

# STAFF REPORT



# ITEM NO. 21

## CITY OF OCEANSIDE

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DATE: January 10, 2007

TO: Honorable Mayor, City Council Members and  
Community Development Commission

FROM: Public Works Department

SUBJECT: **ADOPTION OF A RESOLUTION ORDERING THE VACATION OF A  
PORTION OF PACIFIC STREET LOCATED NORTH OF SPORTFISHER  
DRIVE ADJACENT TO 504 N. PACIFIC STREET**

### **SYNOPSIS**

Staff recommends that the City Council conduct a public hearing on the matter of adopting a resolution ordering the vacation of a portion of Pacific Street located north of Sportfisher Drive adjacent to 504 N. Pacific Street and direct the City Clerk to file a certified copy of the Resolution with the County Recorder after conditions are met.

### **BACKGROUND**

On December 6, 2006, The City Council adopted Resolution No. 06-R0675-1 stating its intent to vacate a portion of Pacific Street pursuant to the provisions of Chapter 3 of the Public Streets, Highways and Service Easement Vacation Law. The portion of Pacific Street to be vacated is located north of Sportfisher Drive adjacent to 504 N. Pacific Street that was dedicated on Final Map No. 344 and contains approximately 4,836 square feet. The proposed vacation is in conjunction with the SAM Oceanside I, LLC, development of an 11-unit condominium located at 505-508 N. Pacific Street (Montego Project).

The portion of Pacific Street to be vacated is described in Exhibit A and shown on Exhibit B attached hereon is excess right-of-way not needed for street or highway purposes.

There are existing public utilities and facilities within the proposed area to be vacated, which will require the reservation of an easement to support the facilities. The vacation law requires that if in-place, utility facilities are in use within an area to be vacated, the City Council shall reserve and except from the vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility and access facilities.

Per Resolution No. 06-R0675-1 the property owner is required to relocate the existing public utilities and facilities from the vacation area and reconstruct within approved location at his expense to the satisfaction of the Public Works Director.

**ANALYSIS**

The State of California Public Streets, Highways and Service Easements Vacation Law provides the City Council with the authority to vacate a public street right-of-way based on the determination that there is not a present or prospective public need for the rights being vacated. The City Council may vacate the public's interest in the right-of-way with the stipulation that certain conditions are met prior to the recordation of the resolution ordering the vacation with the County Recorder. The vacation of right-of-way is conditioned upon the completion of relocation and reconstruction of all the existing public utilities and facilities to the satisfaction of the Public Works Director and completion of Montego Project as conditioned by Community Development Commission.

In order to adopt the resolution ordering the vacation, the City Council must conduct a public hearing to give all interested persons an opportunity to be heard regarding the proposed vacation.

**FISCAL IMPACT**

There is no fiscal impact. The applicant has paid the required fees for the processing of this action. In addition, the property owner will assume all costs associated with relocation and reconstruction of existing public utilities and facilities.

**COMMISSION OR COMMITTEE REPORT**

Does not apply.

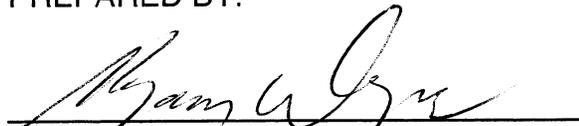
**CITY ATTORNEY'S ANALYSIS**

The referenced resolution has been reviewed by the City Attorney and approved as to form.

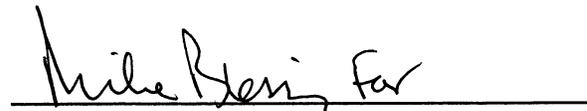
**RECOMMENDATION**

Staff recommends that the City Council determine that the portion of Pacific Street located north of Sportfisher Drive adjacent to 504 N. Pacific Street as described in Exhibit "A" and shown on Exhibit "B" attached hereon is not needed for present or future public use, and adopt a resolution ordering the vacation of a portion of Pacific Street with the condition that all existing public utilities and facilities be relocated to the satisfaction of the Public Works Director; and direct the City Clerk to file a certified copy of the Resolution with the County Recorder upon receiving a written approval notice from the Public Works Director.

PREPARED BY:

  
\_\_\_\_\_  
Maryam Wagner  
Senior Engineering Assistant

SUBMITTED BY:

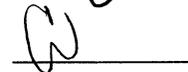
  
\_\_\_\_\_  
Barry E. Martin  
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Interim Deputy City Manager

  
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Peter A. Weiss, Public Works Director

  
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE ORDERING THE VACATION OF A PUBLIC  
STREET RIGHT-OF-WAY

(PACIFIC STREET)

WHEREAS, the City Council of the City of Oceanside did, on December 6, 2006 by Resolution No. 06-R0675-1 declare its intention to vacate a portion of Pacific Street located north of Sportfisher Drive, adjacent to 504 N. Pacific Street in accordance with the procedures contained in Chapter 3 of the Public Streets, Highways and Service Easements Vacation Law (California Streets and Highways Code Section 8320 et.seq.);

WHEREAS, the public street right-of-way to be vacated is described in Exhibit "A" and shown on Exhibit "B", both attached hereto and made a part hereof by reference;

WHEREAS, the proposed vacation has been considered in relation to the General Plan of the City of Oceanside;

WHEREAS, the vacation procedure prescribed in Section 65402 of the Government Code is not applicable since the public street proposed to be vacated does not conflict with the Circulation Element of the General Plan of the City of Oceanside;

WHEREAS, notice of the intended vacation was duly published in *The North County Times* and posted in accordance with subdivision (c) of Section 8320 of the California Streets and Highways Code;

WHEREAS, on January 10, 2007 the City Council duly held a public hearing on the proposed vacation and considered all evidence submitted by all persons interested in said vacation;

WHEREAS, after consideration of all evidence submitted, the City Council finds the hereinbelow described public street right-of-way unnecessary for present or prospective public use; and

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE and order as follows:

Section 1. The public street right-of-way described in said Exhibit "A" and as shown

1 on said Exhibit "B" shall be and is hereby vacated upon the satisfaction of the following  
2 conditions: 1) that the owner of the adjacent property, currently SAM Oceanside I, LLC,  
3 complete the development of the proposed Montego, an eleven unit residential condominium  
4 project, as conditioned by the Community Development Commission and, 2) that the existing  
5 facilities located in the area to be vacated are relocated in accordance with the approved plans  
6 for the project and to the satisfaction of the Public Works Director.

7 Section 2. Upon the satisfaction of the conditions set forth hereinabove as attested  
8 by the Office of the City Engineer, the City Clerk shall cause a certified copy of this resolution  
9 to be recorded in the Office of the County Recorder of San Diego County in accordance with  
10 Section 8325 of the Streets and Highways Code.

11 PASSED AND ADOPTED by the City Council of the City of Oceanside, California  
12 this \_\_\_\_ day of \_\_\_\_\_, 2007, by the following vote:

13 AYES:

14 NAYS:

15 ABSENT:

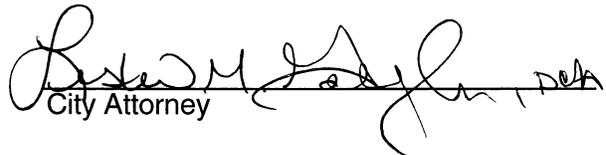
16 ABSTAIN:

17 \_\_\_\_\_  
18 Mayor of the City of Oceanside

19 ATTEST:

20 APPROVED AS TO FORM:  
21 OFFICE OF THE CITY ATTORNEY

22 \_\_\_\_\_  
23 City Clerk

24   
25 City Attorney

26 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ORDERING THE VACATION  
27 OF A PUBLIC STREET RIGHT-OF-WAY  
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CITY OF OCEANSIDE  
STREET VACATION

EXHIBIT "A"

BEING A PORTION OF PACIFIC STREET (FORMERLY WASHINGTON STREET) AND A PORTION OF SPORTFISHER DRIVE (FORMERLY FIFTH STREET), IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 344, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 1, 1885, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 8, BLOCK 13, OF SAID MAP 344; THENCE ALONG THE SOUTHWESTERLY PROJECTION OF THE NORTHWESTERLY LINE THEREOF, SOUTH 55°19'01" WEST, 13.15 FEET TO THE BEGINNING OF A NON TANGENT 267.50 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL BEARING TO SAID CURVE BEARS NORTH 71°36'07" EAST; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 10°44'25", AN ARC DISTANCE OF 50.14 FEET; THENCE SOUTH 07°39'28" EAST, 61.55 FEET TO A TANGENT 10.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 15.71 FEET TO A POINT OF A COMPOUND 42.39 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 37°06'12", AN ARC DISTANCE OF 27.45 FEET; THENCE NORTH 45°14'20" EAST, 42.81 FEET TO A TANGENT 131.46 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°47'32", AN ARC DISTANCE OF 17.88 FEET; THENCE NORTH 37°26'48" EAST, 22.50 FEET TO THE SOUTHEASTERLY LINE OF LOT 7, BLOCK 13, OF SAID MAP 344; THENCE ALONG THE SOUTHEASTERLY LINE OF LOT 7, SOUTH 55°19'55" WEST, 52.47 FEET TO THE MOST SOUTHERLY CORNER THEREOF; THENCE ALONG THE SOUTHWESTERLY LINE OF LOT 7, NORTH 34°36'57" WEST, 50.03 FEET TO THE MOST WESTERLY CORNER COMMON TO LOT 7 AND LOT 8; THENCE ALONG THE SOUTHWESTERLY LINE OF LOT 8, A DISTANCE OF 50.03 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.11 ACRES OF LAND, MORE OR LESS.

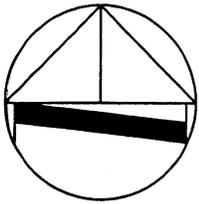
THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION

  
ARMAND A. MAROIS  
PLS 5941

9/29/04  
DATE



EXHIBIT B



SCALE 1" = 40

(WASHINGTON ST)  
PACIFIC STREET

LOT 10 APN147-071-13

LOT 9

BLOCK 13  
MAP 344

APN147-071-6

LOT 8

APN147-071-7

LOT 7

L1

C1

C2

C3

L2

4,836 sq. ft.

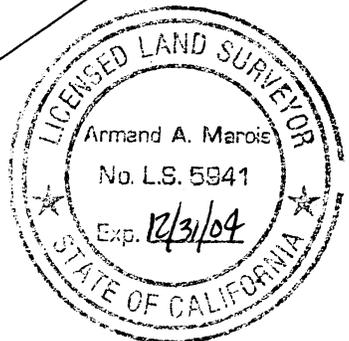
PROPOSED R/W

EXISTING CURB

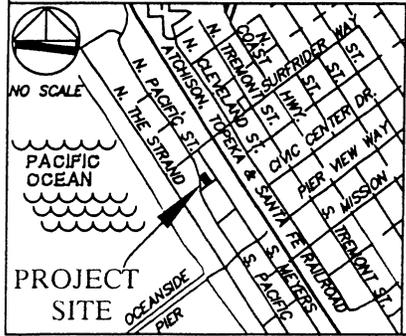
CONSTRUCTION CL  
PER R-7289

SPORTFISHER DRIVE (FIFTH ST.)

- L1 S55°19'01"W 13.15'
- C1 L=50.14 R=267.50 Δ=10°44'25"
- C2 L=15.71 R=10.00 Δ=90°00'00"
- C3 L=27.45 R=42.39 Δ=37°06'12"
- C4 L=17.88 R=131.46 Δ=7°47'32"
- L2 N37°26'48"E 22.50'



*Armand A. Marois*  
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**bha, Inc.**

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PROPOSED STREET VACATION

CITY OF OCEANSIDE  
TO  
S.A.&M., LLP