

RESOLUTION NO. 15-\_\_\_\_\_

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 155 FLOWER STREET

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 21<sup>ST</sup> day of April, 2014, adopt Resolution No. 15-12, 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 155 FLOWER STREET; 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 2<sup>nd</sup> day of June, 2015, 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 2<sup>nd</sup> day of June, 2015; and

WHEREAS, 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 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 2<sup>nd</sup> day of June, 2015.

ATTEST:

\_\_\_\_\_  
BRENDA GREEN, City Clerk

\_\_\_\_\_  
STEVE MENSINGER, Mayor

APPROVED AS TO FORM

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

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

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, hereby certify that the above and foregoing Resolution No. 15-\_\_\_\_ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 2<sup>nd</sup> day of June, 2015, 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 3<sup>rd</sup> day of June, 2015.

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BRENDA GREEN, City Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR VACATION OF RIGHT OF WAY**  
**APN 425-233-18**

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 5 AND 6 OF BLOCK "B" OF TRACT NO. 377, RECORDED IN BOOK 16, PAGE 16 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 6 AND BOUNDED SOUTHWESTERLY BY THE WESTERLY LINE OF SAID LOT 5, SAID LINE ALSO BEING THE SOUTHERLY CURVED LINE AS DESCRIBED PER DEED OF RIGHT OF WAY TO THE CITY OF COSTA MESA, RECORDED DECEMBER 23, 1959 IN BOOK 5028, PAGE 479, OF OFFICIAL RECORDS.

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

PREPARED BY ME OR UNDER MY DIRECTION

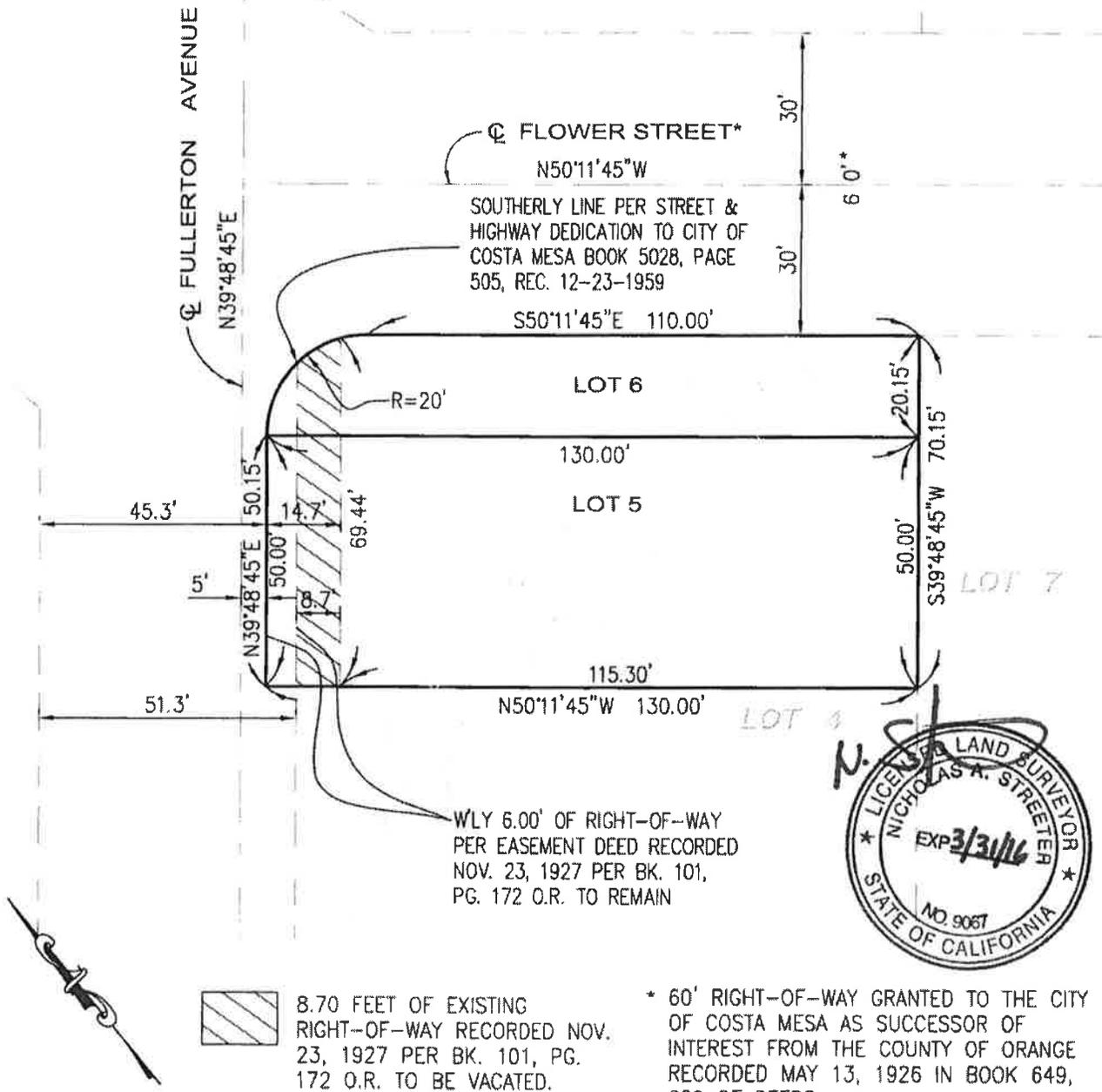
  
\_\_\_\_\_  
NICHOLAS A. STREETER, P.L.S. 9067



# EXHIBIT "B"

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

A.P.N. 425-233-18



SCALE: 1"=30'

JN: 14-2026

## CITY OF COSTA MESA

A.P.N. 425-233-18  
155 FLOWER STREET

DEED NO.:  
SCALE: AS SHOWN

DRAWN BY: MN  
DATE: 01/23/15

THIS IS NOT A SURVEY BUT IS COMPILED FROM EXISTING RECORDS