

STAFF REPORT



ITEM NO. 12
CITY OF OCEANSIDE

DATE: April 15, 2009
TO: Honorable Mayor and City Councilmembers
FROM: Development Services Department
SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING PUBLIC SEWER LINE EASEMENTS LOCATED ON PARCELS 1, 2, 3, 11 & 12 OF PARCEL MAP NO. 20077**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating portions of sewer line easements located within Rock-Sea, LLC, property located at Seagate Corporate Center, being Parcels 1, 2, 3, 11 & 12 of Parcel Map No. 20077, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

BACKGROUND

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 determined to be excess, provided there are no other public facilities located within the easement.

The City has received a request from Rock-Sea, LLC, owner, proposing the vacation of portions of sewer line easements acquired by the City of Oceanside by grant of easement dedicated on Parcel Map No. 20077, recorded on August 14, 2006, as Document No. 2006-0577840 of Official Records of San Diego County.

The development of the new medical building, known as the VA Clinic, totaling 83,400 square feet with associated parking on parcels 1, 2, & 12 of said map, was reviewed by the Planning Commission and was approved per Resolution No. 2008-P70. The design and layout of the new building requires new alignment and easement for the sewer line, thus eliminating the need for the existing easements dedicated per Parcel Map 20077.

The Legal Description of the proposed easement area to be vacated is described on Exhibit "A" and is shown on Exhibit "B" attached hereon.

The proposed easements are determined to be excess and 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 determined to be excess, 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 sewer line easements located within Rock-Sea, LLC, property located at Seagate Corporate Center, being Parcels 1, 2, 3, 11 & 12 of Parcel Map No. 20077, 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
City Manager

Michelle Skaggs Lawrence, Deputy City Manager

George Buell, Development Services Director

Scott O. Smith, City Engineer







Attachments:
Exhibit "A" & "B"

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
3 accordance with the provisions of Section §8336 of the Streets and Highways Code.
4 Upon such recordation, the vacation is complete.

5 PASSED AND ADOPTED by the City Council of the City of Oceanside,
6 California this _____ day of _____, 2009, by
7 the following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12
13 _____
14 MAYOR OF THE CITY OF OCEANSIDE

15 ATTEST:

16 APPROVED AS TO FORM:

17
18 _____
19 CITY CLERK

20
21 
22 _____
23 CITY ATTORNEY

24
25
26 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE**
27 **CALIFORNIA SUMMARILY VACATING A WATER LINE EASEMENT**
28 **LOCATED ON PARCEL 1, 2, 3, 11 & 12 OF PARCEL MAP 20077**

EXHIBIT "A"

**LEGAL DESCRIPTION
SANITARY SEWER VACATION EASV-02-2009**

Portions of that sanitary sewer easement granted to the City of Oceanside per Parcel Map No. 20077, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, August 14, 2006, described as follows:

PARCEL A

A strip of land 20.00 feet wide, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the southeast corner of Parcel 2 of said Parcel Map; thence along the easterly line of said Parcel 2, North 00°00'00" East 40.08 feet to a point on a non-tangent curve concave southerly and having a radius of 621.90 feet, a radial line of said curve from said point bears South 03°30'22" West, said point also being on the northerly line of a 30.00 foot wide sanitary sewer easement as shown on said Parcel Map No. 20077; thence along said northerly line and said curve westerly 37.04 feet through a central angle of 03°24'46" to the **TRUE POINT OF BEGINNING**; thence non-tangent from said curve North 00°04'28" East 49.15 feet; thence South 88°53'54" West 281.65 feet to Point 'A'; thence continuing South 88°53'54" West 36.92 feet to the **POINT OF TERMINUS**.

The sidelines of said strip shall be prolonged or shortened so as to terminate southerly in the northerly line of said 30.00 foot wide sanitary sewer easement.

ALSO

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

BEGINNING at the above described Point 'A'; thence North 01°06'06" West 28.57 feet to the **POINT OF TERMINUS**.

CONTAINING: 0.171 Acres, more or less.

Exhibit "A"

PARCEL B

BEGINNING at the westerly terminus of that certain course shown as "North 88°36'53" West 13.84 feet" on the centerline of the sanitary sewer easement in Parcel 3 of said Parcel Map; thence South 01°23'07" West 10.00 feet to the southerly sideline of said sanitary sewer easement; thence along the sidelines of said sanitary sewer easement, North 88°36'53" West 4.15 feet; thence North 43°30'00" West 77.10 feet; thence North 88°11'50" West 495.09 feet; thence South 01°48'10" West 25.00 feet; thence North 88°11'50" West 5.00 feet; thence North 01°48'10" East 45.00 feet; thence South 88°11'50" East 296.11 feet; thence North 01°48'10" East 16.58 feet; thence South 88°11'50" East 5.00 feet; thence South 01°48'10" West 16.58 feet; thence South 88°11'50" East 207.20 feet; thence South 43°30'00" East 77.01 feet; thence North 88°36'53" West 4.15 feet; thence leaving said sideline, South 01°23'07" West 10.00 feet to the **POINT OF BEGINNING**.

CONTAINING: 0.272 Acres, more or less.

PARCEL C

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

COMMENCING at the southeast corner of Parcel 2 of said Parcel Map; thence along the easterly line of said Parcel 2, North 00°00'00" East 40.08 feet to a point on a non-tangent curve concave southerly and having a radius of 621.90 feet, a radial line of said curve from said point bears South 03°30'22" West, said point also being on the northerly line of a 30.00 foot wide sewer easement as shown on said Parcel Map; thence along said northerly line and said curve westerly 50.01 feet through a central angle of 04°36'28"; thence tangent from said curve South 88°53'54" West 74.20 feet to the **TRUE POINT OF BEGINNING**; thence North 01°30'00" West 8.44 feet to the **POINT OF TERMINUS**.

The sidelines of said strip shall be prolonged or shortened so as to terminate southerly in the northerly line of said 30.00 foot wide sewer easement.

CONTAINING: 42 sq.ft., more or less.

Exhibit "A"

PARCEL D

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

COMMENCING at the southeast corner of Parcel 2 of said Parcel Map; thence along the easterly line of said Parcel 2, North 00°00'00" East 40.08 feet to a point on a non-tangent curve concave southerly and having a radius of 621.90 feet, a radial line of said curve from said point bears South 03°30'22" West, said point also being on the northerly line of a 30.00 foot wide sewer easement as shown on said Parcel Map; thence along said northerly line and said curve westerly 50.01 feet through a central angle of 04°36'28"; thence tangent from said curve South 88°53'54" West 299.07 feet to the **TRUE POINT OF BEGINNING**; thence North 01°06'06" West 13.00 feet to the **POINT OF TERMINUS**.

The sidelines of said strip shall be prolonged or shortened so as to terminate southerly in the northerly line of said 30.00 foot wide sewer easement.

CONTAINING: 65 sq.ft., more or less.

PARCEL E

A strip of land 20.00 feet wide, lying 10.00 feet on each side of the following described centerline:

COMMENCING at the southeast corner of said Parcel 2 of said Parcel Map; said corner being a point on a non-tangent curve concave southerly and having a radius of 581.90 feet, a radial line of said curve from said point bears South 03°44'51" West; thence along the common lot line of Parcels 2 and 12 of said Parcel Map and said curve westerly 37.56 feet through a central angle of 03°41'54"; thence non-tangent from said curve South 88°30'00" West 0.15 feet to the **TRUE POINT OF BEGINNING**; thence South 00°34'10" West 8.53 feet; thence South 21°55'50" East 11.74 feet to the beginning of a tangent curve concave northeasterly and having a radius of 200.00 feet; thence along said curve southeasterly 31.11 feet through a central angle of 08°54'46" to Point 'B'; thence continuing along said curve southeasterly 2.29 feet through a central angle of 00°39'24"; thence tangent from said curve South 31°30'00" East 6.25 feet to Point 'C'; thence continuing South 31°30'00" East 131.40 feet; thence South 58°30'00" West 190.04 feet to Point 'D'; thence continuing South

Exhibit "A"

58°30'00" West 37.72 feet to Point 'E'; thence continuing South 58°30'00" West 2.50 feet to the **POINT OF TERMINUS**.

The sidelines of said strip shall be prolonged or shortened so as to terminate northerly in the common lot line of said Parcels 2 and 12 of said Parcel Map.

ALSO

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

BEGINNING at the above described Point 'B'; thence South 58°30'00" West 25.69 feet to the **POINT OF TERMINUS**.

ALSO

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

BEGINNING at the above described Point 'C'; thence South 58°30'00" West 16.33 feet to the **POINT OF TERMINUS**.

ALSO

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

BEGINNING at the above described Point 'D'; thence South 31°30'00" East 24.34 feet to the northerly line of the 30.00 foot wide water easement as shown on said Parcel Map.

The sidelines of said strip shall be prolonged or shortened so as to terminate southerly in said northerly line.

ALSO

A strip of land 5.00 feet wide, lying 2.50 feet on each side of the following described centerline:

BEGINNING at the above described Point 'E'; thence North 31°30'00" West 17.27 feet to the **POINT OF TERMINUS**.

CONTAINING: 0.203 Acres, more or less.

Exhibit "A"

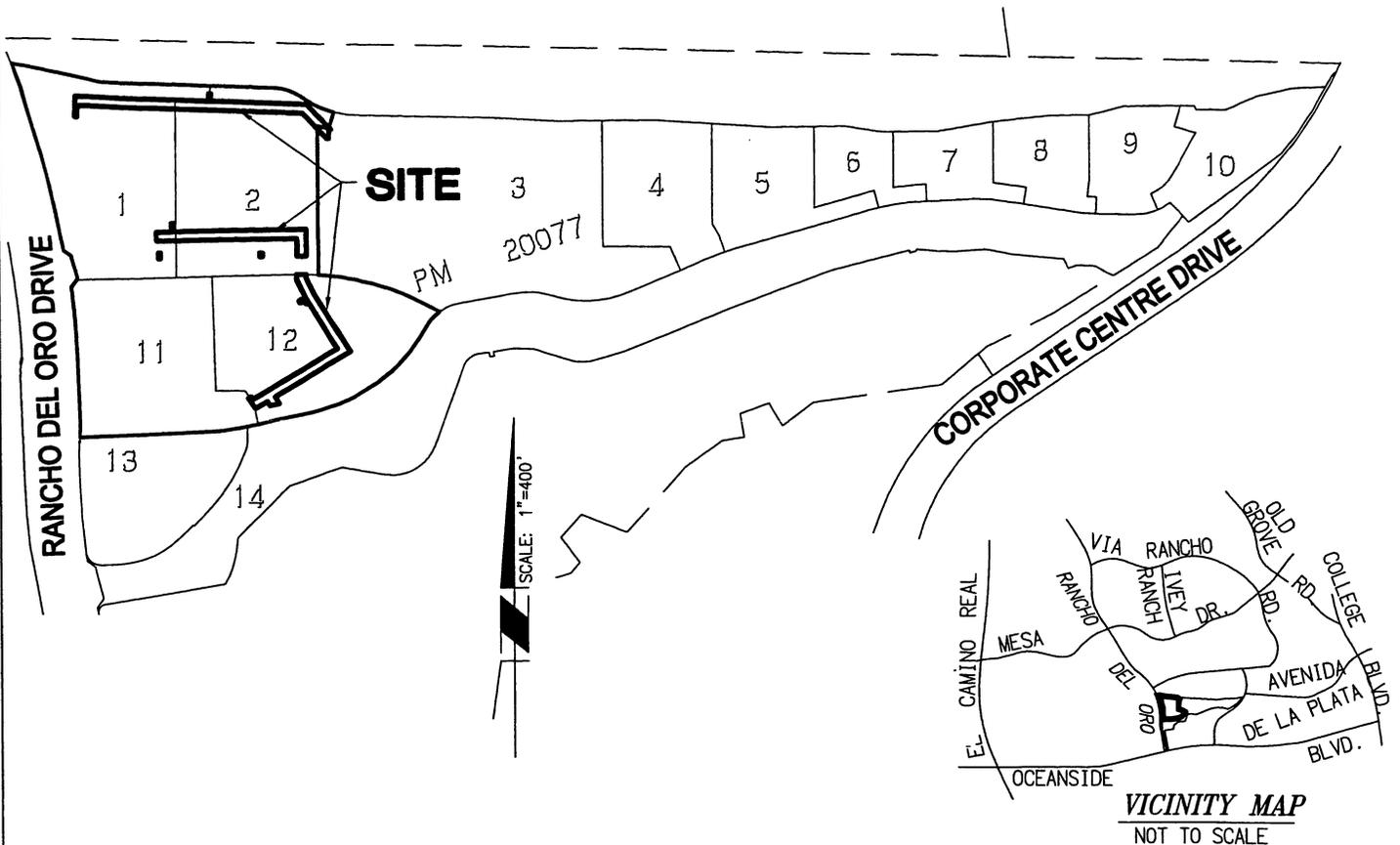
SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof.

 3.10.09

Stephen R. Hawxhurst PLS 7355 Date
Expires 12/31/2009

EXHIBIT "B"



EASEMENT NOTES:

- (A) INDICATES A RECIPROCAL ACCESS EASEMENT AS SHOWN ON PARCEL MAP NO. 20077.
- (B) INDICATES A PRIVATE UTILITY EASEMENT AS SHOWN ON PARCEL MAP NO. 20077, AND RECORDED JULY 10, 2007 IN FAVOR OF COX COMMUNICATIONS SAN DIEGO AS DOCUMENT NO. 2007-0460908 OF OFFICIAL RECORDS.
- (C) INDICATES A SANITARY SEWER EASEMENT TO THE CITY OF OCEANSIDE AS SHOWN ON PARCEL MAP NO. 20077
- (D) INDICATES A WATER EASEMENT TO THE CITY OF OCEANSIDE AS SHOWN ON PARCEL MAP NO. 20077

NON-PLOTTABLE EASEMENTS:

1. SAN DIEGO GAS AND ELECTRIC COMPANY, HOLDER OF AN EASEMENT FOR PUBLIC UTILITY PURPOSES RECORDED JULY 1, 2004 AS DOCUMENT NO. 2004-0619671 OF OFFICIAL RECORDS (EASEMENT IS BLANKET IN NATURE).
2. SAN DIEGO GAS AND ELECTRIC COMPANY, HOLDER OF AN EASEMENT FOR PUBLIC UTILITY PURPOSES RECORDED JUNE 28, 2006 AS DOCUMENT NO. 2006-0456950 OF OFFICIAL RECORDS (EASEMENT IS BLANKET IN NATURE).

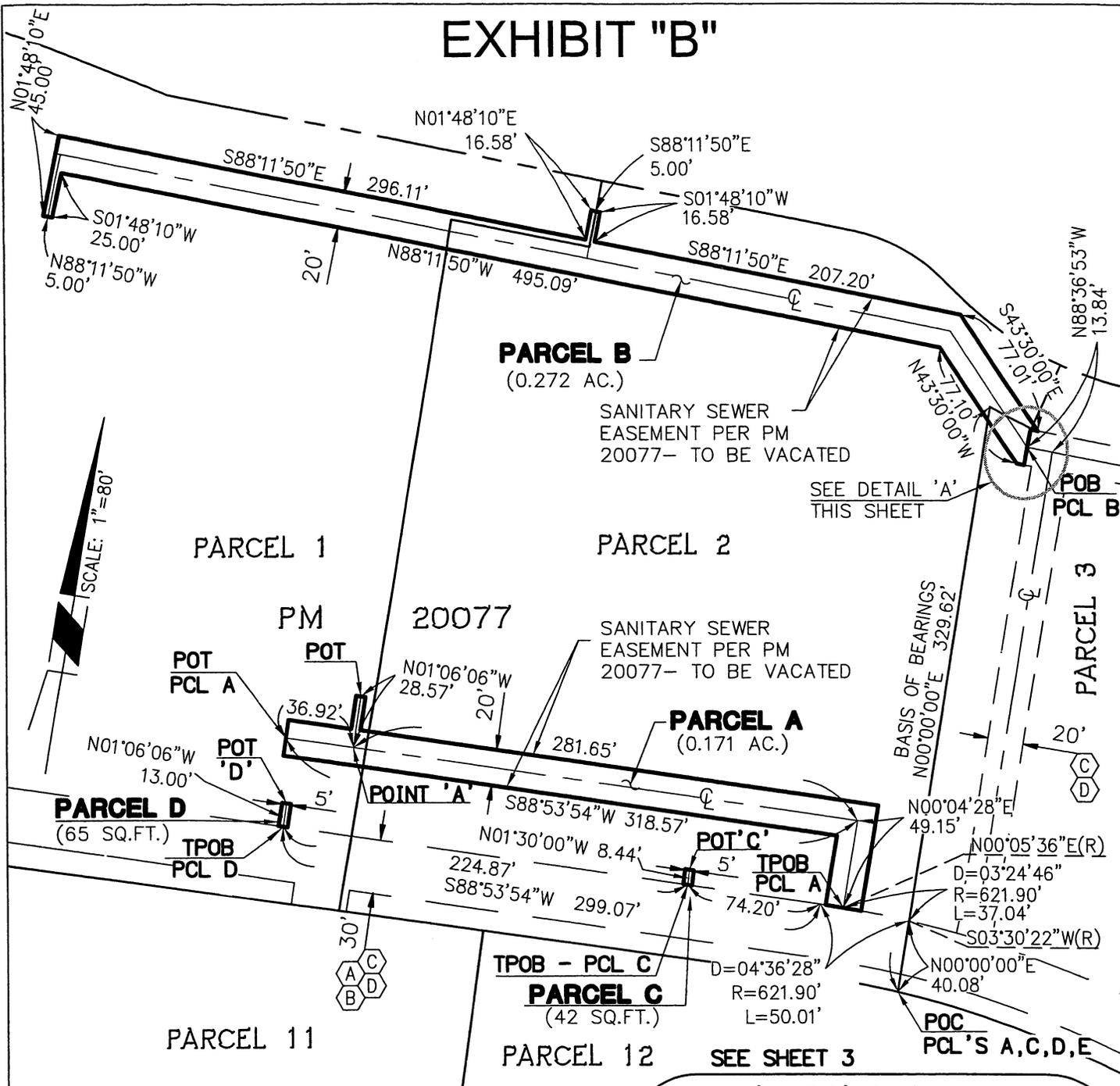
PREPARED BY ME OR UNDER MY DIRECTION:

Stephen R. Hawxhurst 3.10.09
 STEPHEN R. HAWXHURST, PLS 7355 DATE



OWNER: ROCK-SEA LLC	CITY OF OCEANSIDE ENGINEERING DIVISION SEWER EASEMENT VACATION PLAT		
SITE ADDRESS: RANCHO DEL ORO DRIVE			
SURVEYOR: STEPHEN R. HAWXHURST FOR RBF CONSULTING			
APN 162-600-01, 02, 20	FILE # EASV-02-2009	DATE: 3/09/2009	SHEET 1 OF 3

EXHIBIT "B"

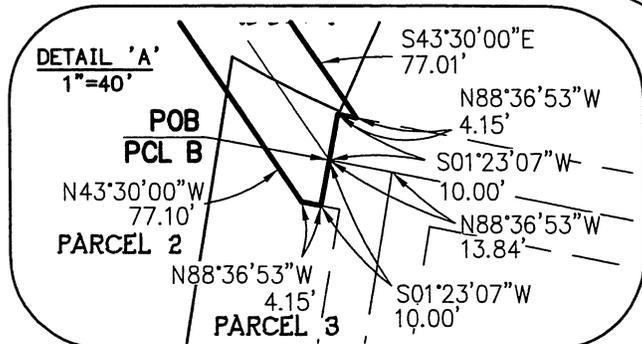


LEGEND

- POC** SANITARY SEWER EASEMENT VACATION
- POB** POINT OF BEGINNING
- TPOB** TRUE POINT OF BEGINNING
- POT** POINT OF TERMINUS

NOTES:

1. SEE SHEET 1 FOR EASEMENT LEGEND.



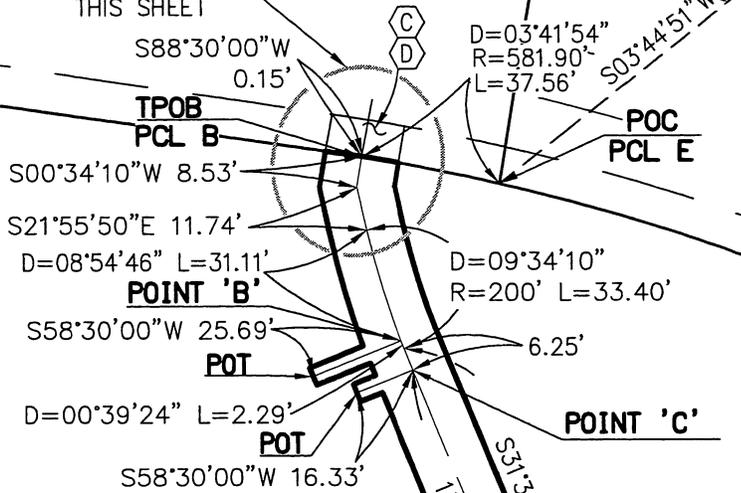
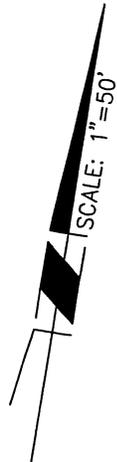
OWNER: ROCK-SEA LLC		CITY OF OCEANSIDE ENGINEERING DIVISION SEWER EASEMENT VACATION PLAT	
SITE ADDRESS: RANCHO DEL ORO DRIVE			
SURVEYOR: STEPHEN R. HAWXHURST FOR RBF CONSULTING			
APN 162-600-01, 02, 20	FILE # EASV-02-2009	DATE: 3/09/2009	SHEET 2 OF 3

EXHIBIT "B"

PARCEL 2

SEE DETAIL 'B'
THIS SHEET

SEE SHEET 2

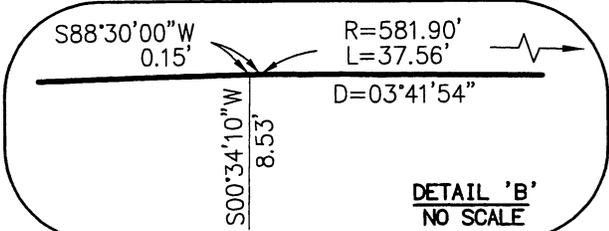
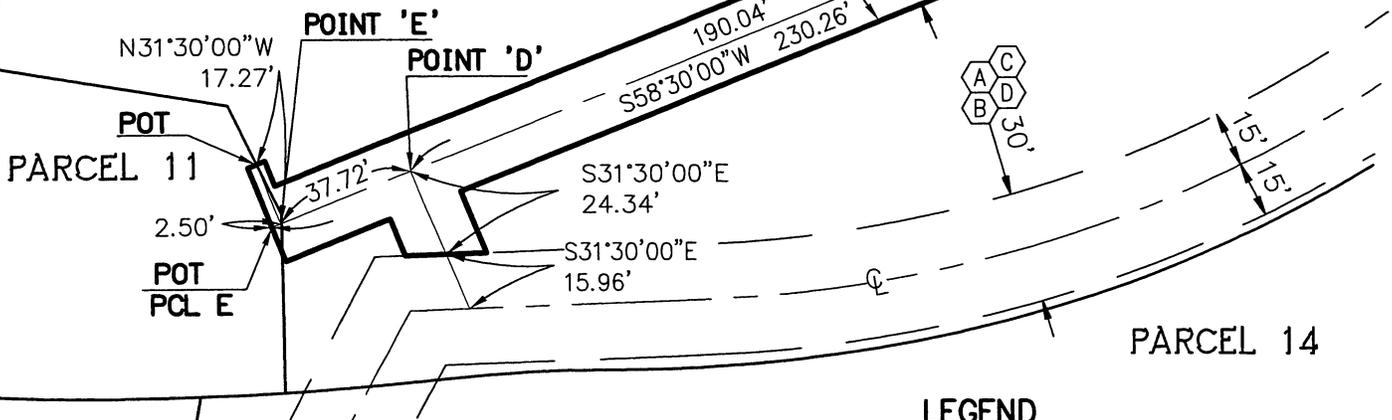


PARCEL 12

PM 20077

PARCEL E
(0.203 AC)

SEWER EASEMENT
PER PM 20077-
TO BE VACATED



LEGEND

- SEWER EASEMENT VACATION
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- TPOB TRUE POINT OF BEGINNING
- POT POINT OF TERMINUS

NOTES:

1. SEE SHEET 1 FOR EASEMENT LEGEND

OWNER: ROCK-SEA LLC		CITY OF OCEANSIDE ENGINEERING DIVISION SEWER EASEMENT VACATION PLAT		
SITE ADDRESS: RANCHO DEL ORO DRIVE				
SURVEYOR: STEPHEN R. HAWXHURST FOR RBF CONSULTING				
APN 162-600-01, 02, 11, 12, 20	FILE #	EASV-02-2009	DATE: 3/09 2009	SHEET 3 OF 3