



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 21, 2015

ITEM NUMBER: CC-11

SUBJECT: NOTICE OF INTENT TO VACATE EXCESS RIGHT-OF-WAY AT 970 WEST 16TH 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

RECOMMENDATION

1. Set a public hearing on September 1, 2015 for the vacation of excess Right-Of-Way (ROW) at 970 West 16th Street.
2. Adopt Resolution of intent to vacate excess Right-Of-Way (ROW) at 970 West 16th Street (Attachment 1).

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.16th Street (Attachment 2). 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 in 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 3) finding that the proposed vacation of excess right-of-way at 970 West 16th 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 16th 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.

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 City could retain the excess right-of-way and continue to be responsible for the liability of the easement area which does not encompass public street structures nor does it serve any public use.

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 of Intent as to form.

CONCLUSION

Staff reviewed a request for the City to abandon excess right-of-way, and recommends that the City Council set a public hearing for September 1, 2015, and adopt the attached Resolution of Intent to vacate excess right-of-way at 970 West 16th Street.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
City Engineer

ATTACHMENTS: 1 – [Resolution of Intent to vacate excess right-of-way at 970 West 16th Street](#)
2 – [Site Plan](#)
3 – [Planning Commission Resolution No. PC-15-38](#)

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