ITEM NO. 13

STAFF REPORT

CITY OF OCEANSIDE

DATE: November 19, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING STREET ACCESS TO A CITY OF VISTA PUBLIC PARK TO BE LOCATED NORTHEAST OF THE INTERSECTION OF MELROSE DRIVE AND OCEANSIDE BOULEVARD**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating street access to a future City of Vista public park located northeast of the intersection of Melrose Drive and 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 DRAS Realty, L.P., a California limited partnership, to vacate street access to a future City of Vista public park.

The proposed vacation is located northeast of the intersection of Melrose Drive and Oceanside Boulevard. Title to the estate underlying the proposed vacation is vested in Pacifica Realty II, L.P., a California limited partnership. The site does not have an address, but can be located on the San Diego County Assessor's Map using Assessor's Parcel Number (APN) 161-030-19.

The street access to a future City of Vista public park proposed to be vacated is a 60-foot right-of-way dedicated on Parcel Map Number 17266, recorded December 3, 1993. Said offer of dedication was rejected by the City Clerk of the City of Oceanside on said map and remains open for later acceptance pursuant to Subdivision Map Act Section 66477.2.

On November 14, 2006, the City Council of the City of Vista adopted Resolution No. 2006-P239 approving the tentative subdivision map for Adobe Estates containing 159 single-family residential lots, 8 open-space lots, and a private street located at 1980 North Santa Fe Avenue. One of the conditions placed upon the project was to obtain secondary access to the subdivision. The project design calls for access through the subject property and nearly overlapping the 1993 dedication. However, the new dedication identifies a 69.5-foot access road that complies with current City standards for ultimate right-of-way width and radii.

On September 10, 2007, the City of Oceanside Planning Commission adopted Resolution No. 2007-P44 approving a private collector road to provide secondary access to Adobe Estates in the City of Vista and ultimately, access to the future City of Vista public park.

The 60-foot street access proposed to be vacated will be replaced by the 69.5-foot dedication. The access will remain private until such time as the City sees fit to accept the dedication. The 69.5-foot offer of dedication has been submitted to the City of Oceanside for review and is currently in process.

ANALYSIS

The California Streets and Highways Code, section §8334 (a), authorizes the summary vacation of a street easement that has been determined to be excess and not required for street or highway purposes by the right-of-way holder. The 60-foot offer of dedication for future street access will be replaced by a 69.5-foot offer of dedication for future street access as required by City of Vista Resolution No. 2006-P239 and City of Oceanside Resolution No. 2007-P44. Therefore, there is no longer a need for the existing 60-foot offer of dedication and it is considered excess.

The California Streets and Highways Code, section §8334.5, authorizes the summary vacation of a street right-of-way provided there are no in-place public utility facilities that are in use and would be affected by the vacation. San Diego Gas and Electric, Cox Communications, and AT&T have indicated that they have no in-place public utility facilities that are in use that would be affected by the proposed vacation.

FISCAL IMPACT

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

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 street access to a future City of Vista public park located northeast of the intersection of Melrose Drive and 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

Scott O. Smith, City Engineer

Attachment:
Resolution
Exhibit A
Exhibit B (2 pages)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING STREET ACCESS TO A CITY OF VISTA PUBLIC PARK TO BE LOCATED NORTHEAST OF THE INTERSECTION OF MELROSE DRIVE AND OCEANSIDE BOULEVARD

WHEREAS, the California Streets and Highway Code, Section §8330 et seq., authorizes the City Council of the City of Oceanside to summarily vacate a public street;

WHEREAS, the street access to a future City of Vista public park located adjacent to Oceanside Boulevard to the South and the City boundary between the City of Vista and the City of Oceanside to the North and to the East is more particularly described in and shown on Exhibits "A" and "B", all attached hereto and made a part hereof by reference;

WHEREAS, California Streets and Highways Code, section §8334 (a), authorizes the summary vacation of a street right-of-way that has been determined to be excess and not required for street or highway purposes by the right-of-way holder;

WHEREAS, the 60 foot offer of dedication for future street access will be replaced by a 69.5 foot offer of dedication for future street access as required by City of Vista Resolution No. 2006-P239 and City of Oceanside Planning Commission Resolution No. 2007-P44. Therefore, there is no longer a need for the existing 60 foot offer of dedication and it is considered excess;

WHEREAS, the California Streets and Highways Code, section §8334.5, authorizes the summary vacation of a street right-of-way provided there are no in-place public utility facilities that are in use and would be affected by the vacation;

WHEREAS, San Diego Gas and Electric, Cox Communications, and AT&T have indicated that they have no in-place public utility facilities that are in use that would be affected by the proposed vacation; and

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WHEREAS, after consideration of all evidence submitted, the City Council finds and determines that the public right-of-way described in and shown on said Exhibits "A" and "B" has been determined to be excess and is 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 street right-of-way described in and shown on Exhibits "A" and "B" shall be and hereby is summarily vacated.

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 _____, 2008, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

CITY CLERK

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING FUTURE STREET ACCESS TO A FUTURE CITY OF VISTA PUBLIC PARK LOCATED NORTHEAST OF THE INTERSECTION OF MELROSE DRIVE AND OCEANSIDE BOULEVARD

PLAN NO. ROWV-04-2007
FILE NO. D-26-05
APN. 161-030-19

EXHIBIT "A"
LEGAL DESCRIPTION
(EXISTING IRREVOCABLE OFFER OF DEDICATION TO BE VACATED)

BEING ALL OF THAT EXISTING IRREVOCABLE OFFER OF DEDICATION AS SHOWN AND DESCRIBED OVER THE EASTERLY 60.00 FEET OF PARCEL "A", IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARCEL MAP THEREOF NO. 17266, AS FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON DECEMBER 3, 1993.

THE HEREINABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.904 ACRE MORE OR LESS.

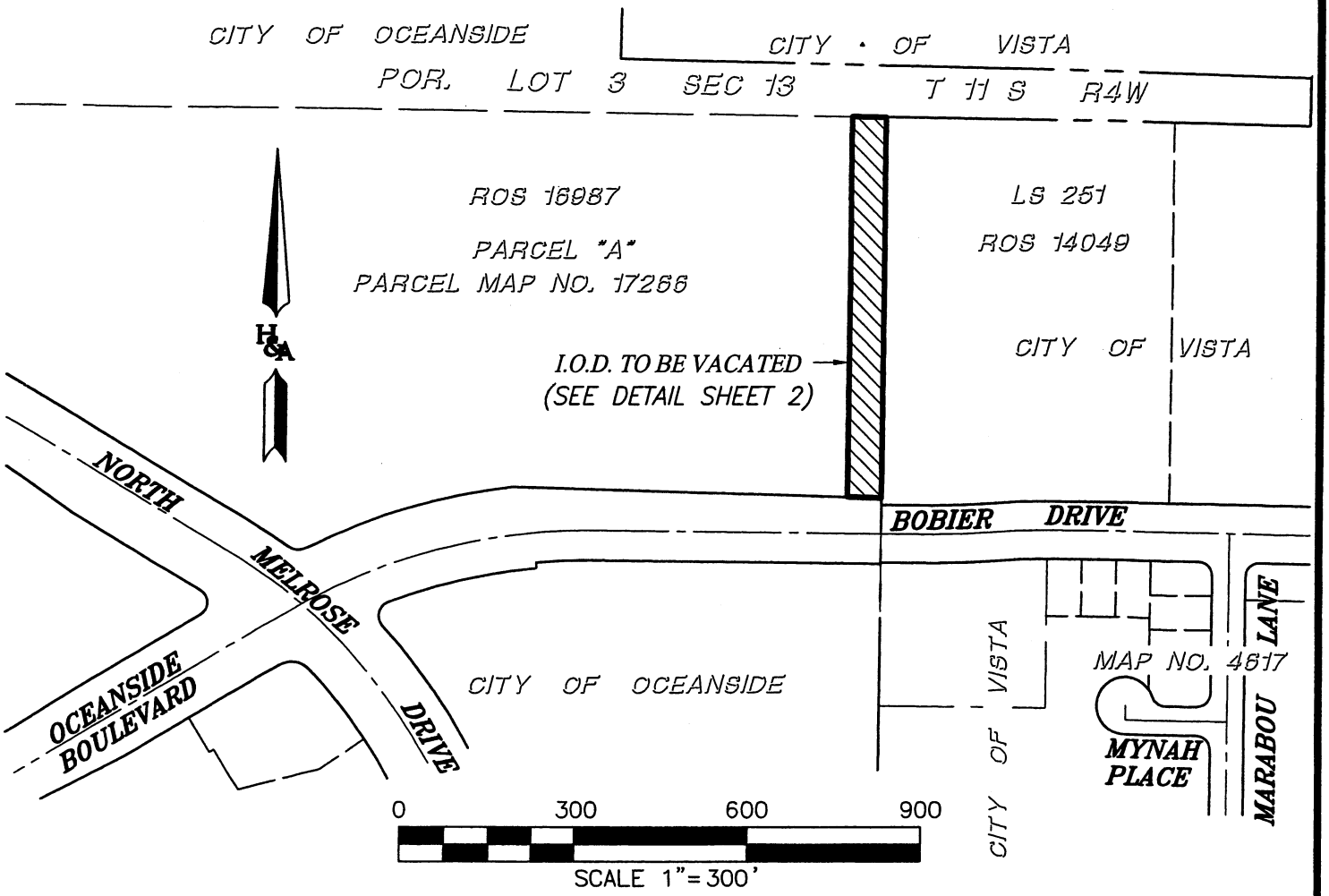
David W. Ambler 4/14/2008

DAVID W. AMBLER P.L.S. 7322
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

LICENSED LAND SURVEYOR
DAVID W. AMBLER
No. 7322
Exp. 12/31/09
STATE OF CALIFORNIA

EXHIBIT "B"

SHEET 1 OF 2

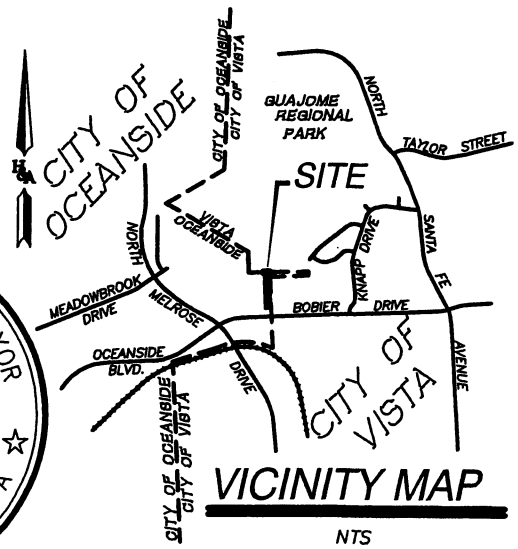


LEGEND

INDICATES IRREVOCABLE OFFER OF DEDICATION TO BE VACATED.

INDICATES CITY CORPORATION LINE

( ) INDICATES PER PM NO. 17266



VICINITY MAP

NTS

LICENSED LAND SURVEYOR
DAVID W. AMBLER
L.S. 7322
Exp. 12-31-09
STATE OF CALIFORNIA

4/14/2008

DAVID W. AMBLER
EXP. 12/31/09

L.S. 7322

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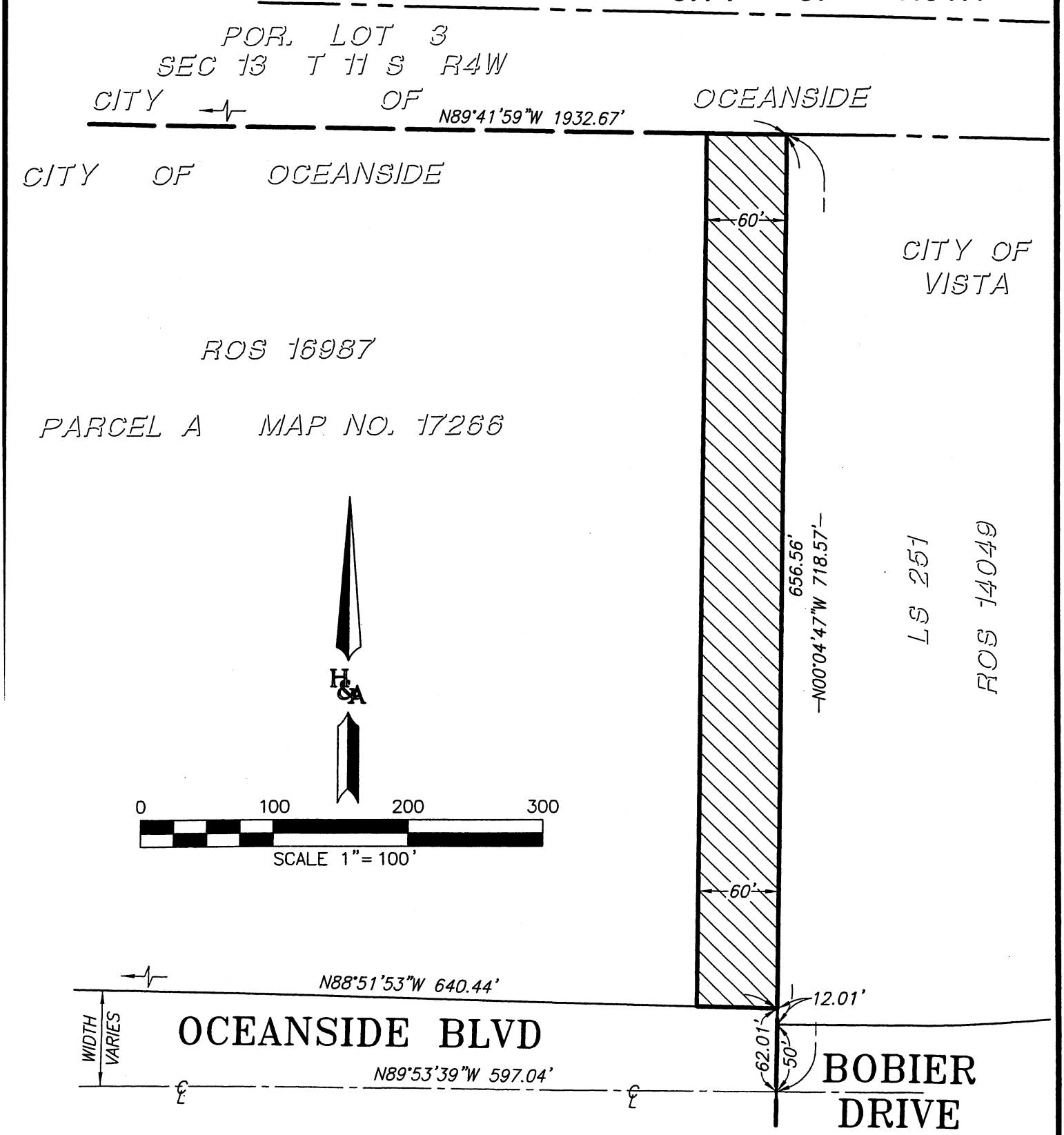
W.O. 2374-7

CITY OF OCEANSIDE	EXHIBIT "B"
EXISTING IRREVOCABLE OFFER OF DEDICATION TO BE VACATED CONTAINING 0.904 ACRES	ROWV-04-2007

EXHIBIT "B"

SHEET 2 OF 2



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W.O. 2374-7

	CITY OF OCEANSIDE	EXHIBIT "B"
	EXISTING IRREVOCABLE OFFER OF DEDICATION TO BE VACATED CONTAINING 0.904 ACRES	ROWV-04-2007