

RESOLUTION NO. 08-_____

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF COSTA MESA, CALIFORNIA, SUMMARILY
VACATING STORM DRAIN EASEMENT WITHIN
VACATED PORTION OF TOWN CENTER DRIVE

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY
RESOLVE AS FOLLOWS:

WHEREAS, South Coast Repertory, INC., owner of real property located at 600 Town Center Drive, requesting Certificate of Occupancy as per Building Permit No. B03-00432 , to vacate a storm drain easement within previous vacated portion of Town Center Drive, which was approved by City Council on May 3, 2005 by adopting Resolution No. 05-31; and

WHEREAS, the hereinafter described Excess storm drain easement has not been used for the purpose for which it was dedicated preceding the Town Center Drive vacation described herein; has been superseded by a private storm drain installation; and there are no public storm drain facilities located within said Excess easement area, within the meaning of California Streets & Highways Code Section 8333(a) and (c.), and the summary vacation of said Excess easement is therefore appropriate; and

WHEREAS, this vacation is being processed in accordance with Chapter 4 (commencing with Section 8330) of Part 3 of Division 9 of the California Streets & Highways Code; and

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

1. The Excess easement, as set forth in the Original Dedication, is unnecessary for present or prospective use as a public service storm drain easement.
2. It is hereby ordered that pursuant to Chapter 4, Section 8333 of Part 3 of Division 9 of the California Streets & Highways Code, the following described easement be, and the same is hereby, vacated:

SEE LEGAL DESCRIPTION ATTACHED
HERETO AS EXHIBITS HEREOF "A" AND "B"

3. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the County Recorder, Orange County, California.

PASSED AND ADOPTED THIS 18th day of November, 2008.

Mayor of the City of Costa Mesa

ATTEST

City Clerk of the City of Costa Mesa

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

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the city of Costa Mesa, hereby certify that the above and foregoing Resolution No. 08-_____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 18th day of November, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 19th day of November, 2008.

City Clerk and ex-officio Clerk of the City
Council of the City of Costa Mesa

EXHIBIT "A"**LEGAL DESCRIPTION****ABANDONMENT OF CITY OF COSTA MESA
STORM DRAIN EASEMENT**

That certain parcel of land situated in the City of Costa Mesa, County of Orange, State of California being that portion of Town Center Drive as shown on Tract No. 11762 filed in Book 511, Pages 41 through 43 of Miscellaneous Maps, together with that portion of Parcel 1 as described in and shown on City of Costa Mesa Lot Line Adjustment No. LL-2001-02 recorded September 11, 2001 as Instrument No. 20010641069 of Official Records, both in the Office of the County Recorder of said Orange County, described as follows:

COMMENCING at the easterly terminus of that certain course shown as being "North 89°05'11" West 290.64 feet" in the southerly line of Town Center Drive on Parcel Map No. 99-112 filed in Book 327, Pages 16 through 18 of Parcel Maps, in the Office of the County Recorder of said Orange County; thence along said southerly line North 89°05'11" West 12.08 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said southerly line, the southerly line of Town Drive Center Drive as described in the Easement Deed in favor of the City of Costa Mesa recorded August 18, 1983 as Instrument No. 83-360718 of Official Records, in the Office of the County Recorder of said Orange County and the southerly line of Town Center Drive as described in the Easement Deed in favor of the City of Costa Mesa recorded July 13, 1978 in Book 12755, Page 1857 of Official Records, in the Office of the County Recorder of said Orange County, through the following courses: North 89°05'11" West 278.56 feet to the beginning of a tangent curve concave northerly and having a radius of 259.00 feet; thence along ~~said curve westerly 142.40 feet through a central angle of 31°30'04"~~; thence tangent from said curve North 57°35'07" West 50.03 feet to the beginning of a tangent curve concave southerly and having a radius of 201.00 feet; thence along said curve westerly 107.75 feet through a central angle of 30°42'53"; thence tangent from said curve North 88°18'00" West 47.50 feet; thence leaving said last mentioned southerly line North 01°42'00" East 58.00 feet to an angle point in the northerly line of Town Center Drive as shown on said Tract No. 11762; thence along said northerly line through the following courses: South 88°18'00" East 47.50 feet to the beginning of a tangent curve concave southerly and having a radius of 259.00 feet; thence along said curve easterly 138.84 feet through a central angle of 30°42'53"; thence tangent from said curve South 57°35'07" East 50.03 feet to the beginning of a tangent curve concave northerly and having a radius of 201.00 feet; thence along said curve easterly 110.51 feet through a central angle of 31°30'04"; thence tangent from said curve South 89°05'11" East 277.67 feet to a point

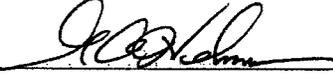
EXHIBIT "A"

on a non-tangent curve concave easterly and having a radius of 75.00 feet, a radial line of said curve from said point bears South 67°13'06" East; thence leaving said northerly line along said curve southerly 59.56 feet through a central angle of 45°30'01" to the **TRUE POINT OF BEGINNING**.

CONTAINING: 0.828 acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof.



Gregory A. Helmer, L.S. 5134

8/15/2008

Date



AVENUE OF THE ARTS

$\Delta=45^{\circ}30'01''$ DEED NO. _____
 $R=75.00'$
 $L=59.56'$

EASEMENT NOTES:

- (A) DENOTES AN EASEMENT FOR STORM DRAIN CHANNEL PURPOSES IN FAVOR OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT PER O.R. 5920/918 AND O.R. 6936/260.
- (B) DENOTES AN EASEMENT FOR STREET AND HIGHWAY PURPOSES IN FAVOR OF THE CITY OF COSTA MESA PER O.R. 12755/1857.
- (C) DENOTES AN EASEMENT FOR STREET AND HIGHWAY PURPOSES IN FAVOR OF THE CITY OF COSTA MESA PER INST. NO. 83-360718, O.R.
- (D) DENOTES A DEDICATION FOR STREET PURPOSES IN FAVOR OF THE CITY OF COSTA MESA PER TRACT NO. 11762 BK. 511 PGS. 41-43
- (E) DENOTES STREET ABANDONMENT PER CITY RESOLUTION 05-31 AND QUITCLAIM INST. NO. 2005000552723, O.R.

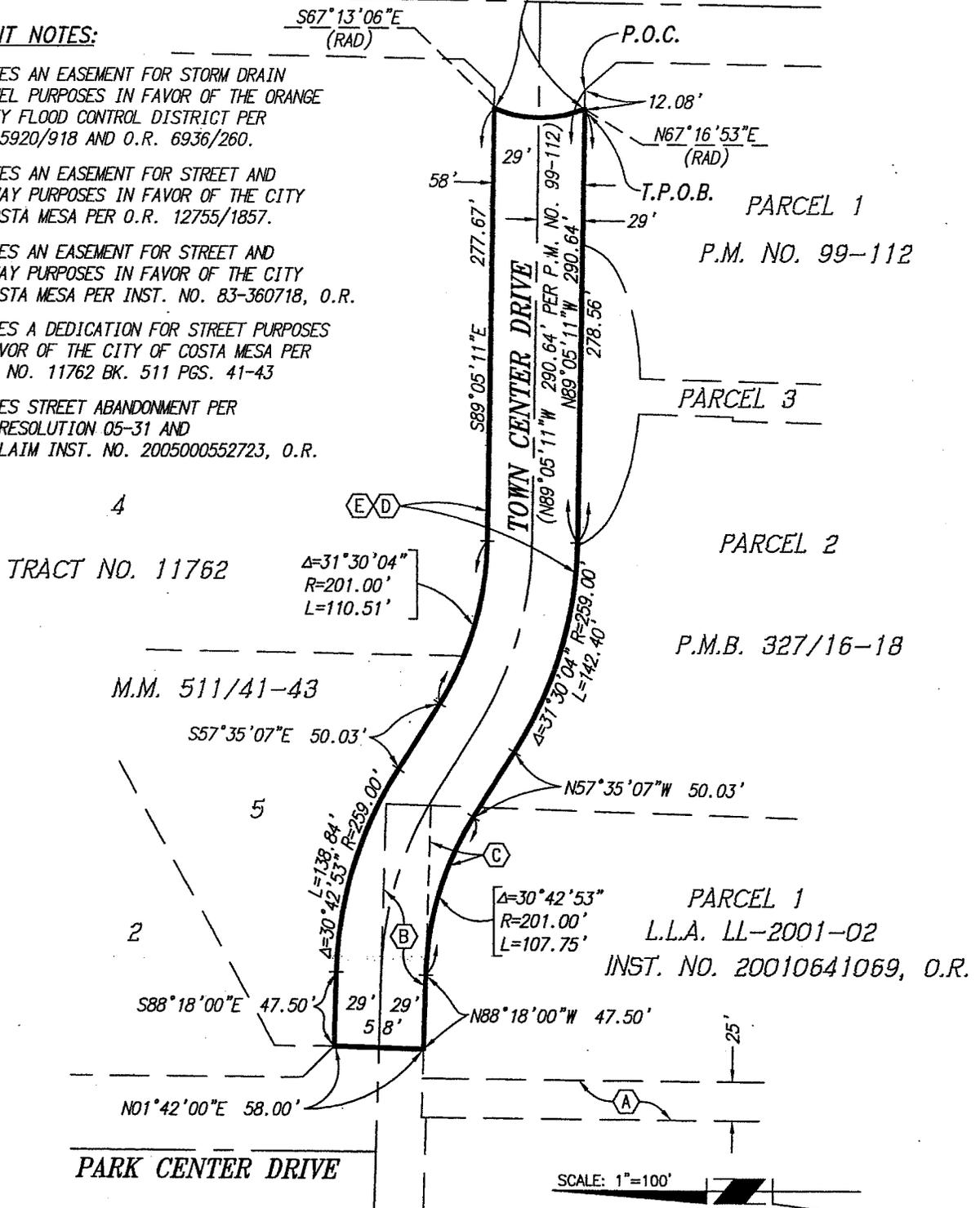


EXHIBIT "B"

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION FOR

ABANDONMENT OF CITY OF COSTA MESA
 STORM DRAIN EASEMENT
 CONTAINING: 0.828 ACRES, MORE OR LESS