



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: NOVEMBER 18, 2008

ITEM NUMBER:

**SUBJECT: VACATION OF CITY STORM DRAIN EASEMENT RESERVATION AT 606 & 615 TOWN CENTER DRIVE.**

**DATE: NOVEMBER 6, 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**

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## **RECOMMENDATION:**

1. Adopt Resolution (Attachment 1) summarily vacating a City storm drain easement at 606 & 615 Town Center Drive.
2. Authorize execution of the Quitclaim Deed (Attachment 2) by the Mayor and City Clerk.

## **BACKGROUND:**

The City, on July 7, 2005, vacated a portion of Town Center Drive Right-Of-Way between Park Center Drive and Avenue of the Arts per Resolution 05-31 (see Attachment 3). This was done in conjunction with the Orange County Performing Arts Center (O.C.P.A.C.) new Renée and Henry Segerstrom Concert Hall development. A reservation of an easement for public utilities and City storm drain system remained within the vacated portion of Town Center Drive Right-Of-Way. Since the Vacation of the Town Center Drive Right-Of-Way, the existing City storm drain system was removed and replaced with a private storm drain system, as part of the final phase of the new Concert Hall development (see Attachment 4). The new private storm drain services the water runoff for only the O.C.P.A.C. property (see Attachment 5). In the best interest of both parties, the City and O.C.P.A.C., it was agreed to vacate the City's storm drain easement. In addition, the vacation of the easement is required for South Coast Repertory to obtain a Certificate of Occupancy (C of O). The new Concert Hall development along with the new private storm drain has been completed, and O.C.P.A.C. has requested that the storm drain easement be vacated in order to obtain their Certificate of Occupancy (see Attachment 6).

## **ANALYSIS:**

The storm drain easement has been reviewed by the Engineering and Transportation Services Divisions, pursuant to the California Streets and Highway Code Section 8333.(a). Staff has determined that the subject easement is currently not being used for the purpose for which it was reserved preceding the Right-Of-Way vacation described hereon, and that said portion has no other City facilities located within the easement. Therefore, the easement at this time is unnecessary for public storm drain purposes. The summary vacation of this easement would release the City from possession of this drainage system and would eliminate the City's liability and its maintenance responsibilities. Once the easement is vacated, the easement will revert to the underlying fee title owners, South Coast Repertory and The Orange County Performing Arts Center. A reservation for all other existing public utilities will remain.

**ALTERNATIVES:**

The City could retain this portion of the storm drain easement and continue to be responsible for the private storm drain liability and maintenance. However, the easement is currently not being utilized by the City and serves no public storm drain purpose at this time. This would also be in conflict with the agreement the City has executed with South Coast Repertory to relinquish the storm drain easement.

**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 City storm drain easement portion adjacent within the vacated portion of Town Center Drive (see Attachment 1). In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and City Clerk (see Attachment 2).

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI**, Director  
Public Services Department

- Attachments: 1 – [Resolution of Summarily Vacating of Storm Drain Easement](#)  
2 – [Quitclaim Deed](#)  
3 – [Resolution 05-31](#)  
4 – [Private storm drain plans](#)  
5 – [South Coast Repertory property overview](#)  
6 – [Request Easement removal letter](#)

Distribution: City Manager  
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