REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:
JUNE 4, 2019

TITLE:
QUITCLAIM OF STORM DRAIN EASEMENT
IN 317 E 17TH STREET, APN 003-153-48
{STRATEGIC PLAN NOS. 3, 2; 5, 3}

RECOMMENDED ACTION

Authorize the City Manager and Clerk of the Council to execute a quitclaim deed relinquishing the City's interest in a drainage easement at 317 East 17th Street to AQUA HOUSING LP, a California limited partnership, subject to non-substantive changes by the City Manager and City Attorney.

DISCUSSION

On June 20, 2017, Council approved a general plan amendment, a specific development, and other actions to allow a 57-unit multi-family permanent supportive housing development at 317 East 17th Street. The City owns an obsolete five-foot-wide drainage easement within the property (Exhibit 1). To accommodate the project, the property owner, AQUA HOUSING LP, a California limited partnership, wishes to remove the easement so that property title is clear, and new development may occur. The applicant is requesting the City quitclaim the easement, which effectively relinquishes the City's rights over the private property to allow for the housing development to proceed.

Generally, easements provide access or right of entry for specified purposes. In this case, an easement was granted to the City in 1926 so that the City could access private property for drainage maintenance purposes. The five-foot-wide easement, about 120 feet in length, was granted as part of a proposed private drainage facility, which no longer exists. The general surrounding area has since then been developed, and area drainage has been accommodated via public improvements adjacent to the I-5 Freeway within the State of California right-of-way. Therefore, the City has no present nor prospective use for the subject easement. The City received an opinion of value for the easement to be quitclaimed of $2,700.

The site is on a 0.89 acre lot, and the development will be required to provide for its drainage needs. The Public Works Agency has approved a standard drainage and grading plan as part of the proposed site plans.
STRATEGIC PLAN ALIGNMENT

Approval of this item supports the City's efforts to meet Goal #3 - Economic Development, Objective #2 (create new opportunities for business/job growth and encourage private development through new General Plan and Zoning Ordinance policies) and Goal #5 – Community Health, Livability, Engagement & Sustainability, Objective #3 (facilitate diverse housing opportunities and support efforts to preserve and improve the livability of Santa Ana neighborhoods).

FISCAL IMPACT

Proceeds in the amount of $2,700 from the quitclaim of the easement at 317 East 17th Street will be received into the Local Drainage Area II account (No. 22217002-50500).

APPROVED AS TO FUNDS AND ACCOUNTS:

Fuad S. Sweiss, PE, PLS
Executive Director
Public Works Agency

Kathryn Dowrfs, CPA
Executive Director
Finance and Management Services Agency

Exhibits: 1. Map
2. Quitclaim Deed
When recorded, please mail this Instrument to:

Clerk of the Council  
City of Santa Ana  
20 Civic Center Plaza, M-30  
Santa Ana, California 92701

Free recording requested by The City of Santa Ana per Government Code Section 6103.

For valuable consideration, receipt of which is hereby acknowledged,

THE CITY OF SANTA ANA, a Charter City and Municipal Corporation of the State of California

Does hereby remise, release, and forever quitclaim to:

AQUA HOUSING LP, a California limited partnership

ALL RIGHTS, TITLE AND INTEREST in and to the real property in the City of Santa Ana, County of Orange, State of California, described in Exhibit "A" attached hereto and by this reference made a part hereof, and as shown on Exhibit "B", attached hereto and incorporated herein.

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

For: The City of Santa Ana

Dated: ____________________________

STATE OF CALIFORNIA          } SS.
COUNTY OF ___________________  

On _____________________________ before me,

______________________________

personally appeared ____________________________

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature ____________________________  

(This area for official notarial seal)
A STRIP OF LAND, 5.00' IN WIDTH, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF EAST SEVENTEENTH STREET AND THE NORTHERLY EXTENDED EAST LINE OF FRENCH STREET;

THENCE BEARING N 00°42'02" E 170 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N 00°42'02" E A DISTANCE OF 80 FEET,

THENCE N 15°48'00" W A DISTANCE OF 45.00' MORE OF LESS, TO THE SOUTHWESTERLY BOUNDARY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY.

THE SIDELINES OF SAID STRIP OF LAND SHALL BE LENGTHENED OR SHORTENED TO TERMINATE AT THE SOUTHWESTERLY BOUNDARY LINE OF THE SOUTHERN PACIFIC RAILROAD COMPANY'S RIGHT OF WAY.

CONTAINING: 622 SQUARE FEET, MORE OR LESS.

NOTE:
AS SHOWN ON THE ATTACHED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.
QUITCLAIM OF PORTION OF PUBLIC UTILITY EASEMENT

PARCEL 1

BASIS OF BEARINGS:
THE CENTERLINE OF E. 17TH STREET AS PER
RECORD OF SURVEY NO. 2007-1026 RSB 220 /
32-43 BEING N 88°37'46" W.

NOTE:
THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY
TO DEPICT THE ATTACHED DESCRIPTION,
EXHIBIT "A", AND BY THIS REFERENCE MADE A
PART THEREOF.

SCALE: 1" = 80'
ORIGINAL GRAPHIC SCALE