

**RESOLUTION NO. PC-15-39**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF A FLOWAGE EASEMENT WITHIN THE PROPERTY LOCATED AT 970 W. 16<sup>TH</sup> STREET IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN, 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 Costa Mesa City Council adopted the City of Costa Mesa 2000 General Plan on January 22, 2002; and,

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire or lease real property nor abandon or dispose of any real property, nor construct a public building or structure in any county or city, until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto; and,

WHEREAS, the southeasterly portion of the property at 970 W. 16<sup>th</sup> Street was originally dedicated to the City of Costa Mesa as a flowage easement by Easement Deed No. 6570 in Book 6102, Page 658 of records, and recorded on May 9, 1962 in the County of Orange Records Office; and

WHEREAS, the City of Costa Mesa proposes to vacate the flowage easement within the property limits of 970 W. 16<sup>th</sup> Street, as shown in Exhibit B; and,

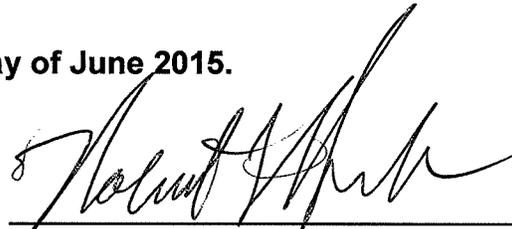
WHEREAS, the flowage easement being vacated has been found by the Engineering Division to not be necessary for drainage purposes, and as such, the vacation serves the public interest and is a public benefit as it eliminates any maintenance costs and liabilities imposed on the City associated with the easement; and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), the vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the right-of-way to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern; and,

WHEREAS, on June 22, 2015, the Costa Mesa Planning Commission reviewed the proposed vacated easement and findings;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission does hereby find the proposed vacation of a flowage easement within the property located at 970 W. 16<sup>th</sup> Street to be in conformance with the City of Costa Mesa 2000 General Plan, will serve the public interest, and is a public benefit.

**PASSED AND ADOPTED this 22nd day of June 2015.**



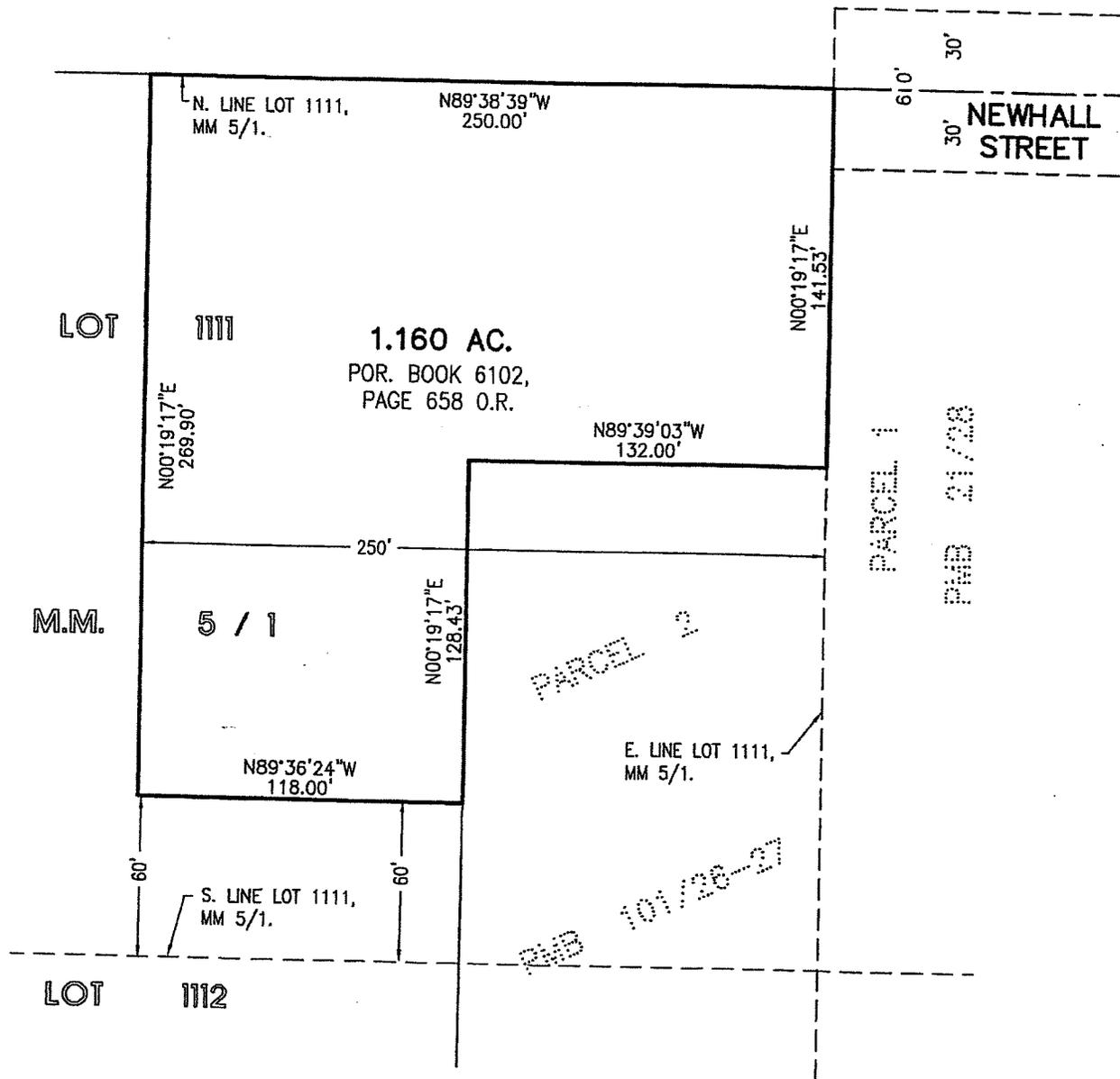
---

Robert L. Dickson, Jr., Chair  
Costa Mesa Planning Commission



# EXHIBIT B

SKETCH TO ACCOMPANY LEGAL DESCRIPTION  
PORTION OF FLOWAGE EASEMENT VACATION



CITY OF COSTA MESA

PROJECT		TITLE	
<b>C&amp;V CONSULTING, INC.</b> CIVIL ENGINEERING LAND PLANNING AND SURVEYING 27156 BURBANK FOOTHILL RANCH, CALIFORNIA 92610 PHONE (949) 916-3800 FAX (949) 916-3805		REFERENCE	DATE
		J.N.	SCALE
		TWHX-030	5/2/15 1"=60'
			SHEET NO. 1 OF 1

## EXHIBIT A

### FINDINGS (APPROVE)

- A. The information presented substantially complies with the City of Costa Mesa 2000 General Plan Section 2.6 (Obj.) LU-1D in that:

**Finding:** The project complies with the City of Costa Mesa 2000 General Plan and meets the purpose and intent to insure consideration of utility system capacities in land use planning and development processes.

**Facts in Support of Findings:** The Engineering Division reviewed the storm drain improvements, in conjunction with approved Tentative Tract Map No. 17747, to ensure the new mixed-use development will include a drainage system in compliance with current engineering and water quality standards. Given that the proposed action will not result in any adverse impacts to public utilities or the transportation network, the proposed vacation is in conformance with the General Plan. Furthermore, the Engineering Division determined there are no utilities within the flowage easement, and therefore a reservation for utility easement is not required.

- B. The information presented substantially complies with the City of Costa Mesa 2000 General Plan Section 2.6 LU-2 in that:

**Finding:** As described in the Land Use Element, it is the City's goal to create and maintain an aesthetically pleasing and functional environment and minimize impacts on existing physical resources.

**Facts in Support of Findings:** The Engineering Division determined that with the installation of the anticipated storm drain system at 970 W. 16<sup>th</sup> Street and the future dedication of a drainage easement to the City, the existing flowage easement will no longer be needed. The City may be subject to additional maintenance costs and liabilities associated with having an ownership interest in the subject easement. Consequently, vacating the unnecessary street and highway easement serves the public interest and is a public benefit.

- C. The flowage easement vacation is exempt from the provisions of the California Environmental Quality Act under section 15312 (Class 12), Surplus Government Property Sales, because the portion of the utility easement to be vacated is not located on a parcel of land in an area of statewide, regional, or area wide concern.