

RESOLUTION NO. 23-xx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PORTION OF A PUBLIC UTILITY EASEMENT LOCATED AT 1940 WALLACE AVENUE

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa desires to summarily vacate its interest in the public utility easement located at 1940 Wallace Avenue, as more particularly described and depicted in Exhibits "A" and "B," attached hereto and incorporated herein by reference ("Vacation Area"); and

WHEREAS, the easement to be vacated was dedicated for public utility purposes in the document recorded on December 11, 1984 as Instrument No. 84-513164`, in the Official Records of the Orange County Recorder's Office; and

WHEREAS, California Streets and Highways Code Section 8333 authorizes summary vacation of a public service easement when the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the vacation or the easement is determined to be excess by the easement holder; and

WHEREAS, the proposed vacation is based on a review of past utilization, future improvements, and the current and future needs of the City. The Vacation Area has not been used for the purpose for which it was dedicated within five consecutive years immediately preceding the proposed vacation, is not useful as a public utility easement facility, is unnecessary for present or future public use, and vacation thereof serves the public interest and is a public benefit.

WHEREAS, pursuant to the requirements of Streets and Highways Code section 892 the Vacation Area is determined to not be useful as a nonmotorized transportation facility; and

WHEREAS, six feet of the existing easement area will remain following the vacation and will adequately serve the need for future public utility purposes; and

WHEREAS, pursuant to Government Code 65402, a report on the proposed vacation was submitted to the Planning Commission on June 12, 2023. The Planning Commission has adopted Resolution NO PC-2023-18 finding that the proposed vacation is consistent with the City's General Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Costa that:

1. The foregoing recitals are true and correct and are incorporated herein by reference.
2. A public hearing is not required and the use of a summary proceeding is allowed for the vacation of this portion of a public utility easement pursuant to Streets and Highway Code Section 8333(a) and (c).
3. The City Council hereby orders the summary vacation of the portion of the public utility easement described and depicted in Exhibits "A" and "B."
4. This action is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15301, 15303 and 15332 of the CEQA Guidelines because it consists of actions that may result in minor changes to existing facilities, or new construction of small structures on an existing residential lot and/or exempt infill development.
5. Pursuant to Streets and Highways Code section 8336, the City clerk shall cause a certified copy of this Resolution, attested by the City clerk under seal, to be recorded in the Office of the Recorder of the County of Orange.

John Stephens, Mayor

ATTEST:

Brenda Green, City Clerk
(seal)