ATTACHMENT 1

RESOLUTION NO. 13-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY AT 1826 FULLERTON AVENUE

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa did, on the 16th day of July, 2013, adopt Resolution No. 13-23, entitled: "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF FULLERTON AVENUE RIGHT-OF-WAY LOCATED AT 1826 FULLERTON AVENUE; AND

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 3rd day of September, 2013, 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 3rd day of September, 2013; and

WHEREAS, The original 1927 dedication is in excess of the final alignment of Flower Street which was established in 1960. The purpose of this vacation is based on a review of the current and future needs of the City and to vacate the excess land to the underlying fee owner. The portion of the street being vacated is not useful as a

nonmotorized transportation facility, is unnecessary for present or future public use, and the vacation serves the public interest and is a public benefit.

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;

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 street purposes:

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 3rd day of September, 2013.

ATTEST:

BRENDA GREEN, City Clerk

JIM RIGHEIMER, Mayor

APPROVED AS TO FORM

Tom Duarte, Attorney

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

I, BRENDA GREEN, Interim City Clerk of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 13-____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 3rd day of September, 2013, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Costa Mesa this 4th day of September, 2013.

_____

BRENDA GREEN, City Clerk

ATTACHMENT 2

Recording Requested by CITY OF COSTA MESA
When Recorded Mail to:
CITY OF COSTA MESA
Attention - City Clerk
P.O. BOX 1200
COSTA MESA, CALIFORNIA 92628-1200

Mail Tax Statements to:
Owner (s) of Record

APN: 425-232-19

TCA: 15-115

Location: 1826 Fullerton Ave.

Deed No.: 3803

Exempt Recording Requested per
Government Code 6103

QUITCLAIM DEED

THE UNDERSIGNED DECLARE(S) DOCUMENTARY TRANSFER TAX IS NONE.
GOVERNMENTAL AGENCY EXEMPT CITY OF COSTA MESA

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

City of Costa Mesa, a Municipal Corporation

do/does hereby remise, release and forever quitclaim to **DUSTIN NOAH CAMPBELL and JESSICA JEAN CAMPBELL, Trustees of THE MAGNOLIA LIVING TRUST, dated January 31, 2013** the following described real property subject to reversion rights as recognized by State and local law, in the City of Costa Mesa, County of Orange, State of California:

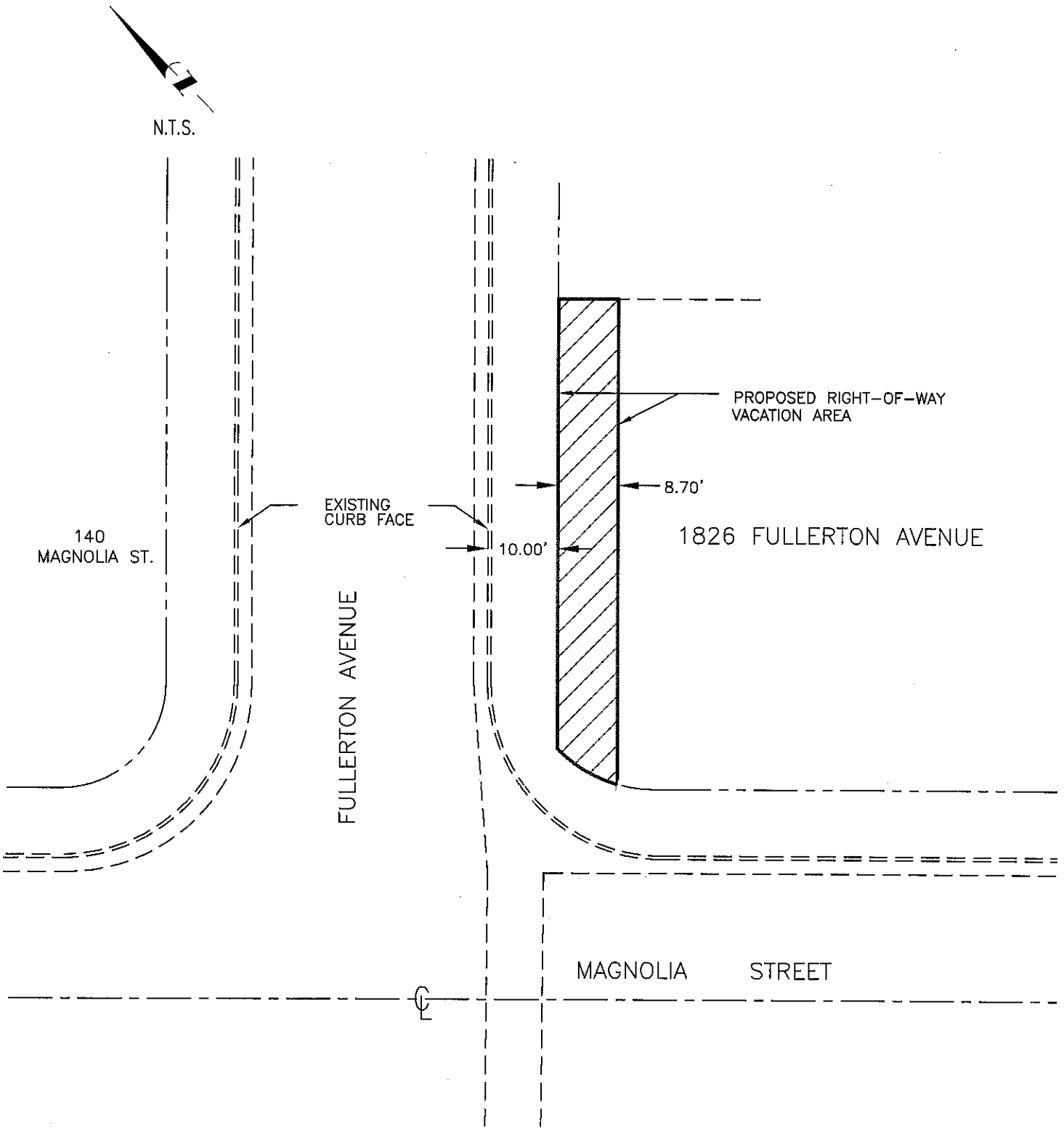
SEE RESOLUTION NO. _____ ,ADOPTED _____
AS INSTRUMENT NO._____ OF
OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, ORANGE COUNTY, CALIFORNIA, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DEED IS BEING RECORDED TO PERFECT THE TITLE OF THE SUBJECT PROPERTIES.

_____
City Clerk of the
City of Costa Mesa

_____
Mayor of the City of Costa Mesa

ATTACHMENT #3



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 24th day of June 2013.

JIM FITZPATRICK, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 24, 2013, by the following votes:

AYES: Fitzpatrick, Dickson, McCarthy, Sesler

NOES: None

ABSENT: Mathews

ABSTAIN: None

Claire Flynn

Secretary, 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.

//

RESOLUTION NO. 13-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1826 FULLERTON AVENUE.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council of the City of Costa Mesa does hereby declare its intention to vacate a portion of its interest in Fullerton Avenue at 1826 Fullerton Avenue, being more particularly described in Exhibit A and B attached hereto. The original 1927 dedication is in excess of the final alignment of Fullerton Avenue which was established in 1960. The purpose of this vacation is based on a review of the current and future needs of the City and to vacate the excess land to the underlying fee owner. The vacation will benefit the neighborhood with the new improvements.

SECTION 2. On Tuesday, the 3rd day of September, 2013, at 7:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation.

SECTION 3. These proceedings shall be conducted pursuant to the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California, and any other applicable laws.

SECTION 4. The City Chief Executive Officer of the City of Costa Mesa is hereby directed to cause notices of the said proposed vacation to be conspicuously posted along said strip of land for at least two (2) weeks before the date of said hearing. Said notices shall be posted not more than three hundred (300) feet apart, but in no event shall fewer than three (3) notices be posted.

SECTION 5. This Resolution shall be published twice in a newspaper of general circulation, printed and published in the City of Costa Mesa, Orange County, California.

PASSED AND ADOPTED this 16th day of July, 2013.

James M. Righeimer, Mayor

ATTEST:

Brenda Green
BRENDA GREEN,
City Clerk

APPROVED AS TO FORM:

Thomas Duarte
City Attorney

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 13-23 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 16th day of July, 2013, by the following roll call vote, to wit:

AYES:	COUNCIL MEMBERS:	Genis, Leece, Mensinger, Monahan, Righeimer
NOES:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 17th day of July, 2013.

Brenda Green
BRENDA GREEN, CITY CLERK

DEED NO. _____

EXHIBIT "A"
LEGAL DESCRIPTION FOR VACATION OF RIGHT OF WAY
APN 425-232-19

THE LAND REFERRED TO HEREIN IS SITUATED IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA.

BEING A PORTION OF A PUBLIC HIGHWAY PER DEED OF RIGHT OF WAY TO THE CITY OF COSTA MESA RECORDED NOVEMBER 23, 1927 IN BOOK 101, PAGE 172, OF OFFICIAL RECORDS. SAID LAND LYING WITHIN A PORTION OF LOTS 1 AND 2 OF BLOCK "A" OF TRACT NO. 377, RECORDED IN BOOK 16, PAGE 15 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 8.70 FEET OF THE 14.70 FEET, LYING ADJACENT TO AND SOUTHEASTERLY OF THE SOUTHEASTERLY RIGHT OF WAY LINE OF FULLERTON AVENUE, AS SHOWN ON SAID MAP OF TRACT NO. 377, SAID STRIP OF LAND BEING BOUNDED NORTHEASTERLY BY THE NORTHEASTERLY LINE OF SAID LOT 2 AND BOUNDED SOUTHWESTERLY BY THE NORTH WESTERLY LINE OF SAID LOT 1, SAID LINE ALSO BEING THE EASTERLY CURVED LINE AS DESCRIBED PER DEED OF RIGHT OF WAY TO THE CITY OF COSTA MESA, RECORDED MARCH 23, 1960 IN BOOK 5160, PAGE 155, OF OFFICIAL RECORDS.

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

PREPARED BY ME OR UNDER MY DIRECTION

RANDAL L. STREETER, R.C.E. 25083

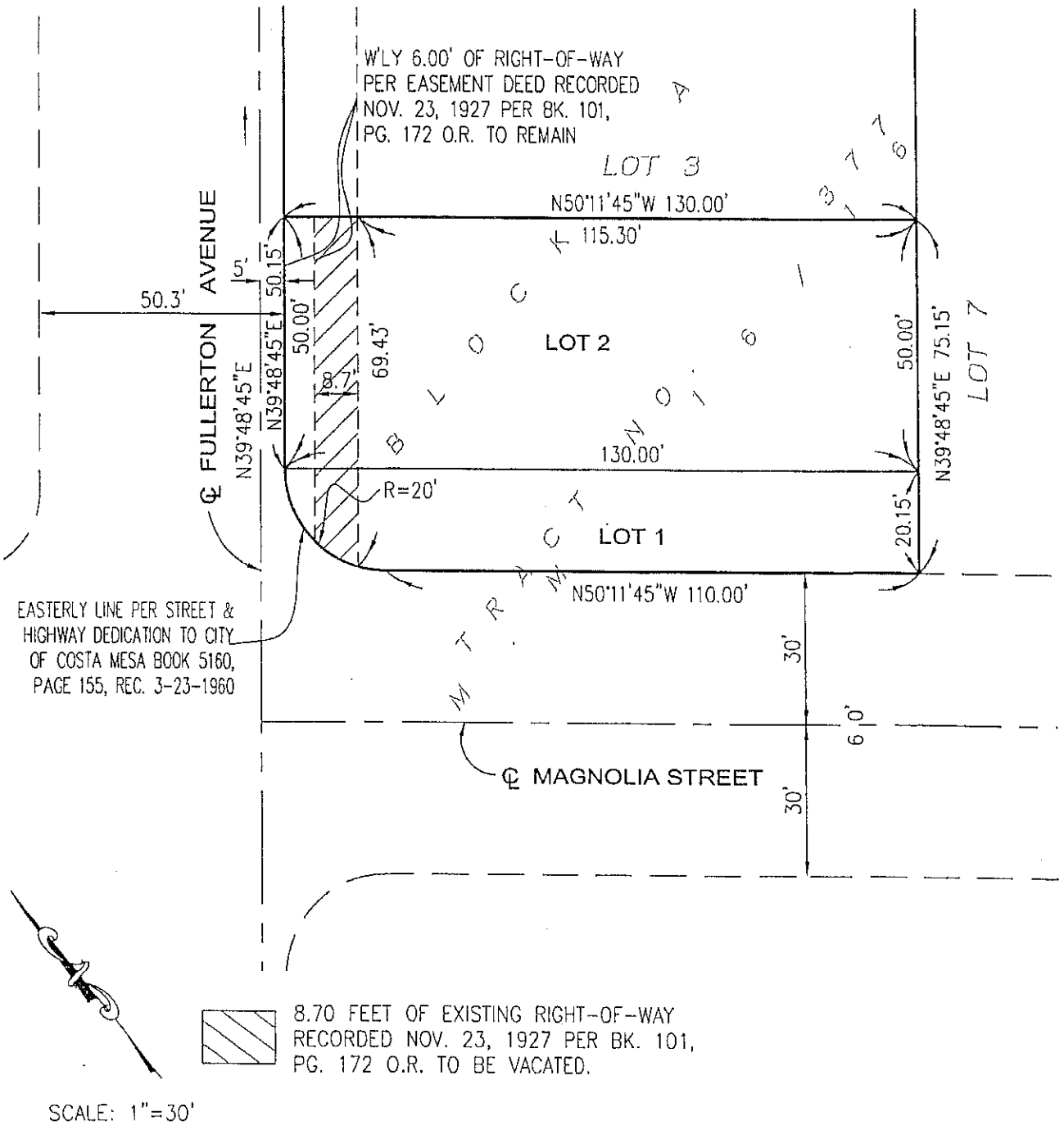
REGISTERED PROFESSIONAL ENGINEER
RANDAL L. STREETER
NO. 25083
EXP 12/31/13
CIVIL
STATE OF CALIFORNIA

DEED NO.

EXHIBIT "B"

SKETCH TO ACCOMPANY LEGAL DESCRIPTION FOR
VACATION OF RIGHT-OF-WAY

A.P.N. 425-232-19



SCALE: 1"=30'

JN: 13-1941

CITY OF COSTA MESA

A.P.N. 425-232-19 1826 FULLERTON AVE.	DEED NO.:	DRAWN BY: NS
	SCALE: AS SHOWN	DATE: 04/29/13
	THIS IS NOT A SURVEY BUT IS COMPILED FROM EXISTING RECORDS	