ITEM NO. 16

STAFF REPORT

CITY OF OCEANSIDE

DATE: December 5, 2007

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING A PUBLIC WATER EASEMENT LOCATED AT 1825 CORPORATE CENTER DRIVE**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a public water easement located at 1825 Corporate Center Drive 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 Innovative Development Enterprises, Inc., owner, proposing the vacation of a public water easement. The public water easement was dedicated to the City of Oceanside on Parcel Map No. 19882, filed in the office of the County Recorder of San Diego County on November 10, 2005. The easement lies at 1825 Corporate Center Drive.

The Developer did not have the on-site sprinkler system designed to accommodate the existing water pressure available to the site. The original calculations for the fire flow assumed available water pressure of 126 psi, but the true pressure turned out to be 80 psi. As a result, the Developer had to install a fire pump in order to provide adequate fire protection. Rather than redesign and reconstruct the public facilities, the Developer chose to designate the system as private, assume maintenance responsibilities, and vacate the City easement. The private water system alignment is the same as the previously proposed public system.

ANALYSIS

The California Streets and Highways Code provides the City Council with the authority to summarily vacate an easement that has been determined to be excess by the easement holder and when there are no other public facilities located in the easement.

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 referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution summarily vacating a public water easement located at 1825 Corporate Center Drive and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:

Gary Smith
Associate Civil Engineer

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager

Lauren Wasserman, Interim Development Services Director

Scott O. Smith, City Engineer

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING A PUBLIC WATER LINE EASEMENT LOCATED AT 1825 CORPORATE CENTER DRIVE

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 service easement;

WHEREAS, the 20 foot wide water line easement to be vacated is located at 1825 Corporate Center Drive and is 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 Highway Code, section §8333 (c), authorizes the summary vacation of a water line easement that has been determined to be excess by the easement holder, and there are no other public facilities located at the easement.

WHEREAS, there are no public facilities located at 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 public water line easement described in said Exhibit "A" and shown on Exhibit "B" has been determined to be excess by the easement holder 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 water line easement described in said Exhibit "A" and shown on Exhibit "B" shall be and hereby is 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 _____, 2007, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Mayor of the City of Oceanside

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

_____, DCA
City Attorney

ATTEST:

_____
City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING A PUBLIC WATER LINE EASEMENT LOCATED AT 1825 CORPORATE CENTER DRIVE

EXHIBIT "A"

PUBLIC WATERLINE EASEMENT VACATION

LEGAL DESCRIPTION

ALL THAT PORTION OF PARCEL 3 OF PARCEL MAP NO. 19882 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 10, 2005, BEING A STRIP OF LAND 20.00 FEET IN WIDTH LYING 10.00 FEET ON EACH SIDE OF AND PARALLEL WITH THE FOLLOWING DESCRIBED CENTERLINES:

BEGINNING AT A POINT ON THE NORTHERLY LINE OF SAID PARCEL 3 DISTANT THEREON NORTH 68°25'00" EAST 30.00 FEET FROM THE NORTHWEST CORNER THEREOF, SAID POINT HEREINAFTER REFERRED TO AS POINT "A"; THENCE LEAVING SAID NORTHERLY LINE ALONG SAID CENTERLINE PARALLEL WITH THE WESTERLY LINE OF SAID PARCEL 3 SOUTH 21°35'00" EAST 283.79 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "B"; THENCE CONTINUING SOUTH 21°35'00" EAST 60.00 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "C"; THENCE NORTH 68°24'08" EAST 265.50 FEET TO A POINT HEREINAFTER REFERRED TO AS POINT "D"; THENCE CONTINUING NORTH 68°24'08" EAST 74.05 FEET; THENCE NORTH 17°23'19" EAST 25.64 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID PARCEL 3, SAID POINT BEING ON A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 958.00 FEET TO WHICH A RADIAL LINE BEARS NORTH 62°55'23" EAST.

ALSO: BEGINNING AT ABOVE MENTIONED POINT "B"; THENCE NORTH 68°25'00" EAST 28.00 FEET TO A POINT OF TERMINATION.

BEGINNING AT ABOVE MENTIONED POINT "C"; THENCE SOUTH 68°24'08" WEST 30.00 FEET TO THE WESTERLY LINE OF SAID PARCEL 3.

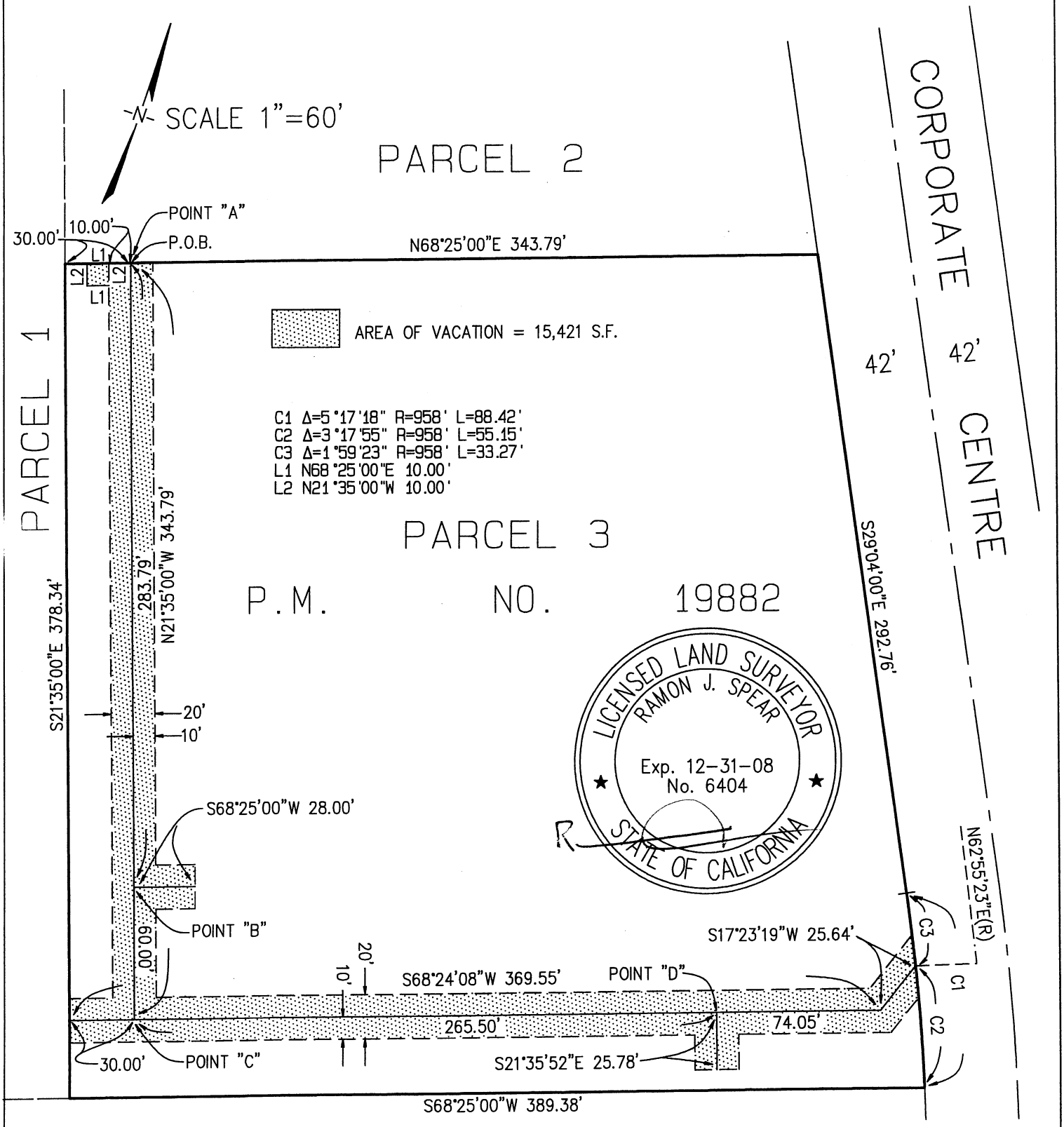
BEGINNING AT ABOVE MENTIONED POINT "D"; THENCE SOUTH 21°35'52" EAST 25.78 FEET TO A POINT OF TERMINATION.

THE SIDELINES OF SAID STRIPS OF LAND SHALL BE LENGTHENED OR SHORTENED TO MEET AT ALL LOT LINES AND ANGLE POINTS.

ALSO: THAT PORTION OF SAID PARCEL 3 DESCRIBED AS FOLLOWS: BEGINNING AT ABOVE MENTIONED POINT "A"; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 3 SOUTH 68°25'00" WEST 10.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 68°25'00" WEST 10.00 FEET; THENCE LEAVING SAID NORTHERLY LINE PARALLEL WITH THE WESTERLY LINE OF SAID PARCEL 3 SOUTH 21°35'00" EAST 10.00 FEET; THENCE PARALLEL WITH SAID NORTHERLY LINE NORTH 68°25'00" EAST 10.00 FEET; THENCE PARALLEL WITH SAID WESTERLY LINE NORTH 21°35'00" WEST 10.00 FEET TO THE TRUE POINT OF BEGINNING.

LICENSED LAND SURVEYOR
RAMON J. SPEAR
Exp. 12-31-08
No. 6404
STATE OF CALIFORNIA

EXHIBIT "B"



OWNER: HK ADVISORS, LLC	CITY OF OCEANSIDE PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION
SITE ADDRESS: 1825 CORPORATE CENTER DR., OCEANSIDE CA	
ENGINEER: SPEAR & ASSOCIATES, INC., 475 PRODUCTION STREET SAN MARCOS, CA 92078 PH: 760-736-2040	EASEMENT VACATION PLAT
APN# 160-571-39 | FILE # EASV-004-2007	DATE: 10/11/07 SHEET 1 OF 1