



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 20, 2015

ITEM NUMBER: CC-7

SUBJECT: ACCEPTANCE OF STORM DRAIN EASEMENT - CANYON PARK

DATE: JANUARY 8, 2015

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, CITY ENGINEER
(714) 754-5335**

RECOMMENDATION

Adopt the attached Resolution to dedicate a Storm Drain Easement within Canyon Park.

BACKGROUND

The City of Newport Beach has requested a storm drain easement be granted within Canyon Park for the repair, upgrade and ongoing maintenance of an existing storm drain inlet structure. "Newport Terrace", the adjacent housing tract to Canyon Park (which is within the City of Newport Beach limits) was constructed in 1973. The original storm drain construction plans mention the reservation of a storm drain easement although one was never recorded.

ANALYSIS

In 1973, the City of Newport Beach processed and approved Tract Map No. 7989 for a large townhome development adjacent to Canyon Park. The development included the construction of a storm drain system that collects runoff from both Canyon Park and the townhome development and conveys it in a westerly direction to the Santa Ana River. It appears that the original intent was to record a storm drain easement for access and maintenance by evidence of the original 1973 construction plans (Attachment 2). Staff from both cities (Newport Beach and Costa Mesa) have conducted a search for documents, information and/or evidence of an easement being recorded and none were located. Since the investigation, the City of Newport Beach has made major improvements to the subject storm drain inlet structure. The proposed new storm drain easement will provide legal access for the City of Newport Beach maintenance crews to adequately maintain the storm drain inlet structure in the future.

ALTERNATIVES CONSIDERED

No alternatives were considered for this Council action.

FISCAL REVIEW

There is no fiscal impact to the City. Once the easement is in place, the City of Newport Beach will provide the inlet's ongoing maintenance.

LEGAL REVIEW

The City Attorney's Office has approved the easement and intent as to form.

CONCLUSION

Staff recommends that the City Council adopt the attached Resolution for the proposed drainage easement within Canyon Park (Attachment 1) and authorize the Mayor and City Clerk to sign and record the easement deed.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
City Engineer

ATTACHMENTS: 1 – [Resolution to dedicate storm drain easement within Canyon Park](#)
2 – [Portion of original construction plan note](#)

DISTRIBUTION: Chief Executive Officer
Assistant CEO
City Attorney
City Clerk