REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE: JUNE 4, 2019

TITLE: PUBLIC HEARING: ABANDONMENT NO. 19-02 TO VACATE A PORTION OF MAIN PLACE DRIVE {STRATEGIC PLAN NOS. 3, 2; 5, 3}

CITY MANAGER

RECOMMENDED ACTION

Adopt a resolution vacating a portion of Main Place Drive.

DISCUSSION

On May 7, 2019, Council adopted a resolution declaring the City’s intent to vacate a portion of Main Place Drive. The portion of Main Place Drive to be vacated is situated within the northerly section of the Main Place Mall, and lies between Main Street and Bedford Road (Exhibit 1). The segment of Main Place Drive adjacent to the westerly and southerly section of mall, between Bedford Road and Broadway, would remain a public street.

The owners of the Main Place Mall, MainPlace Shoppingtown, LLC, are improving the mall site and have applied to vacate a portion of Main Place Drive in conjunction with a Specific Plan to transform the site with additional commercial, office, mixed-use residential, and hotel uses. The approval of the Specific Plan and related actions is scheduled to be considered separately.

According to the Specific Plan, the vacated area ordered by Resolution (Exhibit 2) will be incorporated into the private property and much of it will be redeveloped with mixed-use buildings. The area requested to be vacated reduces the site’s constraints and improves overall site function, such as setbacks, building location, and site accessibility. Access to the mixed-use buildings and nearby future parcels will be provided via a private drive aisle. The drive aisle would continue to connect to Bedford Road and Main Street, but would not provide through public access, and will be maintained by the owner.

According to a title report provided by the applicant and City records, the City owns a street easement over the land and, if vacated, would revert to MainPlace Shoppingtown, LLC. The segment to be vacated is curvilinear, generally 64’ wide, and about 700’ in length. The City’s street easement rights exclude airspace lying above an elevation of 169.8 feet, or approximately 17’ above the roadway surface, meaning the mall property owners could potentially have been permitted to build private improvements above that height.
Utilities, other government agencies, and City agencies have been advised of the street vacation. Easements for utilities will be reserved in the resolution of vacation. During the phasing of the project implementation, as utilities are removed from Main Place Drive and/or relocated to the new drive aisle, the easements will be quitclaimed or re-established as appropriate to serve any relocated public utilities.

With the implementation of the development project, Main Place Drive will not be needed for access. However, the street vacation will not become effective until such time as the developer relocates the public utilities.

**ENVIRONMENTAL IMPACT**

There is no environmental impact associated with this action.

**STRATEGIC PLAN ALIGNMENT**

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, Object #3 (facilitate diverse housing opportunities and support efforts to preserve and improve the livability of Santa Ana neighborhoods).

**FISCAL IMPACT**

There is no fiscal impact associated with this action.

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

FSS/ EWG/ TH

Exhibits: 1. Street Vacation Area Map
          2. Resolution of Vacate
RESOLUTION NO. 2019-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA VACATING A PORTION OF MAINPLACE DRIVE BETWEEN MAIN STREET AND BEDFORD ROAD (ABANDONMENT NO. 19-02)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. California Streets and Highways Code Section 8300 et seq. authorizes the City of Santa Ana to vacate all or any portion of any street or highway within its boundaries and under its jurisdiction to terminate the public’s right to use such street.

B. The City Council of the City of Santa Ana desires to vacate its ownership interest, if any, of a portion of Mainplace Drive between Main Street and Bedford Road, as shown on Exhibit 1 attached hereto and incorporated herein by this reference ("Vacation Area").

C. On May 7, 2019, the City Council adopted Resolution No. 2019-024 wherein it declared its intention to vacate the Vacation Area, pursuant to and in accordance with the provisions of Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code.

D. Resolution No. 2019-024 gave notice that at its regular meeting of June 4, 2019, at 5:45 p.m. or as soon as possible thereafter, the City Council would hear any and all persons interested in or objecting to the vacation described above.

E. The City Council finds that Resolution No. 2019-024 was published in the manner prescribed by law.

F. The City Council further finds that the notices of said proposed vacation stating the purposes of said Resolution and the time and place set for hearing were posted as directed by the Council and required by law.

G. The City Council, at the time and place set for hearing, heard any and all persons interested in or objecting to said proposed vacation of the Vacation Area and received and considered all evidence submitted.

H. The City Council finds from all the evidence submitted that the Vacation Area is unnecessary for present or prospective public use, based upon the following findings of fact:

1. The Vacation Area is not necessary to provide access to abutting property owners; and
2. The Vacation Area is unnecessary for present or prospective public use.

Section 2. In 1983, the City Redevelopment Agency certified the Final Environmental Impact Report ("1983 EIR") for the Fashion Square Commercial Center Project ("Originally Approved Plan"). In 1996, Addendum ER 96-033 ("1996 Addendum") to the 1983 EIR was prepared and approved to evaluate a then-proposed expansion of the Originally Approved Plan's commercial uses. On June 4, 2019, the City Council adopted the Addendum to the Fashion Square Commercial Center Final Environmental Impact Report for the MainPlace Mall Transformation Project (SCH No. 1983021103), which included the vacation of the Vacation Area, and re-adopted the Mitigation Monitoring and Reporting Program. The City Council concurrently found that an addendum is the appropriate document for disclosing the changes to the MainPlace Mall Property, and that none of the conditions identified in Public Resources Code section 21166 and State CEQA Guidelines section 15162 requiring subsequent environmental review had occurred.

Section 3. The Vacation Area is hereby vacated, except for the reservation of easement described herein, upon the satisfaction of the following conditions:

A. MainPlace Shoppingtown, LLC shall irrevocably offer for dedication the land within the street vacation area to the City in a form approved by the City Attorney. The term of the offer shall expire upon completion of the primary structure (Structure) proposed within Parcel 1 of Tentative Map 2018-139. Completion of the Structure shall be determined by the City's Building Official.

B. MainPlace Shoppingtown, LLC shall provide to the City an improvement bond, in an amount determined by the City Engineer and in a form approved of by the City Attorney, to guarantee the construction of all necessary improvements to restore the vacated area in the event the applicant fails to complete construction of the Structure. The bond will be released following completion of the Structure.

C. MainPlace Shoppingtown, LLC shall relocate all existing public utility lines from within the street vacation area to within the to-be constructed private driveway between Main Street and Bedford Road. MainPlace Shoppingtown LLC shall grant an easement to the utility owner for maintenance and operation for any relocated utility lines which will become public.

D. The City Engineer shall advise the Clerk of the Council that the above conditions have been satisfied and that this vacation is therefore effective.

Section 4. The City hereby reserves and excepts from vacation, pursuant to section 8340 of the California Streets and Highways Code, the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or

Resolution No. 2019-XXX
Page 2 of 3

75E-6
renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated.

Section 5. The Clerk of the Council is hereby directed to cause a certified copy hereof, attested under seal, to be recorded in the Office of the Recorder of Orange County.

Section 6. The Vacation Area shall not be deemed vacated until this Resolution is recorded.

Section 7. The Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 4th day of June, 2019.

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Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: ____________________________
John M. Funk
Assistant City Attorney

AYES: Councilmembers ________________________________

NOES: Councilmembers ________________________________

ABSTAIN: Councilmembers ________________________________

NOT PRESENT: Councilmembers ________________________________
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Norma Mitre, Acting Clerk of the Council, do hereby certify the attached Resolution No. 2019 -_____ to be the original resolution adopted by the City Council of the City of Santa Ana on June 4, 2019.

Date: ________________________

 Acting Clerk of the Council
 City of Santa Ana