying fee title owners (Sakioka Farms, Marjack, Iscina-Sunflower, RTS Sunflower and the City of Costa Mesa), and become private property (see Attachment 5).

ALTERNATIVES:

The City Council could retain this portion of the Sidewalk and Landscape Easement. However, this portion of the Easement is currently not being utilized and serves no public purpose at this time. The retention of this Easement would also be inconsistent with the planned Enclave development which was approved by Council.

LEGAL REVIEW:

The City Attorney's Office has approved the attached resolution as to form.

CONCLUSION:

Staff recommends that the City Council approve and adopt the attached Resolution to summarily vacate the excess Sidewalk and Landscape Easement portion adjacent to Sakioka Drive and Anton Boulevard (see Attachment 1). In addition, staff recommends that the City Council authorize execution of the Quitclaim Deed by the Mayor and City Clerk (see Attachment 2).

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Department of Public Services

- Attachments: 1. [Resolution of Summary Vacation of excess Sidewalk and Landscape Easement](#)
2. [Quitclaim Deed](#)
3. [Location Map](#)
4. [Resolution No. 06-58, Approved Planning Application](#)
5. [Legal Description and Exhibit](#)

- Distribution: City Manager
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Development Services Director
Staff