

RESOLUTION NO. 14-___

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, FINDING THAT GOVERNMENT CODE 65402 SHALL NOT APPLY TO THE ABANDONMENT OF A MINOR PORTION OF THE RIGHT-OF-WAY THROUGH FILING OF A FINAL TRACT MAP FOR TRACT NO. 17508

WHEREAS, the City Council does hereby make the following findings based on public testimony, opinions of its staff, and other evidence received at the City Council meeting held on March 18th, 2014:

1. The Tentative Map for a subdivision to construct a 17-unit, two and three story detached residential common interest development on Tract No. 17508 and Conditions of Approval were approved by the Planning Commission on February 25, 2013 and subsequently approved by the City Council on April 2, 2013; and
2. All Conditions of Approval imposed by the Planning Commission have been complied with and the Final Map is in substantial conformance with the Tentative Map approved by the Planning Commission; and
3. The Tract Map has been checked and found to be technically correct, and includes the ingress and egress easement for emergency and public security vehicle purposes, the release and relinquishment of access rights and public sidewalk easement to be accepted by the City; and
4. On February 25, 2013, the Tentative Map has been submitted to the Planning Commission, and pursuant to California Government Code 65402 it has been determined to be in substantial conformity with the City's 2000 General Plan; and

5. The Orange County Surveyor's Office has informed the City that certain easements dedicated in 1965 by the property owner for the purpose of widening Victoria Street, recorded in book 7474, page 835 and book 7728, page 9 of official records contain a clerical error which to date has not been corrected, resulting is the City possessing a very small portion of the Victoria Street right-of-way which the City never intended to receive and has no future or present need for; and
6. The small portion of old Victoria Street right-of-way is the remainder of a larger easement which was acquired and used in part for street purposes; and
7. The abandonment of such portion via notation on the Final Map is of a minor nature and would be in conformity with the original purpose of acquisition of the easement; and
8. The existence of the small portion of right-of-way on the developer's property is essentially clerical in nature and does not alter the final plans conformity with the City's 2000 General Plan.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDER AND RESOLVE AS FOLLOWS:

1. Therefore, Government Code Section 65402 shall not apply to the abandonment of a minor portion of the right-of-way through filing of a Final Tract map for Tract No. 17508.
2. Pursuant to the requirement of Government Code 66499.20.2, the City clerk is hereby authorized and directed to certify such notations.

PASSED, APPROVED, AND ADOPTED this 18th day of March, 201

Jim Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, Interim City Clerk

Thomas P. Duarte, City Attorney

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

I, BRENDA GREEN, Interim City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 14-___ was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 18th day of March, 2014, 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 19th day of March, 2014.

BRENDA GREEN, INTERIM CITY CLERK

(SEAL)