

RESOLUTION NO. PC-13-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF A PORTION OF RIGHT-OF-WAY ON FULLERTON AVENUE TO THE ADJACENT PROPERTY OWNER OF 1826 FULLERTON AVENUE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN, THE CALIFORNIA STREETS AND HIGHWAYS CODE, CHAPTER 4, SECTIONS 8330 ET SEQ. (PUBLIC STREETS, HIGHWAYS, AND SERVICE EASEMENT LAW, SUMMARY VACATION) AND WILL SERVE THE PUBLIC INTEREST AND IS A PUBLIC BENEFIT.

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa 2000 General Plan was adopted on January 22, 2002;

WHEREAS, the California Government Code 65402, requires the City of Costa Mesa shall not acquire, use, or dispose of any real property until the use of the property has been found in conformance with the City's General Plan;

WHEREAS, The California Streets and Highways Code, Chapter 4, Section 8334(a) allows a local agency to summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes. The proposed right-of-way vacation has been reviewed by the Engineering and Transportation Services Divisions, and based on the existing land use and freeway configuration, it is no longer required for public street and highway purposes.

WHEREAS, the portion of the street being vacated has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility, and as such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.

WHEREAS, the subject right-of-way adjacent to 1864 Fullerton Avenue is shown in Exhibit A (City Engineer's memo dated June 4, 2013);

WHEREAS, the Costa Mesa Planning Commission has reviewed the proposed abandonment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of excess right-of-way in conformance with the City of Costa Mesa 2000 General Plan and the California Streets and Highways Code. Furthermore, the Planning Commission finds the street vacation serves the public interest and is a public benefit.

**PASSED AND ADOPTED this 24<sup>th</sup> day of June 2013.**

A handwritten signature in black ink, appearing to read "Jim Fitzpatrick", is written over a horizontal line. The signature is stylized and somewhat illegible.

JIM FITZPATRICK, Chair  
Costa Mesa Planning Commission



## EXHIBIT "A"

### FINDINGS

- A. The proposed street vacation is consistent with the General Plan and the Land Use and Circulation Elements contained therein.
- B. The proposed street vacation is consistent with the provisions of Section 8300 et seq. of the California Streets and Highways Code.
- C. The portion of the Fullerton Avenue being vacated has been found by the Engineering and Transportation Services Divisions not to be useful as a non-motorized transportation facility. As such, the vacation serves the public interest and is a public benefit since the vacated street area is unnecessary for present or future public use.