



# CITY COUNCIL AGENDA REPORT

---

MEETING DATE: SEPTEMBER 1, 2015

ITEM NUMBER: PH-3

**SUBJECT:** PUBLIC HEARING FOR THE VACATION OF RIGHT-OF-WAY AT 970 WEST 16<sup>TH</sup> STREET

**DATE:** AUGUST 20, 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:**

1. Adopt Resolution ordering the vacation of excess Right-Of-Way (ROW) at 970 West 16<sup>th</sup> Street (Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

## **BACKGROUND:**

At the request of Taylor Morrison (property owner), the Engineering Division is preparing to proceed with the vacation of excess right-of-way within the property located at 970 W. 16<sup>th</sup> Street (Attachment 3). This request is in conjunction with the approved Tentative Tract Map No. 17747. The excess right-of-way is within the southeasterly portion of the property and was originally dedicated to the City of Costa Mesa (City) as a street and highway easement, Easement Deed No. 19903 in Book 5086, Page 412 recorded on February 4, 1960 in the County of Orange Recorder's Office.

On June 22, 2015, a report was presented to the Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution No. PC-15-38 (Attachment 4) finding that the proposed vacation of excess right-of-way at 970 West 16<sup>th</sup> Street is consistent with the City's General Plan.

## **ANALYSIS:**

It appears that the intent of the 1960 dedication of right-of-way was to at some point connect West 16<sup>th</sup> Street to Newhall Street which is located adjacent to the northeast portion of the development. However, the right-of-way has remained unusable for the past 55 years, and the Master Plan of Highways does not recognize it as a designated public right-of-way. Currently, there are no utilities within this portion of the easement and therefore, a reservation for a utility easement is not required.

The vacation of this portion of excess right-of-way is in conformance with the objectives of the General Plan Circulation Element and it is also in conformity with the California Streets and Highways Code, Chapter 4, Section 8334(a) which allows a local agency to summarily vacate excess right-of-way of a street or highway not required for street or highway purposes. Therefore, it is recommended that the proposed vacation continue to be processed for approval.

The Notice of Intention to vacate right-of-way was presented to the City Council at its regular meeting of July 21, 2015. Resolution 15-39 was subsequently adopted setting this public hearing (Attachment 5). The property has been posted and notices of this public hearing were published as required by the Resolution. Staff has prepared the attached Resolution ordering the vacation of excess right-of-way (Attachment 1). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess right-of-way (Attachment 2).

After the proposed vacation is approved and recorded, the subject vacated property will revert back to the property at 970 West 16<sup>th</sup> Street (the underlying fee owners, Taylor Morrison).

**ALTERNATIVES CONSIDERED:**

The City could retain the excess right-of-way and continue to be responsible for its liability and maintenance. The alternative to retain excess right-of-way will result in the City's continued involvement of unusable right-of-way. There are no future plans to construct this portion of right-of-way.

**FISCAL REVIEW:**

Once the area is vacated it becomes taxable square footage, resulting in additional property taxes to the adjacent property owner to which the land will revert. This will result in additional revenue to the City.

**LEGAL REVIEW:**

The City Attorney's Office has approved the attached Resolution as to form.

**CONCLUSION:**

Staff recommends that the City Council adopt the Resolution ordering the vacation of excess right-of-way at 970 West 16<sup>th</sup> Street. In addition, staff recommends that the City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

---

**ERNESTO MUNOZ**  
Public Services Director

---

**FARIBA FAZELI**  
City Engineer

- Attachments:
1. [Resolution Ordering the Vacation of Excess Right-Of-Way](#)
  2. [Quitclaim Deed](#)
  3. [Site \(Aerial & Street View\)](#)
  4. [Resolution PC-15-38](#)
  5. [Resolution 15-39](#)

DISTRIBUTION: Chief Executive Officer  
Assistant CEO  
City Attorney  
City Clerk