



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JULY 21, 2015

ITEM NUMBER: **CC-10**

**SUBJECT: NOTICE OF INTENT FOR THE VACATION OF A FLOWAGE EASEMENT AT 970 WEST 16<sup>TH</sup> STREET**

**DATE: JULY 9, 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**

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## **RECOMMENDATION**

1. Set a public hearing on September 1, 2015 for the vacation of a flowage easement at 970 West 16<sup>th</sup> Street.
2. Adopt Resolution of Intent to Vacate Flowage Easement at 970 West 16<sup>th</sup> Street (Attachment 1).

## **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 16<sup>th</sup> 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 2). The easement was originally dedicated to the City by Easement Deed No. 6102 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 3) 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 16<sup>th</sup> Street (Attachment 4). 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.

After the proposed vacation is approved and recorded, the subject vacated easement property will revert back to the property at 970 West 16<sup>th</sup> Street.

### **ALTERNATIVES CONSIDERED**

The alternative to the proposed City Council action is to not vacate the flowage easement within the property at 970 West 16<sup>th</sup> 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 of Intent as to form.

### **CONCLUSION**

Staff reviewed a request for the City to abandon a flowage easement, and recommends that the City Council set a public hearing for September 1, 2015 and adopt the attached Resolution of Intent to vacate a flowage easement at 970 West 16<sup>th</sup> Street.

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**ERNESTO MUNOZ**  
Public Services Director

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**FARIBA FAZELI**  
City Engineer

ATTACHMENTS: 1 – [Resolution of Intent to Vacate Flowage Easement](#)  
2 – [Flowage easement location map](#)  
3 – [Planning Commission Resolution No. PC-15-39](#)  
4 – [New Storm Drain Improvements](#)

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