



PLANNING COMMISSION AGENDA REPORT

III.1

MEETING DATE: MAY 22, 2006

ITEM NUMBER:

SUBJECT: GENERAL PLAN CONFORMITY RESOLUTION-CITY OF COSTA MESA'S VACATION OF AN EXCESS RIGHT-OF-WAY TO THE UNDERLYING FEE TITLE OWNER.

DATE: MAY 5, 2006

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609**

DESCRIPTION

The City of Costa Mesa Engineering Division proposes to vacate an excess right-of-way, the westernmost portion of Alley No. 84, located between Magnolia Street and Broadway to the underlying fee title owner. Pursuant to Government Code Section 65402, the Costa Mesa Planning Commission must find the use of the subject alley area to be in conformance with the 2000 General Plan.

RECOMMENDATION

Adopt attached resolution finding that the proposed vacation and use of the subject alley area is in conformance with the City of Costa Mesa 2000 General Plan.

REBECCA ROBBINS
Assistant Planner

KIMBERLY BRANDT, AICP
Acting Asst. Dev. Svs. Director

ANALYSIS

Government Code Section 65402 prohibits the City from acquiring, using, or disposing of property within an incorporated city until the Planning Commission can review the proposed vacation or use for conformity with the General Plan.

The proposed transaction requested by the Engineering Division involves the vacation of an excess right-of-way, the northern portion of Alley No. 84, to the underlying fee title owner at 164 Magnolia Street. The alley area is located between Magnolia Street and Broadway as shown in Exhibit "A" of the attached resolution.

Staff has found the proposal in compliance with the 2000 General Plan for the following reasons:

- Alley serves no public street or highway purpose. There are no public improvements currently constructed within the alley. The western portion of Alley No. 84 is 17.5 feet wide and 57.65 feet long. This portion of Alley No. 84 was never constructed and is currently overgrown with vegetation. This results in a total of approximately 1,008.8 square feet of excess right-of-way that does not serve any public street or highway purpose.
- Future public utilities are preserved by an easement. There are existing public utilities (sewer, electricity, telephone, and cable) located within the right-of-way area. The City will reserve a public utility easement, pursuant to Section 8330 of the Street and Highways Code, to preserve the rights of these utilities within this area. In addition, this right-of-way is not required for any ingress and egress purposes by a public agency to a private property.
- Proposed action conforms to General Plan Goal LU-2. 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 and social resources. 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.
- Proposed action conforms to General Plan Goal SAF-1. The intent of General Plan Goal SAF-1 is to protect citizens and property from injury, damage, or destruction from hydrologic and climatic episodes. The proposed activity is consistent with the General Plan.

As a result of the vacation of the westernmost portion of Alley No. 84, the approximately 1,000 square-foot area will revert back to the underlying fee title owner at 164 Magnolia Street.

CONCLUSION

The proposed vacation and use of the right-of-way of a portion of Alley No. 84, is in conformance with the City of Costa Mesa 2000 General Plan. The Planning Commission's adoption of a General Plan conformity resolution is in compliance with State law.

- Attachments:
1. Planning Commission Resolution
Exhibit "A" – Project Location
 2. Correspondence from City Engineer dated 4/27/06

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

File: 052206AlleyNo84	Date: 050606	Time: 4:00 p.m.
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ATTACHMENT 1

Planning Commission Resolution

RESOLUTION NO. PC-06-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF THE WESTERN PORTION OF ALLEY NO. 84 TO THE UNDERLYING FEE TITLE OWNER AT 164 MAGNOLIA STREET 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 City of Costa Mesa 2000 General Plan was adopted on January 22, 2002;

WHEREAS, the California Government Code 65402, provides in part that a local agency shall not acquire, use, or dispose of any real property until the use of the property has been reported upon as to conformity with the applicable General Plan;

WHEREAS, the City of Costa Mesa 2000 General Plan indicates that the subject right-of-way (westernmost portion of Alley No. 84) is located between Magnolia Avenue and Broadway as shown in Exhibit "A";

WHEREAS, the City of Costa Mesa Engineering Division proposes the vacation of excess right-of-way to the underlying fee title owner at 164 Magnolia Street and is allowed in the 2000 General Plan; and

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find the proposed vacation of the land located at the westernmost portion of Alley No. 84 from the City of Costa Mesa to the underlying fee title owner at 164 Magnolia Street is in conformance to the City of Costa Mesa 2000 General Plan.

PASSED AND ADOPTED this 22th day of May, 2006

Chair, Costa Mesa
Planning Commission

ATTACHMENT 2

Correspondence

CITY OF COSTA MESA

Department of Public Services / Engineering INTER OFFICE MEMORANDUM

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DIVISION

APR 28 2006

TO: Mike Robinson, Assistant Dev. Services Director
FROM:  Ernesto Munoz, City Engineer
DATE: April 27, 2006
SUBJECT: Proposed Vacation of a Portion of Public Alley No. 84 Excess Right-of-Way at 164 Magnolia Avenue

At the request of Mrs. Margaret Mary Cashel, the Engineering Division is preparing to proceed with the vacation of a portion of Alley 84 right-of-way. This is the dead end portion of Alley No. 84 adjacent to Mrs. Cashel's property, 164 Magnolia Avenue (see attached Exhibit 1).

This portion of the alley is not required for any ingress and egress purposes to private property. It has become overgrown with vegetation and there are no public improvements for adequate vehicle access (see attached Exhibit 2). Currently, there are overhead power lines located within the public right-of-way of this alley. There are also underground utilities such as water and gas that run the length of the alley. It is intended that the proposed portion of the alley be vacated for street and highway purposes and a public utility easement be retained over the subject area. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and determined that this portion of Alley No. 84 is unnecessary for public street and highway purposes. Therefore, it is recommended the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed vacation is approved and recorded, the subject vacated property will revert back to the owner of 164 Magnolia Avenue, Mrs. Cashel.

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 May 22, 2006. **Please submit a confirmation that this request has been received and scheduled.**

Thank you for your assistance on this project. Any information or assistance required for this project may be obtained from Brad Edwards, Engineering Technician III, at extension 5066.

Attachment: Exhibit 1 - Proposed Vacation of Excess Right-of-way
Exhibit 2 - Pictures

/ch (Eng2006/Alley 84 Vacation Memo EM)

c: Peter Naghavi, Transportation Services Manager
Brad Edwards, Engineering Technician III

EXHIBIT “A”

Project Location

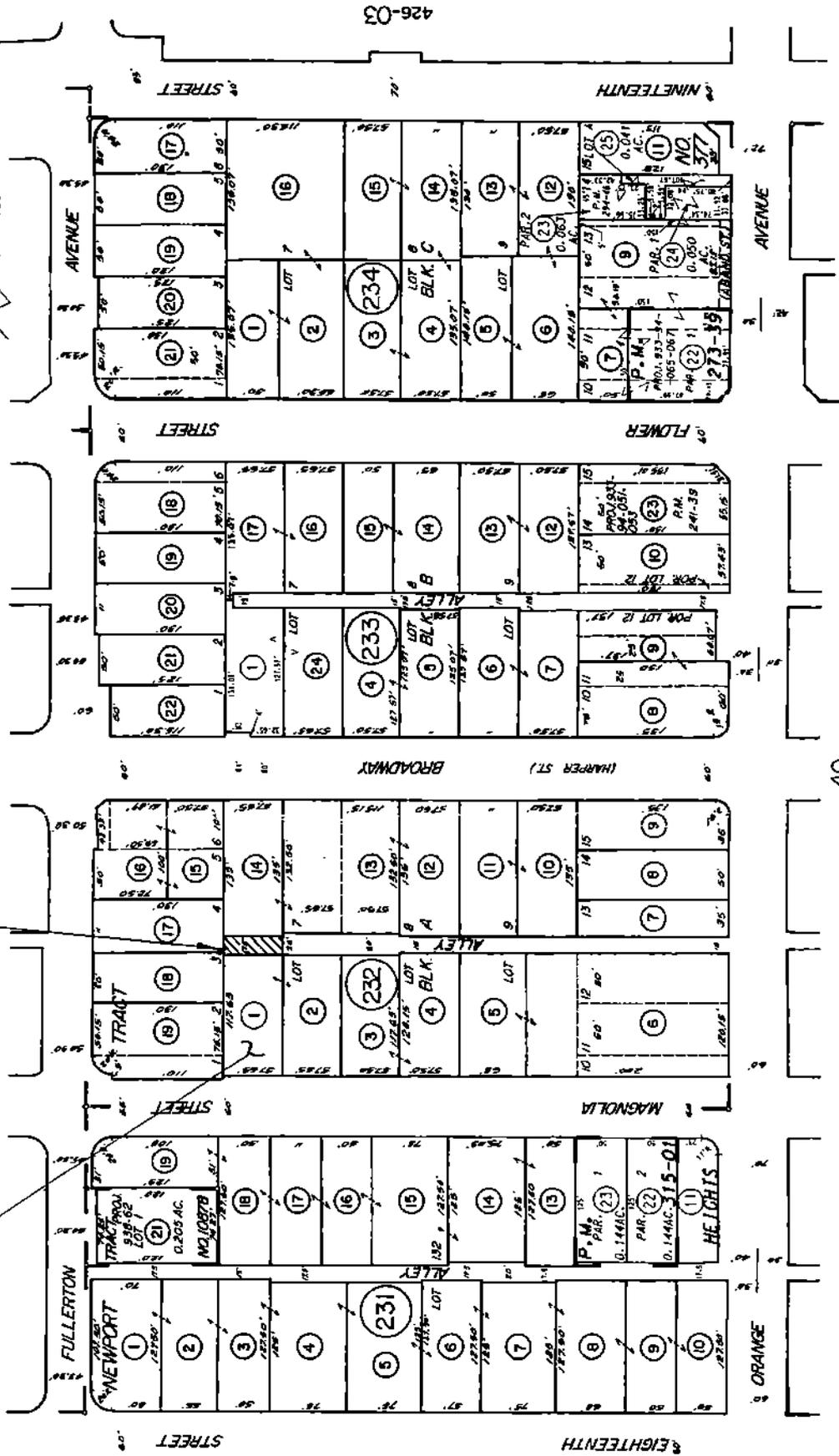
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164 MALINDIA STREET
APN 425-232-01

= PROPOSED ALLEY RIGHT-OF-WAY
VACATION

EXHIBIT

425-23



NEWPORT HEIGHTS
TRACT NO. 377
TRACT NO. 10878
PARCEL MAP

M.M. 4-83
M.M. 16-16
M.M. 468-25-26
P.M. 273-39, 294-46, 315-01

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

ASSESSOR'S MAP
BOOK 425 PAGE 23
COUNTY OF DRANGE