



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 1, 2015

ITEM NUMBER: PH-4

SUBJECT: PUBLIC HEARING FOR THE VACATION OF A FLOWAGE EASEMENT AT 970 WEST 16TH 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 a flowage easement at 970 West 16th 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 processing the vacation of a City of Costa Mesa (City) flowage easement within the property at 970 West 16th Street. This request is in conjunction with the approved Tentative Tract Map No. 17747. The flowage easement is within the northeasterly portion of the property and adjacent to the westerly end of Newhall Street (Attachment 3). The easement was originally dedicated to the City by Easement Deed in Book 6102, Page 658 of records and recorded on May 9, 1962 in the County of the 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-15-39 (Attachment 4) finding that the proposed vacation of the flowage easement is consistent with the City's General Plan.

ANALYSIS:

The original intent for the flowage easement was to allow surface runoff from Newhall Street onto the subject property. With the proposed Tentative Tract 17747 the developer will install a new catch basin at the end of Newhall Street, and a Reinforced Concrete Pipe (RCP) underground storm drain system. The proposed storm drain system will direct the runoff from Newhall to an existing drainage system located within West 16th Street (Attachment 5). The final Tract Map 17747 will dedicate a drainage easement to the City encompassing the new underground storm drain system within the development. Therefore, the existing flowage easement will no longer be necessary.

Currently, there are no utilities or public improvements within the flowage easement and therefore, a reservation for any type of utility easement is not required. The flowage easement has been reviewed by the Engineering Division and it has been determined that it is not necessary for storm drain runoff purposes due to the future drainage improvements to be constructed.

The vacation of the flowage easement is in conformance with the objectives of the General Plan Circulation Element and also conforms to the California Streets and Highways Code, Chapter 4, Section 8334(a) which allows a local agency to vacate a Public easement or an 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 the flowage easement was presented to the City Council at its regular meeting of July 21, 2015. Resolution 15-40 was subsequently adopted setting this public hearing (Attachment 6). 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 the flowage easement (Attachment 1). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said flowage easement (Attachment 2).

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

ALTERNATIVES CONSIDERED:

The alternative to the proposed City Council Action is to not vacate the flowage easement within the property at 970 West 16th Street and to continue to be responsible for the easement. This is not recommended as this easement is no longer necessary for drainage as originally intended, and new underground facilities will be constructed to better accommodate the drainage needs.

FISCAL REVIEW:

There are cost savings to the City as this easement will be replaced by a permanent underground drainage system which will be fully funded and constructed by the developer.

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 a flowage easement at 970 West 16th 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 Flowage Easement](#)
2. [Quitclaim Deed](#)
3. [Site \(Aerial & Street View\)](#)
4. [Resolution PC-15-39](#)
5. [New Storm Drain Improvements](#)
6. [Resolution 15-40](#)

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