



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 19, 2011

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF A PORTION OF SAINT CLAIR STREET RIGHT-OF-WAY

DATE: APRIL 7, 2011

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR, PUBLIC SERVICES DEPARTMENT

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

RECOMMENDATION

1. Set a public hearing on May 17, 2011, for the vacation of a portion of Saint Clair Street Right-Of-Way.
2. Adopt Resolution of Intent to vacate a portion of Saint Clair Street Right-Of-Way.

BACKGROUND

The Engineering Division is processing the request of Mr. Mark Kaplan, for the vacation of a portion of Saint Clair Street right-of-way. This portion of Saint Clair Street is adjacent to Mr. Mark Kaplan's property at 766 Saint Clair Street.

The proposed vacation area is surplus right-of-way from the Corona Del Mar 73 freeway expansion circa 1974. As a result of the freeway alignment, Saint Clair Street was transformed into a cul-de-sac street which produced the surplus right-of-way (See Attachment 1).

This portion of Saint Clair Street varies in width due to the conversion from a street to a cul-de-sac. Saint Clair Street was originally created from a right-of-way dedication in 1960 by Tract Map No. 3897 as recorded in Book 138, Pages 5 and 6 of Miscellaneous Maps of the County Recorders Office.

Currently, there are no overhead power lines or underground utilities located within this portion of the public right-of-way and therefore, a reservation for a utility easement is not required. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions who have determined that this portion of Saint Clair Street is not necessary for public street and highway purposes. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the owner of 766 Saint Clair Street, Mr. Kaplan.

On March 14, 2011, a report was submitted to the City of Costa Mesa Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution PC-11-06 finding that the proposed abandonment of a portion of excess right-of-way of Saint Clair Street is consistent with the General Plan (See Attachment 2).

ANALYSIS

This portion of Saint Clair Street is not required for any ingress and egress purposes to private property. There are no additional underground and overhead utilities that run the length of the proposed area to be vacated. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and determined this portion of Saint Clair right-of-way to be unnecessary for public street and highway purposes.

Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the adjacent owner at 766 Saint Clair, Mr. Kaplan.

The City sees no future need for the use of the property as a public right-of-way. The proposed area is no longer accessible to vehicles. The vacation of public right-of-way would eliminate the City's responsibility for its maintenance. Once the right-of-way is vacated, the land will revert to the underlying fee title owners (adjacent property owners) and become private property. (See Attachment 3).

ALTERNATIVES CONSIDERED

The City could retain the portion of public right-of-way and continue to be responsible for the maintenance and the safety issues as surplus right-of-way. However, this portion of right-of-way serves no public purpose.

FISCAL REVIEW

The City does not own the subject area in fee; therefore, there will be no fair market value compensation to the City in exchange for vacating this excess right-of-way. Once the area is vacated, it becomes taxable square footage, resulting in potential additional property taxes to the adjacent property owner to which the land will revert. This could potentially result in additional revenue to the City.

LEGAL REVIEW

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

CONCLUSION

Staffs recommends the City Council set a public hearing for May 17, 2011, and adopt the attached Resolution of Intent to vacate a public a portion of Saint Clair Street Right-of-Way at 766 Saint Clair Street (See Attachment 4).

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Public Services Department

Attachment: 1 – [Location Maps](#)
2 – [Planning Commission Resolution No. PC 11-06](#)
3 – [Legal Descriptions and Exhibit](#)
4 – [Resolution of Intent to Vacate a Portion of Saint Clair Street Right-Of-Way](#)

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