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ATTACHMENT 3

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2005000383643 02:15pm 05/18/05

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AND WHEN RECORDED MAIL TO:

CITY of Costa Mesa  
P.O. BOX 1200  
Costa Mesa CA 92626

THIS SPACE FOR RECORDER'S USE ONLY

Resolution #05-31

(Please fill in document title(s) on this line)

J.P.  
NF

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION  
(Additional recording fee applies)

RESOLUTION NO. 05-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF TOWN CENTER DRIVE RIGHT-OF-WAY BETWEEN PARK CENTER DRIVE AND AVENUE OF THE ARTS.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa did, on the 5<sup>th</sup> day of April, 2005, adopt Resolution No. 05-11, entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF TOWN CENTER DRIVE RIGHT-OF-WAY BETWEEN PARK CENTER DRIVE AND AVENUE OF THE ARTS; and

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 3<sup>rd</sup> day of May, 2005, at 6:30 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 3<sup>rd</sup> day of May, 2005; 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;

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

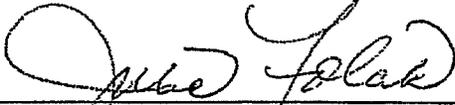
1. That the hereinafter described right-of-way is unnecessary for present or prospective street purposes.
2. It is hereby ordered that the following described right-of-way be, and the same are hereby vacated, subject to the terms and conditions of that certain Hold Harmless Agreement re: Street Abandonment executed in favor of the City of Costa Mesa by the adjacent property owners on or about April 28, 2005 (the "Hold Harmless Agreement"):

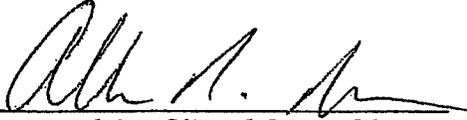
All as more particularly described in legal description shown in Exhibit "A" and on map shown in Exhibit "B", attached hereto and by this reference made a part hereof.

RESERVING THEREFROM a drainage easement and public utility easement for all existing underground and overhead facilities and public utilities, together with right of ingress and egress for the purpose of maintaining, replacing and upgrading said facilities and public utilities, and reserving all rights pursuant to the Hold Harmless Agreement.

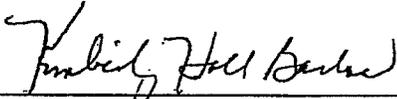
PASSED AND ADOPTED this 3<sup>rd</sup> day of May, 2005.

ATTEST:

  
Deputy City Clerk of the City of Costa Mesa

  
Mayor of the City of Costa Mesa

APPROVED AS TO FORM

  
City Attorney

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

I, JULIE FOLCIK, Deputy 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. 05-31 was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 3<sup>rd</sup> day of May, 2005, by the following roll call vote:

AYES: Mansoor, Monahan, Bever, Dixon, Foley

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 4<sup>th</sup> day of May, 2005.

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

RBF Consulting  
14725 Alton Parkway  
Irvine, California 92618

Revised February 14, 2005  
December 17, 2004  
JN10-103650  
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**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**ABANDONMENT OF A PORTION  
OF TOWN CENTER DRIVE**

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

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



