

STAFF REPORT



ITEM NO. **11**
CITY OF OCEANSIDE

DATE: March 7, 2007

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING THE REVERSION TO ACREAGE OF MAPS 10215, THE TIMBERS UNIT 1; 10216, THE TIMBERS UNIT 2; 10217, THE TIMBERS UNIT 3; AND 10218, THE TIMBERS UNIT 4; AUTHORIZATION TO RECORD THE PARCEL MAP REVERTING THE PROPERTY TO ACREAGE**

SYNOPSIS

Staff recommends that the City Council adopt the resolution for reversion to acreage of Maps 10215, The Timbers Unit 1; 10216, The Timbers Unit 2; 10217, The Timbers Unit 3; and 10218, The Timbers Unit 4 and authorize the recordation of the parcel map reverting the properties to acreage.

BACKGROUND

The Timbers Units 1-4 are a 4-lot residential project on 9.235 acres located on Los Arbolitos Boulevard east of Fredricks Avenue. The owner of the properties is Timbers Apartments, a Limited Partnership. Exhibit A is a vicinity map showing the project sites.

On February 27, 1980, the Planning Commission adopted Resolution No. 80-57 approving the Tentative Map.

State law and the Oceanside Subdivision Ordinance authorize the reversion of certain subdivided lands to acreage. Proceedings to accomplish a reversion can be initiated either by the property owner or at the direction of the City Council. For this project, the owner did not meet the resolution timeline requirements to convert the apartments to condominiums and is therefore required to revert the properties to acreage.

ANALYSIS

Section 1004 of the Oceanside Subdivision Ordinance provides that the City Council may approve reversion to acreage based upon certain findings:

- 1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

2) Either:

- a) all owners of an interest in the real property within the subdivision have consented to reversion; or
- b) none of the improvements required to be made have been made within two years from the date the final map or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- c) no lots shown on the final or parcel map or portions thereof have been sold within five years from the date such map was filed for record.

Engineering Division staff has obtained the title report which confirms ownership of the property and that none of the lots has been sold. There are no encumbrances on the property.

Reversion of the property meets the requirements as outlined above. Staff has evaluated the parcel map and determined that the reversion to acreage should proceed. The reversion effectively returns the property to undivided property status.

FISCAL IMPACT

The developer has paid the required processing fees associated with the parcel map.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

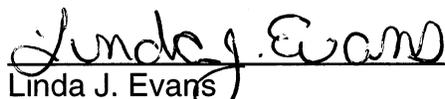
The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

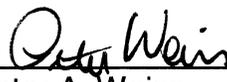
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PREPARED BY:

SUBMITTED BY:



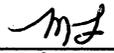
Linda J. Evans
Principal Engineering Staff Assistant



Peter A. Weiss
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



Joseph Arrañaga, Acting Deputy Public Works Director



Scott O. Smith, Acting City Engineer



Exhibit A

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE FOR THE REVERSION TO ACREAGE OF FINAL MAPS 10215, THE TIMBERS UNIT 1; 10216, THE TIMBERS UNIT 2; 10217, THE TIMBERS UNIT 3; AND 10218, THE TIMBERS UNIT 4

WHEREAS, on August 18, 1981, the Final Maps 10215, The Timbers Unit 1; 10216, The Timbers Unit 2; 10217, The Timbers Unit 3; and 10218, The Timbers, Unit 4 were recorded by the San Diego County Recorder; and

WHEREAS, pursuant to Section 66499.12 of the Government Code and Section 1001 of the Oceanside Subdivision Ordinance, the City Council can revert a subdivision to acreage at the request of the owners; and

NOW, THEREFORE, the City Council of the City of Oceanside does resolve the following:

SECTION 1. That all owners of an interest in the real property within The Timbers Unit 1; The Timbers Unit 2; The Timbers Unit 3; and The Timbers Unit 4 have consented to reversion.

SECTION 2. That none of the improvements required to make the property converted from apartments to condominiums have been made within the time allowed from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements.

SECTION 3. That no lots shown on Final Maps 10215, 10216, 10217, and 10218 or portion thereof have been sold within five years from the date such map was filed for record.

SECTION 4. That the real property described in Final Maps 10215, The Timbers Unit 1; 10216, The Timbers Unit 2; 10217, The Timbers Unit 3; and 10218, The Timbers Unit 4 are hereby reverted to acreage.

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

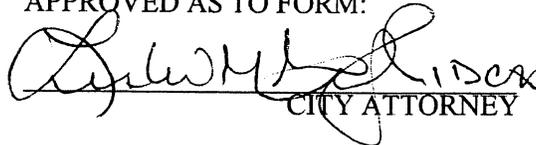
- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

APPROVED AS TO FORM:

CITY CLERK


CITY ATTORNEY

VICINITY MAP

NOT TO SCALE

