

RESOLUTION NO. 12-\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF PUBLIC ALLEY NO. 54A BETWEEN SANTA ANA AVENUE AND TUSTIN AVENUE

WHEREAS, the City Council of the City of Costa Mesa did, on the 17<sup>TH</sup> day of April, 2012, adopted Resolution No. 12-27, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATON OF A PORTION OF PUBLIC ALLEY NO. 54A BETWEEN SANTA ANA AVENUE AND TUSTIN AVENUE, RESERVING A PUBLIC UTILITY EASEMENT FOR ALL EXISTING UNDERGROUND AND OVERHEAD PUBLIC UTILITIES, AND A DRAINAGE EASEMENT FOR DRAINAGE PURPOSES TOGETHER WITH RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF MAINTAINING, REPLACING AND UPGRADING SAID EXISTING PUBLIC UTILITIES AND DRAINAGE FACILITIES AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO.

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 15<sup>th</sup> day of MAY, 2012; at 7:00 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 15<sup>th</sup> day of May, 2012; 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 so long as the conditions included herein are met;

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 Alley purposes.
2. It is hereby ordered that the following described right-of-way be, and the same are hereby vacated:

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.

PASSED AND ADOPTED this 15<sup>th</sup> day of May, 2012.

\_\_\_\_\_  
Eric R. Bever, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Christine Cordon, Acting  
Deputy City Clerk

\_\_\_\_\_  
Tom Duarte, City Attorney

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

I, CHRISTINE CORDON, Acting Deputy City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 12-\_\_\_\_ and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15<sup>th</sup> day of May, 2012, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16<sup>th</sup> day of May, 2012.

\_\_\_\_\_  
CHRISTINE CORDON, ACTING DEPUTY  
CITY CLERK

(SEAL)

# EXHIBIT A

THAT PORTION OF CITY OF COSTA MESA 20.00 FOOT WIDE ALLEY NO. 54 TO BE VACATED. THAT PORTION AS DESCRIBED IN BOOK 4360 PAGE 522 RECORDED JULY 24, 1958, BOOK 11384 PAGE 1096 RECORDED APRIL 23, 1975, BOOK 10611 PAGE 170 RECORDED MARCH 26, 1973, AND RESOLUTION 77-43, BOOK 12325 PAGE 375 OF OFFICIAL RECORDS. RECORDED AUGUST 5, 1977 IN THE CITY OF COSTA MESA, OFFICIAL RECORDS OF THE COUNTY OF ORANGE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF LOT 86 OF NEWPORT HEIGHTS, IN THE CITY OF COSTA MESA, AS SHOWN ON A MAP RECORDED IN BOOK 4, PAGE 83, MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY.  
THENCE NORTH 40°00'28" EAST, A DISTANCE OF 10.00 FEET;  
THENCE SOUTH 49°59'31" EAST, A DISTANCE OF 390.20 FEET;  
THENCE SOUTH 40°00'30" WEST, A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST 240 FEET OF SAID LOT 86;  
THENCE NORTH 49°59'31" WEST, A DISTANCE OF 15.00 ALONG THE CENTERLINE OF SAID ALLEY NO. 54;  
THENCE SOUTH 40°00'30" WEST, A DISTANCE OF 10.00 FEET;  
THENCE NORTH 49°59'31" WEST, A DISTANCE OF 375.20 FEET TO THE NORTHWEST LINE OF LOT 76 OF NEWPORT HEIGHTS, IN THE CITY OF COSTA MESA, AS SHOWN ON A MAP RECORDED IN BOOK 4, PAGE 83, MISCELLANEOUS MAPS, RECORDS OF SAID ORANGE COUNTY.  
THENCE NORTH 40°00'28" EAST, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWESTERLY CORNER OF LOT 86 OF NEWPORT HEIGHTS.

RESERVING THEREFROM A PUBLIC UTILITY EASEMENT FOR ALL EXISTING UNDERGROUND AND OVERHEAD PUBLIC UTILITIES AS SHOWN ON THE ATTACHED EXHIBIT, FOR THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF MAINTAINING, REPLACING AND UPGRADING SAID EXISTING PUBLIC UTILITIES.

THE ABOVE DESCRIBED VACATION CONTAINING AN AREA OF 7,464 SQUARE FEET.

SEE EXHIBIT 'B' ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



A handwritten signature in cursive script, appearing to read "C.J. Queyrel", written in black ink.

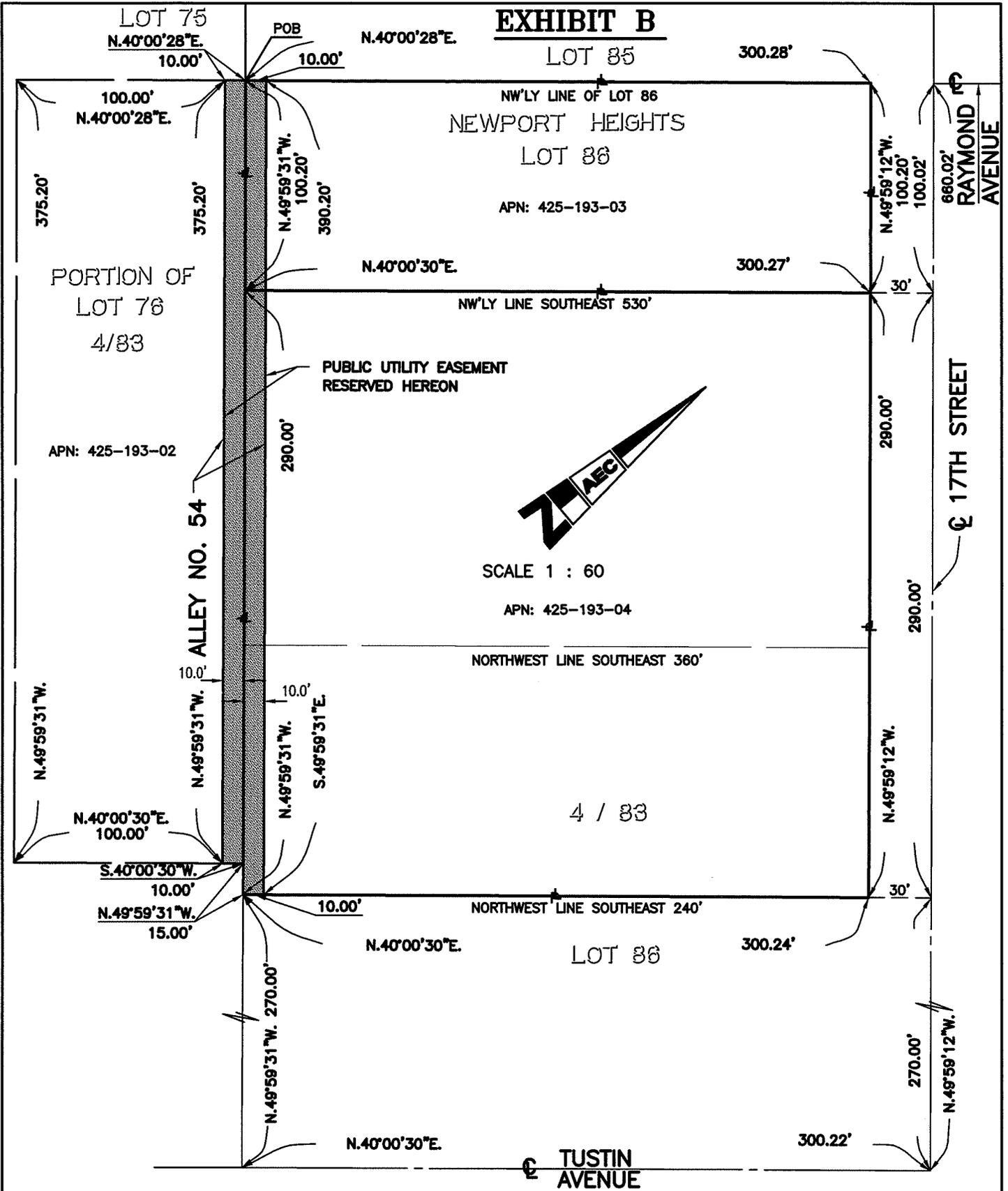
**ANACAL ENGINEERING CO.**  
CIVIL ENGINEERING & LAND SURVEYING  
1900 E. LA PALMA AVE. ~ SUITE 202 ~  
ANAHEIM, CALIFORNIA 92805  
PHONE : (714) 774-1763 FAX: (714) 774-4690  
E-MAIL ADDRESS: [anacal@anacalengineering.com](mailto:anacal@anacalengineering.com)



BY:	C. J. Q.
DATE:	03-23-12
SCALE:	NO SCALE
JOB NO.	12005-ABAN

LOCATION	<b>WESTPORT SQUARE SHOPPING CENTER</b> <b>369 E. 17TH STREET COSTA MESA, CA</b>
OWNER:	WHOL INVESTMENT 14 CORPORATE PLAZA #10 NEWPORT BEACH, CA
SHEET NO.	<b>1 OF 2</b>

# EXHIBIT B



**ANACAL ENGINEERING CO.**  
 CIVIL ENGINEERING & LAND SURVEYING  
 1900 E. LA PALMA AVE. ~ SUITE 202 ~  
 ANAHEIM, CALIFORNIA 92805  
 PHONE : (714)774-1763 FAX:(714)774-4690  
 E-MAIL ADDRESS:  
 anacal@anacalengineering.com



BY: C. J. Q.  
 DATE: 03-23-12  
 SCALE: 1 : 60  
 JOB NO. 12005-ABAN

LOCATION WESTPORT SQUARE SHOPPING CENTER  
 369 E. 17TH STREET COSTA MESA, CA  
 OWNER: WHOL INVESTMENT  
 14 CORPORATE PLAZA #10  
 NEWPORT BEACH, CA  
 SHEET NO. 2 OF 2