ITEM NO. 9

STAFF REPORT

CITY OF OCEANSIDE

DATE: January 5, 2011

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **RESOLUTION SUMMARILY VACATING PORTIONS OF A PUBLIC WATER LINE EASEMENT LOCATED AT 4171 OCEANSIDE BOULEVARD AND 4181 OCEANSIDE BOULEVARD**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating portions of a public water line easement located at 4171 Oceanside Boulevard and 4181 Oceanside Boulevard, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

BACKGROUND

The City has received a request from Alex Zirpolo of SECOSW, LLC, a California limited liability company, owner of the property located at 4171 Oceanside Boulevard, proposing the vacation of portions of an existing public water line easement. The public water line easement was dedicated to the City of Oceanside on Parcel Map No. 15456, filed in the office of the County Recorder of San Diego County on November 15, 1988.

The above easement lies within the properties located at 4171 Oceanside Boulevard and 4181 Oceanside Boulevard.

The public water lines and appurtenances within the existing easement have been relocated to accommodate the site design for a new Walgreens (Application No. D-2-2009). A new public water line easement recorded as Document No. 2010-0384641, filed in the office of the County Recorder of San Diego County on July 29, 2010, has been created for the newly relocated facilities. The Water Utilities Department has verified that the public water lines and appurtenances within the existing easement have been relocated to the new easement and they have indicated that we are able to proceed with the vacation of portions of the existing water line easement.

ANALYSIS

California Streets and Highways Code, section §8333 (c) provides the City Council with the authority to summarily vacate a public service easement if the easement has been superseded by relocation.

FISCAL IMPACT

There is no fiscal impact. The applicant has paid the required fees for the processing of this action.

INSURANCE REQUIREMENTS

Does not apply.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATION

Staff recommends that the City Council adopt a resolution summarily vacating portions of a public water line easement located at 4171 Oceanside Boulevard and 4181 Oceanside Boulevard, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:

Gary Smith
Associate Engineer

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director
for Scott O. Smith, City Engineer
Cari Dale, Water Utilities Director

Attachment:
Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING PORTIONS OF A PUBLIC WATER LINE EASEMENT LOCATED AT 4171 OCEANSIDE BOULEVARD AND 4181 OCEANSIDE BOULEVARD

WHEREAS, the California Streets and Highways Code, section §8330 et seq., authorizes the City Council of the City of Oceanside to summarily vacate a public service easement;

WHEREAS, the portions of public water line easement to be vacated are located at 4171 Oceanside Boulevard and 4181 Oceanside Boulevard and are more particularly described in Exhibit "A" and shown on Exhibit "B", both attached hereto and made a part hereof by reference;

WHEREAS, California Streets and Highways Code, section §8333 (c), authorizes the summary vacation of a water line easement if the easement has been superseded by relocation, provided there are no other public facilities located within the easement;

WHEREAS, the existing public water lines and appurtenances have been relocated to a newly created public water line easement and there are no other public facilities within the area to be vacated that would be affected by the vacation; and

WHEREAS, after consideration of all evidence submitted, the City Council finds and determines that the portions of public water line easement described in said Exhibit "A" and shown on Exhibit "B" have been determined to be superseded by relocation and are not needed for present or future prospective public use,

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

Section 1. The public water line easements described in said Exhibit "A" and shown on Exhibit "B" shall be and hereby are summarily vacated.

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Section 2. The City Clerk shall cause a certified copy of this resolution to be recorded in the Office of the County Recorder of the County of San Diego in accordance with the provisions of Section §8336 of the Streets and Highways Code. Upon such recordation, the vacation is complete.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California this _____ day of _____, 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Barbara Hamilton, ASST.
City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING PORTIONS OF A PUBLIC WATER LINE EASEMENT LOCATED AT 4171 OCEANSIDE BOULEVARD AND 4181 OCEANSIDE BOULEVARD

APN 162-241-18 and APN 162-241-41
4181 Oceanside Blvd.
4171 Oceanside Blvd.
Oceanside, CA

EASV 10-00001
D-2-09

EXHIBIT 'A'

WATER EASEMENT VACATION

LEGAL DESCRIPTION

Being a portion of Parcel 1 and Parcel 2 of Parcel Map No. 15456 , in the City of Oceanside, County of San Diego, State of California, per file number 88-587281, filed in the office of the County Recorder of said County on November 15, 1988, more particularly described as follows:

PARCEL A-EASEMENT VACATION

Beginning at the most Southeasterly corner of said Parcel 1, said point being on the Westerly Right-of-Way of College Boulevard; thence along said Right-of-Way North 00°06'33" West, 36.90 feet to the beginning of a 20' public water utility easement, as dedicated on said PM15456, said point beginning the Northerly line of said easement; thence leaving said Right-of-Way along said line South 68°52'45" West, 148.97 feet to the **True Point of Beginning**; thence North 21°07'15" West, 18.50 feet; thence South 68°52'45" West, 10.00 feet; thence South 21°07'15" East, 18.50 feet; thence North 68°52'45" East, 10.00 feet to the Point of Beginning.

Containing 185 SF more or less.

PARCEL B-EASEMENT VACATION

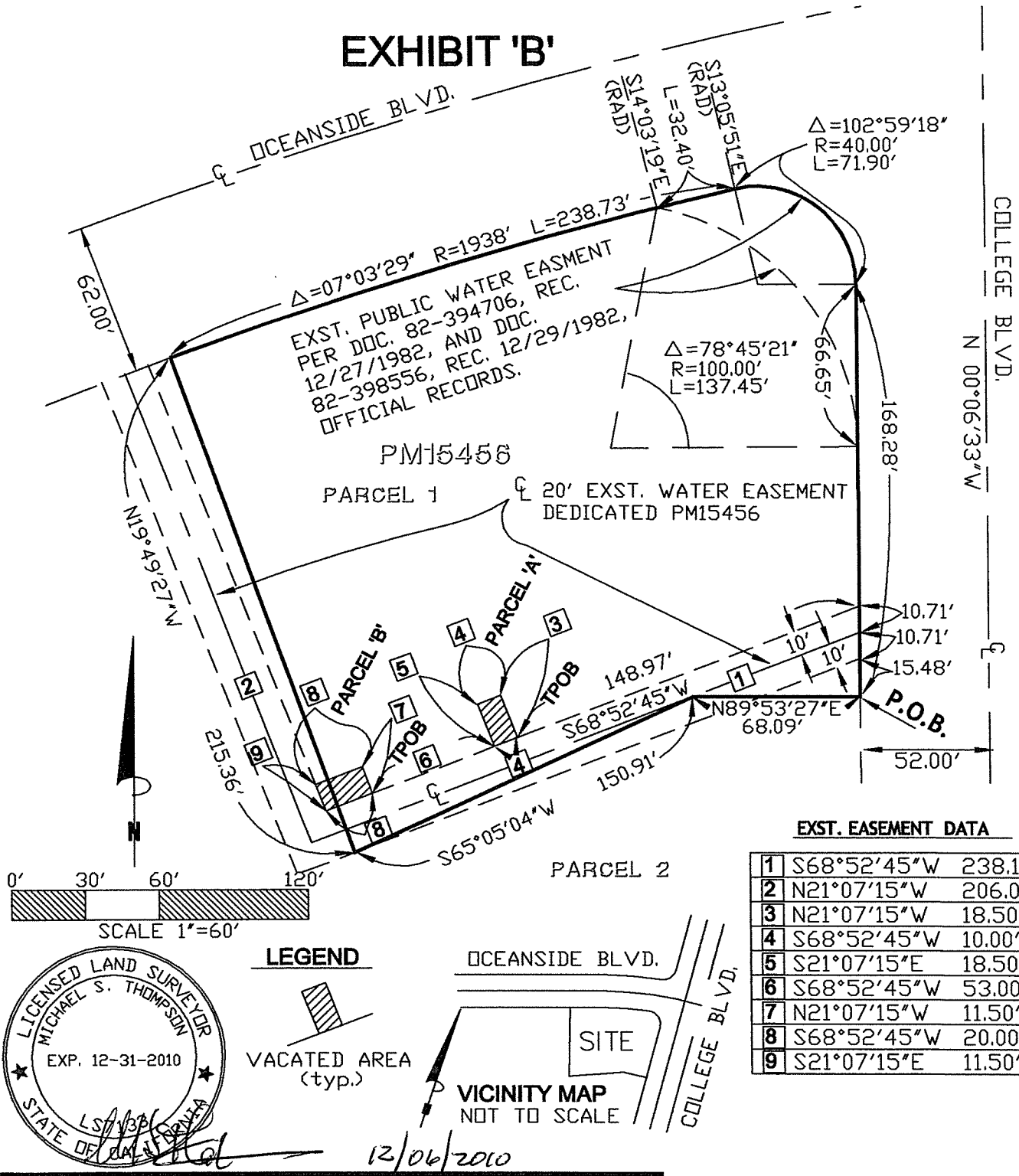
Beginning at the most Southeasterly corner of said Parcel 1, said point being on the Westerly Right-of-Way of College Boulevard; thence along said Right-of-Way North 00°06'33" West, 36.90 feet to the beginning of a 20' public water utility easement, as dedicated on said Parcel Map 15456, said point beginning the Northerly line of said easement; thence leaving said Right-of-Way along said line South 68°52'45" West, 211.97 feet to the **True Point of Beginning**; thence North 21°07'15" West, 11.50 feet; thence South 68°52'45" West, 20.00 feet; thence South 21°07'15" East, 11.50 feet; thence North 68°52'45" East, 20.00 feet to the Point of Beginning.

Containing 230 SF more or less.

PROFESSIONAL LAND SURVEYOR
MICHAEL S. THOMPSON
EXP. 12/31/10
LS7133
STATE OF CALIFORNIA

12/06/2010

EXHIBIT 'B'



EXST. EASEMENT DATA

1	S68°52'45"W	238.12'
2	N21°07'15"W	206.00'
3	N21°07'15"W	18.50'
4	S68°52'45"W	10.00'
5	S21°07'15"E	18.50'
6	S68°52'45"W	53.00'
7	N21°07'15"W	11.50'
8	S68°52'45"W	20.00'
9	S21°07'15"E	11.50'

OWNERS: SECOSW, LLC, a California Limited Liability Co. and COLLEGE/OCEANSIDE SOUTHWEST, LLC, A California Limited Liability Co.

SITE ADDRESSES: 4181 OCEANSIDE BLVD, OCEANSIDE, CA. and 4171 OCEANSIDE BLVD, OCEANSIDE, CA

SURVEYOR: LINEAR SURVEYS, 5972 Black Rail Rd. CARLSBAD, CA 92011 PH. 760-717-3848

CITY OF OCEANSIDE
ENGINEERING DIVISION
EASEMENT VACATION PLAT

APN: 162-241-18, 162-241-41	FILE NO. EASV10-00001	DATE: 12/06/2010	SHEET 1 OF 1