



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 7, 2010

ITEM NUMBER:

SUBJECT: ACCEPTANCE OF SIDEWALK EASEMENT, SUNFLOWER AVENUE AT GREENVILLE BANNING CHANEL

DATE: AUGUST 26, 2010

FROM: PUBLIC SERVICES DEPARTMENT/ ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, PUBLIC SERVICES DEPARTMENT

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

RECOMMENDATION:

Accept the sidewalk easement on Sunflower Avenue (see Attachment 1) and authorize the Mayor and the City Clerk to sign and record the easement deed.

BACKGROUND:

In accordance with the conditions of approval for Planning Action (PA04-02), Home Ranch Development, Street improvements along Susan Street and Sunflower Avenue were required. As part of the improvements, an access drive approach for Southern California Edison and Orange County Flood Control District (OCFCD) was provided. The proposed easement is located behind the Drive approach and across a portion of the OCFCD Greenville Banning Channel (see Attachment 2). In order to comply with the conditions, the owner of the Home Ranch Development, Standard Pacific, has coordinated the grant of the proposed easement between OCFCD and the City.

ANALYSIS:

The proposed easement will allow for the minimum allowable width of public sidewalk along Sunflower Drive pursuant to the Americans with Disabilities Act (ADA). Staff has worked with the Standard Pacific and OCFCD to secure the necessary easement. In consideration for the owners granting the City the easement for sidewalk purposes, the City has agreed to indemnify the property owner, OCFCD, from all claims and liabilities arising from public use of this easement (see Attachment 1). In order to accept these obligations, the deed must be signed and accepted by an authorized City official.

ALTERNATIVES CONSIDERED:

The alternative to this Council action would be to reject the sidewalk easement. If this alternative is selected, the sidewalk would be located on Orange County Flood Control property and not available for public use as it is intended and pedestrian traffic at this location would be on OCFCD property. This alternative would be inconsistent with the conditions of approval of PA-04-02, which required the access driveway with pedestrian

access. In addition, staff does not recommend this alternative due to safety considerations at this location, which are mitigated by ADA requirements.

FISCAL REVIEW:

The subject sidewalk easement would be granted to the City of Costa Mesa at no fee. There is no fiscal impact on accepting this easement.

LEGAL REVIEW:

The City Attorney's office has approved the attached easement deed as to form.

CONCLUSION:

Staff recommends that the City Council accept the sidewalk easement on Sunflower Avenue, and authorize the Mayor and the City Clerk to sign and record the easement deed.

ERNESTO MUÑOZ

City Engineer

PETER NAGHAVI, DIRECTOR

Public Services Department

DISTRIBUTION: City Manager
City Attorney
City Clerk
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ATTACHMENTS: 1 [Easement Deed](#)
2 [Driveway and easement location](#)