



CITY COUNCIL AGENDA REPORT

MEETING DATE: December 6, 2005

ITEM NUMBER:

SUBJECT: SIDEWALK EASEMENT FOR 655 TOWN CENTER DRIVE

DATE: NOVEMBER 15, 2005

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, (714) 754-5343

RECOMMENDATION:

Accept the sidewalk easement at 655 Town Center Drive (Attachment 1); and authorize the Mayor and the Deputy City Clerk to sign and record the easement deed (Attachment 2).

BACKGROUND:

In accordance with the approved redevelopment at 655 Town Center Drive, South Coast Repertory Theater reconstructed their driveway entrance area. In order for the entrance driveway area to be in compliance with the Americans with Disabilities Act (ADA), new sidewalk was required to be constructed adjacent to and behind the driveway approaches on private property. The property is actually owned by the Orange County Flood Control District with an ingress and egress easement granted to South Coast Plaza (C.J. Segerstrom & Sons). The property owner (Orange County Flood Control District) and C.J. Segerstrom & Sons (joinder) have provided the signed easement deed for City Council acceptance.

ANALYSIS:

Along a portion of the south side of Town Center Drive, at the above-mentioned site, insufficient right-of-way exists to accommodate an ADA compliant sidewalk adjacent to the two existing driveway approaches. Staff has worked with the property owner (Orange County Flood Control District) and the joinder (C.J. Segerstrom & Sons), to secure the necessary public sidewalk easement (Attachment 1). In consideration for the owner granting the City the easement for sidewalk purposes, the City has agreed to indemnify the owner from all claims and liabilities arising from public use of this easement. In order to accept these obligations, the deed must be signed and accepted by authorized City officials.

ALTERNATIVES CONSIDERED:

The alternative to this Council action would be to reject the sidewalk easement. If this alternative is selected, the sidewalk would be located on private property and not available for public use as it is intended. However, this alternative would be inconsistent with previous Council objectives to provide public sidewalk throughout the City.

FISCAL REVIEW:

The subject sidewalk easement has been granted to the City of Costa Mesa at no fee. There is no fiscal impact in accepting this sidewalk easement.

LEGAL REVIEW:

The City Attorney's office has approved the attached easement deed as to form. Engineering Division staff has approved the attached easement deed as to content.

CONCLUSION:

Staff recommends that the City Council accept the sidewalk easement at 655 Town Center Drive; and authorize the Mayor and the Deputy City Clerk to sign and record the easement deed.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

Attachments "1" [Easement Exhibit](#)

Attachments "2" [Easement Deed](#)

Distribution: City Manager
City Attorney
Deputy City Clerk
Staff
File

File Name 655 Town Center Sidewalk
Easement Report

Date: 11-15-05

Time: 2:30 p.m.