

STAFF REPORT



ITEM NO. 19

CITY OF OCEANSIDE

DATE: February 21, 2007

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING A PUBLIC STORM DRAIN EASEMENT– LOT 113, MAP NO. 14750 MORRO HILLS VILLAGES C & D**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a 20-foot-wide storm drain easement comprising approximately 3,674 square feet within Lot 113 of Morro Hills Villages C and D, located east of the intersection of Douglas Drive and Village 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 Arrowood Recreation, LLC, owner, proposing the vacation of a 20-foot-wide public storm drain easement located on Lot 113 of Morro Hills Villages C and D, dedicated on Map No. 14750. The easement has not been used for the purpose for which it was intended. There is an existing storm drain in the area that was built by the developer and it is for private use only. There are no other existing public utilities in the easement. The proposed vacation contains approximately 3674 square feet.

ANALYSIS

The State of California Public Streets, Highways and Service Easements Vacation Law provides the City Council with the authority to summarily vacate an easement that has not been used for the purpose for which it was intended, provided there are no other public facilities located within 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.

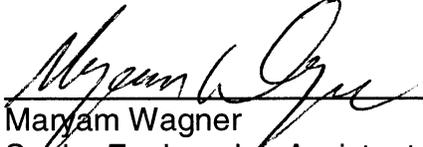
CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATION

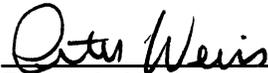
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PREPARED BY:



Marjam Wagner
Senior Engineering Assistant

SUBMITTED BY:



Peter A. Weiss
Interim City Manager

REVIEWED BY:

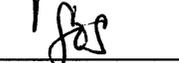
Michelle Skaggs-Lawrence, Deputy City Manager

Joseph Arranaga, Acting Deputy Public Works Director

Scott O. Smith, Acting City Engineer







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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING A STORM DRAIN EASEMENT LOCATED ON LOT 113 OF MAP NO. 14750

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 storm drain easement to be vacated is located over Lot 113 of the Map No. 14750 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 (a), authorizes the summary vacation of a storm drain easement that has not been used for the purpose for which it was intended, provided there are no other public facilities located within the easement.

WHEREAS, there are no public facilities located 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 storm drain easement described in said Exhibit "A" and shown on Exhibit "B" has not been used for the purpose for which it was intended 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 storm drain easement described in said Exhibit "A" and shown on Exhibit "B" shall be and hereby is summarily vacated.

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

5 PASSED AND ADOPTED by the City Council of the City of Oceanside,
6 California this _____ day of _____, 2007, by
7 the following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Mayor of the City of Oceanside

14 APPROVED AS TO FORM:
15 OFFICE OF THE CITY ATTORNEY

16 _____
17 *Andrew Hamilton, Ass't.*
18 City Attorney

19 ATTEST:

20 _____
21 City Clerk

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE CALIFORNIA SUMMARILY VACATING A STORM
DRAIN EASEMENT LOCATED ON LOT 113 OF MAP NO. 14750**

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EXHIBIT "A"

STORM DRAIN EASEMENT VACATION
(Lot 113 of Map 14750 of Morro Hills Village C-D)
EAS-VAC-06-002

That certain storm drain easement shown on Lot 113 of Morro Hills Village C-D, in the City of Oceanside, County of San Diego, State of California, according to Map No. 14750 filed in the Office of the San Diego County Recorder, more particularly described as follows:

Beginning at point on the Easterly line of said Lot 113, being the Southerly terminus of that course shown as North 08°51'20" East 151.26 feet; thence along said Easterly line South 20°55'58" East 0.71 feet; thence North 75°41'27" West 182.03 feet to the Westerly line of said Lot 113 and the beginning of a non-tangent 320.00 foot radius curve concave Easterly, to which a radial line bears South 86°36'37" West; thence along said Westerly line Northerly along the arc of said curve through a central angle of 03°43'23" a distance of 20.79 feet; thence South 75°41'27" East 185.44 feet to said Easterly line; thence along said Easterly line South 08°51'20" West 19.51 feet (18.40 feet per Map No. 14750) to the Point of Beginning.

Containing 0.084 acres, more or less.



Richard V. Berry 1-08-07
Richard V. Berry, L.S. 5765 Date

