ITEM NO. 20

STAFF REPORT

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 WATER LINE EASEMENT– LOCATED ON LOTS 4 AND 18 OF MAP NO. 14562 AND PARCEL "A" OF PLA-20-05 PER DOC NO. 2006-0349972**

SYNOPSIS

Staff recommends that the City council adopt a resolution summarily vacating portions of water line easements located within the northerly portion of the Morro Hills Golf Course, which are superseded by the relocation of the waterline into Village Drive, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County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 Richland Properties, Inc., owner, proposing the vacation of those portions of water line easements acquired by the City of Oceanside by Quit Claim Deed Document recorded on January 28, 2000, as Document No. 2000-0044451, attachments "L" and "M" of San Diego County Official Records.

The above easements lie within Lots 4 and 18 of the Map No. 14562, on file in the office of the San Diego County Recorder and Parcel "A" of Certificate of Compliance in the City of Oceanside for Lot Line Adjustment No. PLA-20-05, recorded May 27, 2006, as File No. 2006-0349972 of San Diego County Official Records.

With development of the Morro Hills Golf Course and completion of all improvements on Village Drive per improvement plan No. R-12179, the existing water lines were relocated to Village Drive. There are no other public facilities located in the area to be vacated.

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Easements Vacation Law provides the City Council with the authority to summarily vacate an easement that has been superseded by relocation, provided there are no other public facilities located within the easement.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

Staff recommends that the City council adopt a resolution summarily vacating portions of water line easements located within the northerly portion of the Morro Hills Golf Course, which are superseded by the relocation of the waterline into Village Drive, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:

Maryam 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

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING A WATER LINE EASEMENT LOCATED ON MORRO HILLS GOLF COURSE

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 and 40 foot wide water line easement to be vacated is located over Lots 4 and 18 of the Map No. 14562, on file in the office of the San Diego County Recorder and Parcel "A" of Certificate of Compliance in the City of Oceanside for Lot Line adjustment No. PLA-20-05, recorded May 27, 2006 as File No. 2006-0349972 of San Diego County Official Records 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 superseded by relocation, provided there are no other public facilities located within the easement.

WHEREAS, the 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 water line easement described in said Exhibit "A" and shown on Exhibit "B" has been superseded by relocation 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 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

_____
City Attorney

ATTEST:

_____
City Clerk

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING A WATER LINE EASEMENT LOCATED ON MORRO HILLS GOLF COURSE

J-12345J

EXHIBIT "A"

WATER EASEMENT VACATION
(Morro Hills Golf Course)
EAS –VAC-06-005

Those portions of those certain water easements to San Diego County Water Authority acquired by the City of Oceanside by quitclaim document recorded January 28, 2000 as Document No. 2000-0044451 Attachments "L" and "M", of San Diego County Official Records, **lying within** the land more particularly described as follows:

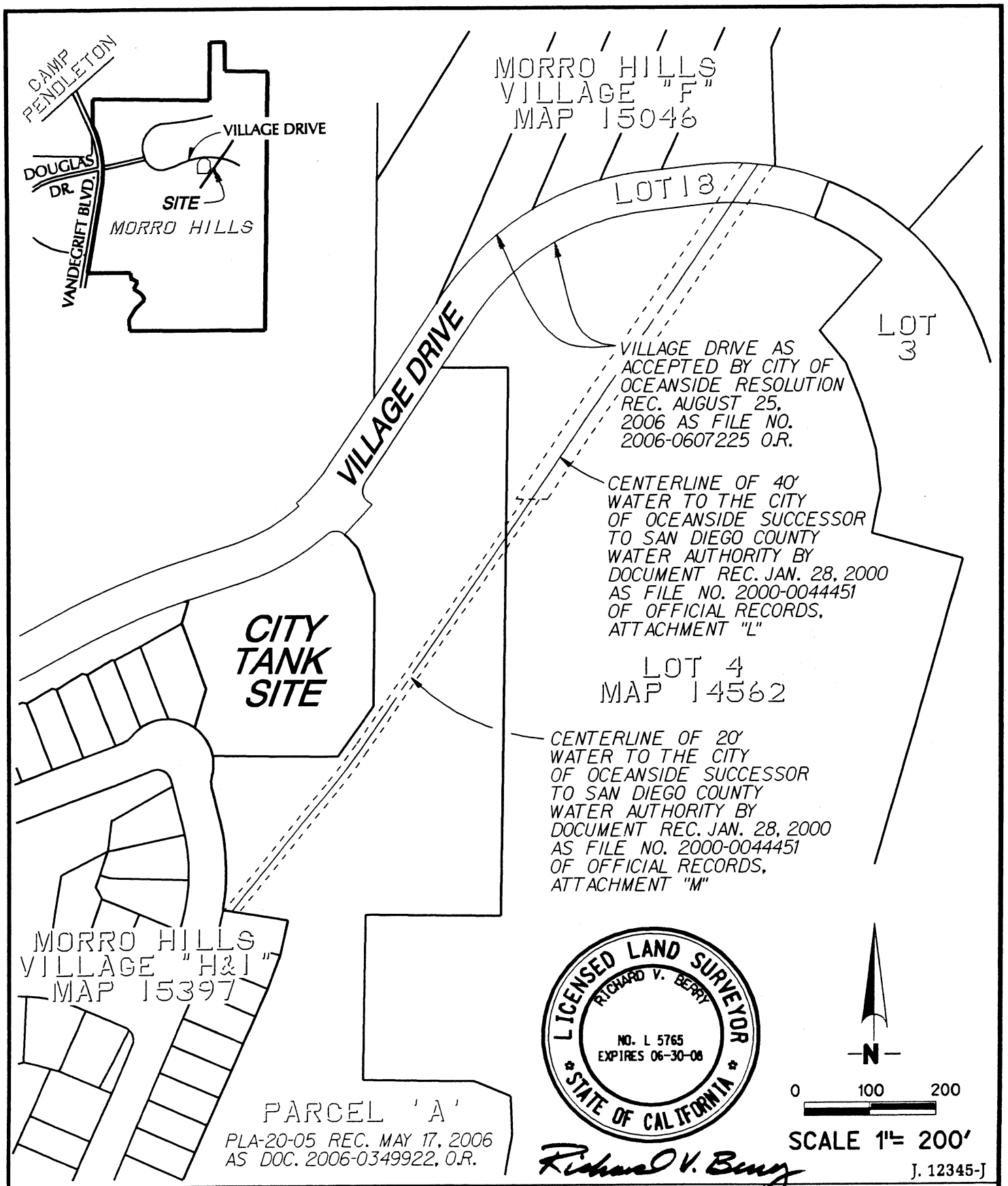
Lots 4 and 18 in the City of Oceanside, County of San Diego, State of California, according to Map No. 14562 on file in the Office of the San Diego County Recorder and Parcel "A" in the City of Oceanside, County of San Diego, State of California, according to the Certificate of Compliance for Lot Line Adjustment No. PLA-20-05 recorded May 17, 2006 as File No. 2006-0349972 of San Diego County Official Records.

Richard V. Berry 1-08-07

Richard V. Berry, L.S. 5765 Date

LICENSED LAND SURVEYOR
RICHARD V. BERRY
No. 5765
Exp. 06-30-08
STATE OF CALIFORNIA

Jb/12345j.027



REVISION	BY	APRROVED	DATE

CITY OF OCEANSIDE

WATER EASEMENT VACATION

EAS-VAC-06-005

EXHIBIT "B"

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