



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 17, 2011

ITEM NUMBER:

**SUBJECT: PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT
766 SAINT CLAIR STREET**

DATE: MAY 5, 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. Adopt Resolution ordering the vacation of a portion of right-of-way at 766 Saint Clair Street (see Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (see attachment 2).

BACKGROUND:

The Engineering Division is processing a request from Mr. Mark Kaplan, property owner of 766 Saint Claire Street, for the vacation of a portion of Saint Clair Street right-of-way adjacent to his property.

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. 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 3). This portion of Saint Clair Street varies in width due to the conversion from a street to a cul-de-sac.

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 4).

ANALYSIS:

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. Should City Council approve the proposed vacation of surplus right-of-way, the subject vacated property will revert back to the owner of 766 Saint Clair Street, Mr. Kaplan, after the execution and recordation of the vacation right-of-way documents.

The Notice of Intention to Vacate Right-of-way was presented to the City Council at its regular meeting of April 19, 2011. Resolution 11-14 was subsequently adopted setting this public hearing

(see Attachment 5). The property has been posted and notices of this public hearing were published as required by the Resolution. Staff has prepared the attached Resolution ordering the vacation of excess right-of-way (see Attachment 1). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess right-of-way (see Attachment 2).

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance. The alternative to retain excess right-of-way will result in the City's continued involvement of unusable right-of-way. There are no future plans to widen Saint Clair Street in this area.

FISCAL REVIEW:

There is no fiscal impact associated with this item.

LEGAL REVIEW:

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

CONCLUSION:

Staff recommends the City Council adopt the Resolution ordering the vacation of excess right-of-way at 766 Saint Clair Street. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Department of Public Services

- Attachment 1 – [Resolution Ordering the Vacation of Excess Right-of-way](#)
 2 – [Quit Claim Deed](#)
 3 – [Location Maps](#)
 4 – [Resolution 11-06](#)
 5 – [Resolution 11-14](#)

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