



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: AUGUST 8, 2005

U.I.1
ITEM NUMBER:

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION FOR PROPOSED VACATION OF EXCESS PUBLIC RIGHT-OF-WAY AT 1629 SUPERIOR AVENUE

DATE: JULY 28, 2005

**FOR FURTHER INFORMATION CONTACT: HANH TRAN, ASSISTANT PLANNER
(714) 754-5640**

DESCRIPTION

The City of Costa Mesa Engineering Division proposes to vacate excess public right-of-way at 1629 Superior Avenue.

RECOMMENDATION

Approve by adoption of Planning Commission resolution.

Handwritten signature of Hanh Tran in cursive.

HANH TRAN
Assistant Planner

Handwritten signature of R. Michael Robinson in cursive.

R. MICHAEL ROBINSON, AICP
Assistant Development Services Director

ANALYSIS

The subject property is an interior lot, bounded by industrially zoned and developed properties to the north, west, and south. The Engineering Division proposes to vacate excess public right-of-way along Superior Avenue, abutting the subject property. The excess right-of-way will be reverted back to the underlying fee title owner.

California Government Code Section 65402 requires that public right-of-way or other real property cannot be vacated or abandoned without a finding being made that such vacation or abandonment conforms with the General Plan.

The City's current Master Plan of Highways designates the subject portion of Superior Avenue as a Primary Highway with an ultimate width of 84 feet; however, Superior Avenue has been constructed and meets the Master Plan of Highways' capacity requirement within an existing 80-foot full-width right-of-way. There are no public improvements or public utilities located within the 20-foot wide, excess right-of-way. Both the Engineering and Transportation Services Divisions determined that the excess right-of-way is unnecessary for public street and highway purposes.

ENVIRONMENTAL DETERMINATION

This request is exempt from the provisions of the California Environmental Quality Act, under Class 12, Surplus Governmental Property Sales.

CONCLUSION

The proposed vacation of excess public right-of-way conforms with the City's 2000 General Plan.

Attachments: 1. Draft Planning Commission Resolution
 2. City Engineer's memo dated July 18, 2005, including
 Attachment 1 (Exhibit "A" & Exhibit "B") and Attachment 2.

cc: Deputy City Manager - Dev. Svs. Director.
 Assistant Development Services Director
 Assistant City Attorney
 Transportation Services Manager
 City Engineer
 Staff (4)
 File (2)

| | | |
|-----------------------------|--------------|-----------------|
| File: 090805ROW1629Superior | Date: 072605 | Time: 4:45 p.m. |
|-----------------------------|--------------|-----------------|

RESOLUTION NO. PC-05-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE PROPOSED VACATION OF EXCESS PUBLIC RIGHT-OF-WAY AT 1629 SUPERIOR AVENUE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN.

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 City of Costa Mesa proposes to abandon a portion of the excess public right-of-way along Superior Avenue, abutting real property located at 1629 Superior Avenue, as shown on attached Exhibit "B"; and,

WHEREAS, the excess public right-of-way shall revert to the underlying fee title owner; and,

WHEREAS, the City of Costa Mesa Planning Commission has reviewed the proposed abandonment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of excess public right-of-way from the City of Costa Mesa to the underlying fee title owner conforms with the City of Costa Mesa 2000 General Plan.

PASSED AND ADOPTED this 8th day of August, 2005

Chair, Costa Mesa
Planning Commission

CITY OF COSTA MESA

Department of Public Services / Engineering

INTER OFFICE MEMORANDUM

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

TO: Mike Robinson, Assistant Dev. Svs. Director

FROM:  Ernesto Munoz, City Engineer

JUL 19 2005

DATE:  July 18, 2005

SUBJECT: **Proposed Vacation of Excess Right-of-Way**

The Engineering Division has received a request for the vacation of excess right-of-way at 1629 Superior Avenue (see Attachment 1). This vacation of right-of-way is being requested by the property owner to fulfill a condition of PA-03-14, which the City Council approved on July 7, 2003.

Superior Avenue was designated on a much earlier version of the Master Plan of Highways as a six-lane Primary Highway with a 100-foot full-width right-of-way. However, per the current Master Plan of Highways, Superior Avenue from the City limits to 17th Street has been downgraded to a four-lane Primary Highway designation of 84 feet. Superior Avenue has been constructed and meets the Master Plan of Highways' capacity requirement within an existing 80-foot full-width right-of-way. This results in 20 feet of excess right-of-way at this location. The proposed vacation would comply with the current standard Primary classification and be consistent with the existing improvements and the 80-foot full-width right-of-way. The abandonment will result in a 30-foot half width on the west side and a 50-foot half-width on the east side (see Attachment 2), which accommodates the ultimate improvements under the current Master Plan of Highways.

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and determined to be unnecessary for public streets and highway purposes. There are no public utilities or public improvements located within the subject right-of-way. This right-of-way is not required for any ingress and egress purposes to private property other than the subject property adjacent to it. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. If the proposed vacation is approved and recorded, the subject property will revert back to the underlying fee title owner.

It is requested that the Planning Division provide a determination of consistency with the General Plan and present the vacation of this excess right-of-way to the Planning Commission meeting of August 8, 2005. **Please submit a confirmation that this request has been received and scheduled.**

Thank you for your assistance on this project. If any further information is required, please contact Brad Edwards, Engineering Technician, at extension 5066.

Attachments: Exhibits of Proposed Vacation of Excess ROW and Assessor's Map

/ch (Engr05/ROWVacation1629SuperiorRobinsonMemo EM)

c: Peter Naghavi, Trans. Services Manager
Dennis Johnson, Assistant Engineer
Susan Santoro, Assistant Engineer
Brad Edwards, Engineering Technician

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EXHIBIT "A"

IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, BEING A PORTION OF LOT 511 OF THE NEWPORT MESA TRACT AS SHOWN ON A MAP FILED IN BOOK 5, PAGE 1 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY, BEING THAT CERTAIN PARCEL OF LAND GRANTED TO THE CITY OF COSTA MESA BY AN EASEMENT DEED RECORD JAN. 17, 1968 IN BOOK 8484, PAGE 855, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 511; THENCE S 89°42'21"W ALONG THE SOUTHERLY LINE OF SAID LOT 511 A DISTANCE OF 26.22 FEET TO A POINT ON A LINE LYING 50.00 FEET NORTHWESTERLY OF AND PARALLEL WITH THE CENTERLINE OF SUPERIOR AVENUE, AS SHOWN ON SAID MAP, SAID LINE BEING ALSO THE SOUTHEASTERLY LINE OF PARCEL 2 OF PARCEL MAP BOOK 12, PAGE 1, RECORDS OF SAID COUNTY, THENCE ALONG SAID PARALLEL LINE N 39°59'21"E 91.76 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHERLY 70.00 FEET OF SAID LOT 511, SAID LINE BEING ALSO THE NORTH LINE OF PARCEL 2 OF SAID PARCEL MAP; THENCE N 89°42'21"E ALONG SAID LINE 26.22 FEET TO THE SOUTHEASTERLY LINE OF SAID LOT 511, BEING ALSO THE NORTHWESTERLY LINE OF SUPERIOR AVENUE PER MISCELLANEOUS MAP BOOK 5, PAGE 1; THENCE S 39°59'21"W 91.76 FEET ALONG SAID LINE TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON ARE BASED ON PARCEL MAP BOOK 12,, PAGE 1.

ATTACHED HERETO IS A PLAT LABELED EXHIBIT "B" AND BY THE THIS REFERENCE MADE A PART HEREOF.

THIS DOCUMENT, CONSISTING OF 2 SHEETS, EXHIBIT "A" AND EXHIBIT "B", WAS PREPARED BY ME ON JULY 26, 2004.

Paul A. Cuomo

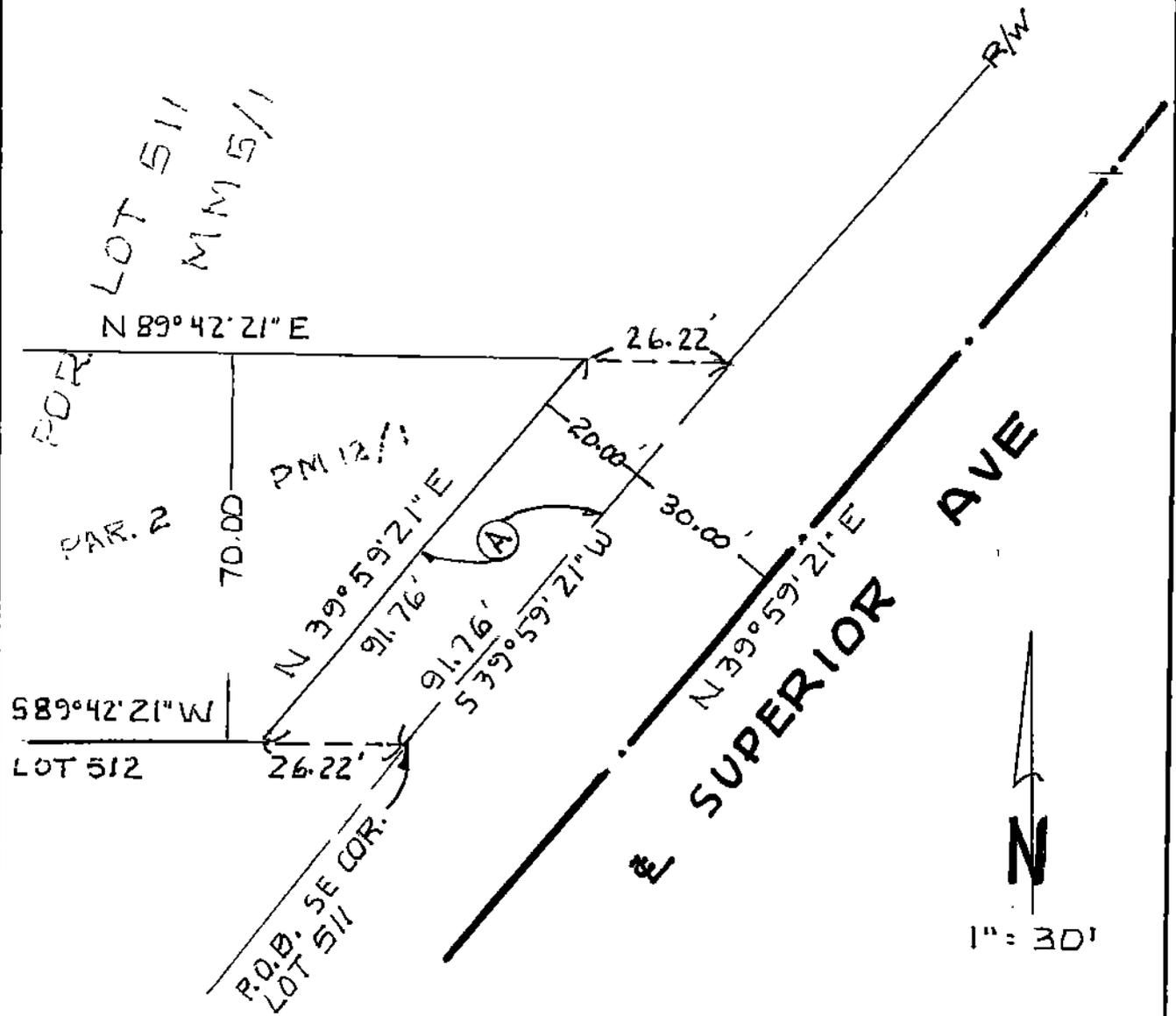
PAUL A. CUOMO, P.L.S. 4136; EXP. 6/30/06



EXHIBIT "B"

Ⓐ = SUBJECT PARCEL

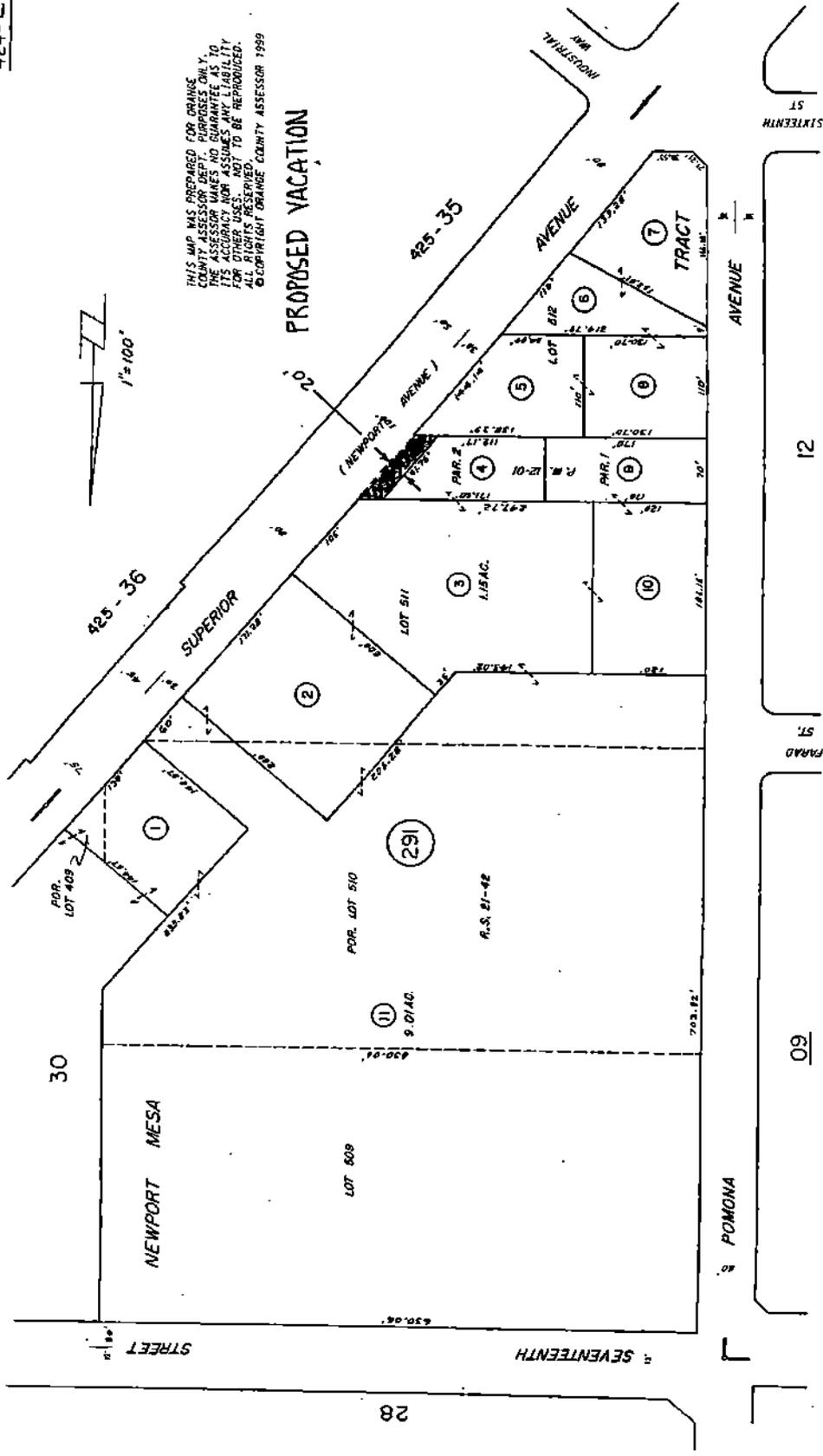
LOT 511
MM 5/11



424-29

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PROPOSED VACATION



ASSESSOR'S MAP
BOOK 424-PAGE 29
COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

M. M. 5-1
P. M. 12-1

NEWPORT MESA TRACT
PARCEL MAP

MARCH 1980