

*STAFF REPORT**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 WATER LINE EASEMENTS LOCATED ON PARCEL 1, 2, 3, 11 & 12 OF PARCEL MAP NO. 20077**

**SYNOPSIS**

Staff recommends that the City Council adopt a resolution summarily vacating portions of water 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 City has received a request from Rock-Sea, LLC, owner, proposing the vacation of portions of water 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 water 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.

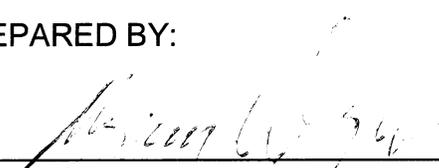
**CITY ATTORNEY'S ANALYSIS**

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 water 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

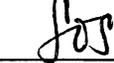
SUBMITTED BY:

  
\_\_\_\_\_  
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 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 \_\_\_\_\_, 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:

15 APPROVED AS TO FORM:

16  
17 \_\_\_\_\_  
18 CITY CLERK

17   
18 CITY ATTORNEY

19  
20  
21  
22  
23 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE**  
24 **CALIFORNIA SUMMARILY VACATING A WATER LINE EASEMENT**  
25 **LOCATED ON PARCEL 1, 2, 3, 11 & 12 OF PARCEL MAP 20077**  
26  
27  
28

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**WATER VACATION EASV-01-2009**

Portions of that water 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 water easement as shown on said Parcel Map; 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 water 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 water easement in Parcel 3 of said Parcel Map; thence South 01°23'07" West 10.00 feet to the southerly sideline of said water easement; thence along the sidelines of said water 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 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 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**.

**Exhibit "A"**

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"

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 water 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 water easement.

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

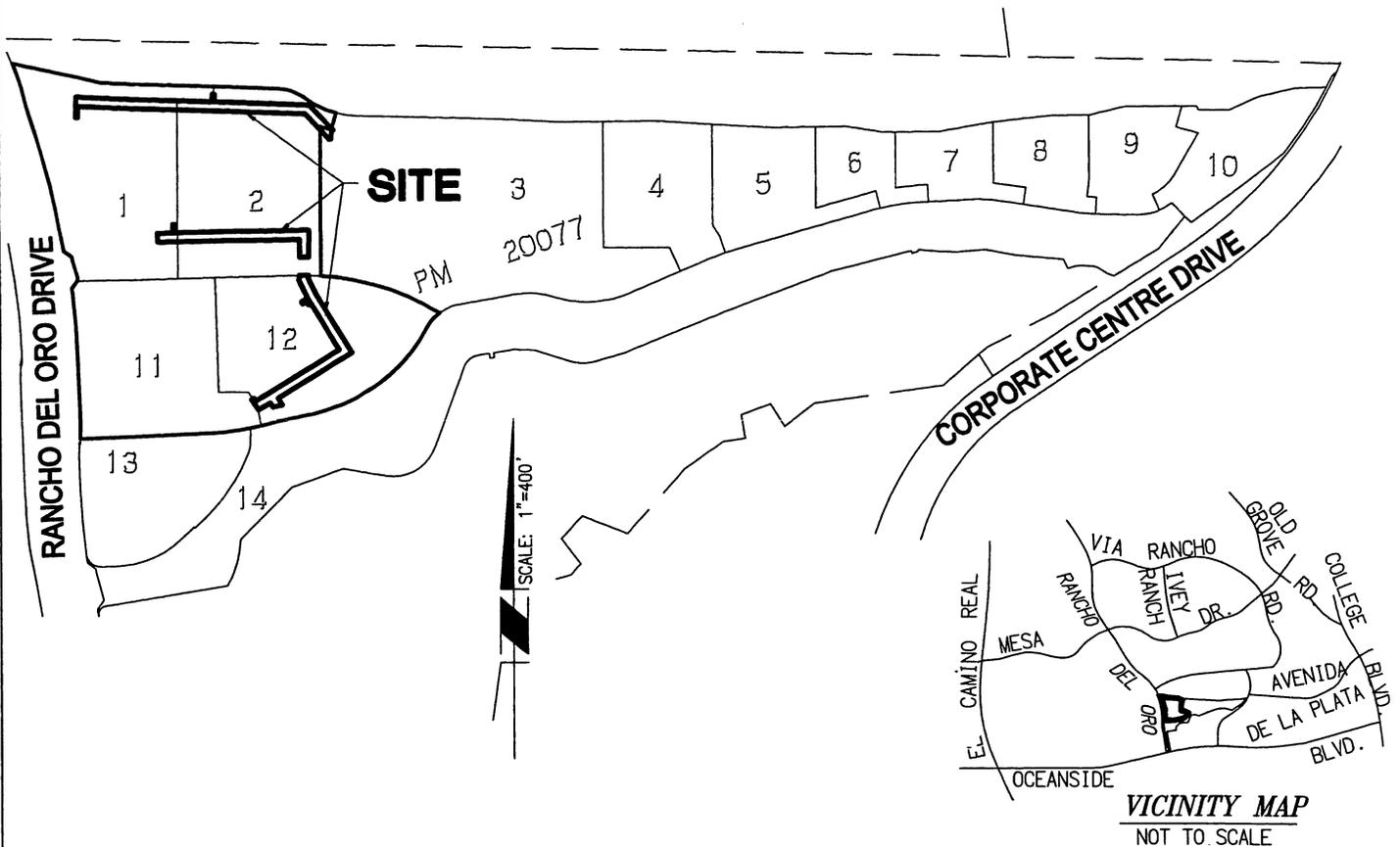
SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

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

  
Stephen R. Hawxhurst PLS 7355      3.10.09      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).

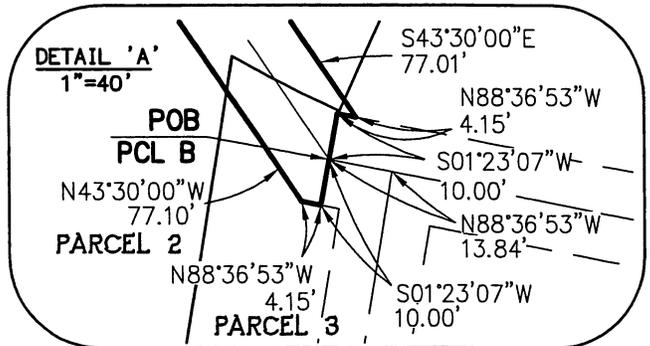
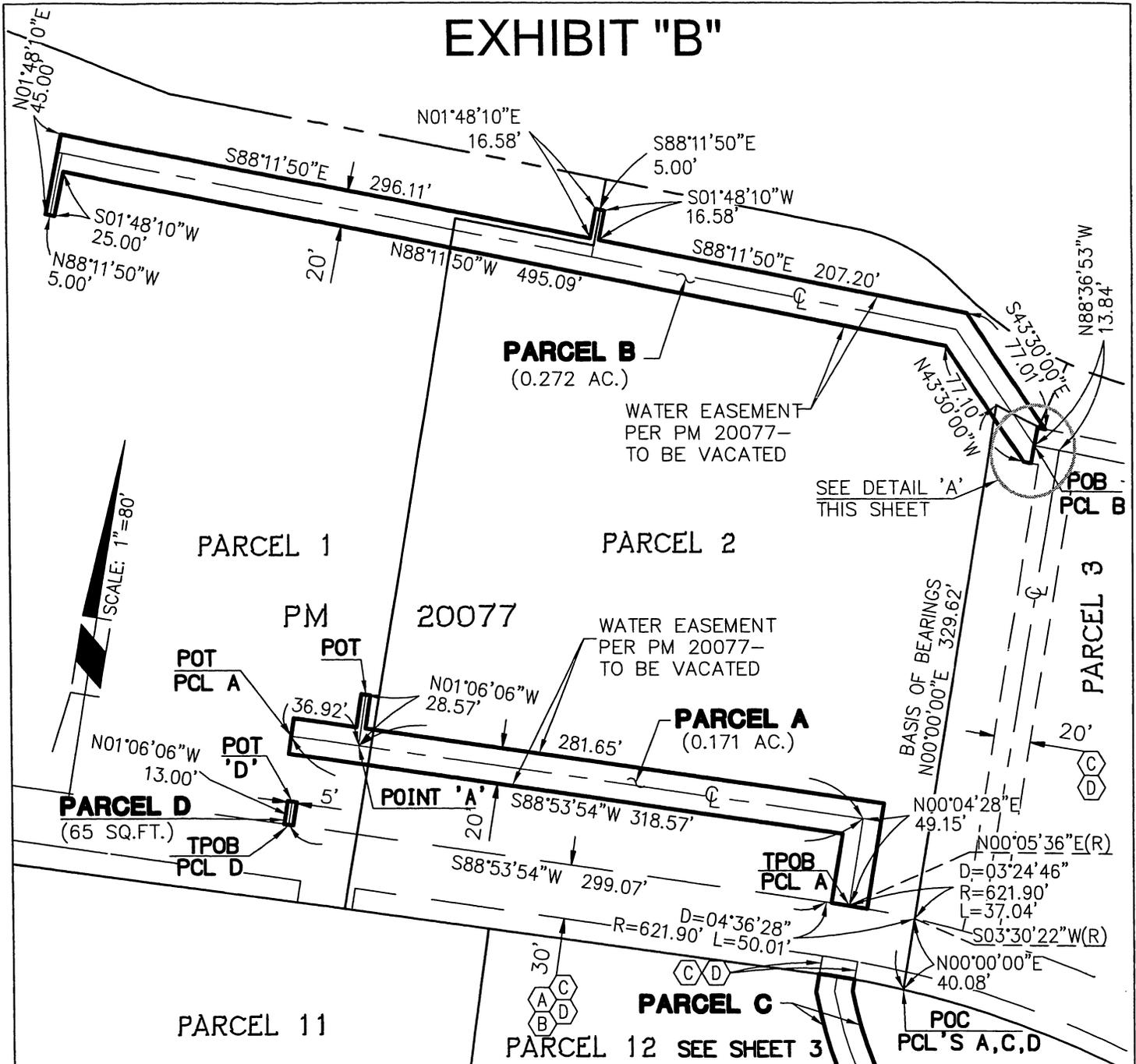
PREPARED BY ME OR UNDER MY DIRECTION:

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



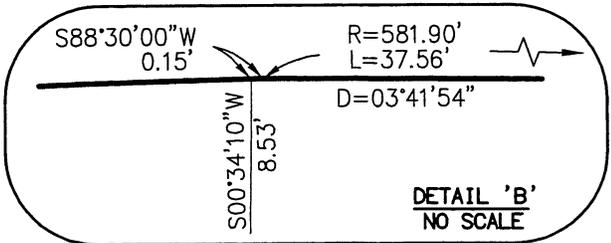
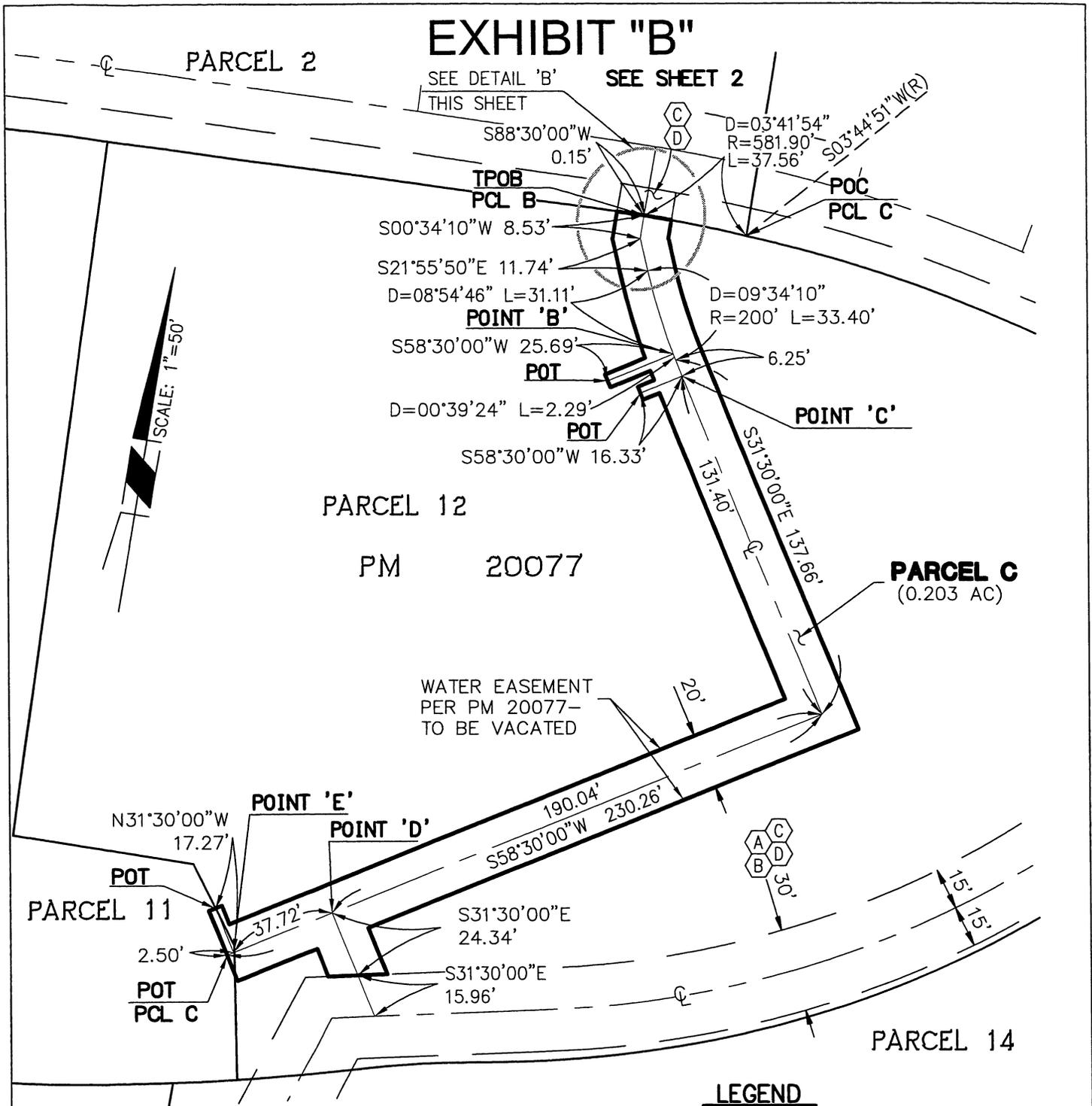
|  |  |                 |              |
|--|--|-----------------|--------------|
| OWNER: ROCK-SEA LLC                                  | CITY OF OCEANSIDE<br>ENGINEERING DIVISION<br>WATER EASEMENT<br>VACATION PLAT |                 |              |
| SITE ADDRESS: RANCHO DEL ORO DRIVE             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

# EXHIBIT "B"



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

# EXHIBIT "B"



- LEGEND**
- WATER 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                                  | <b>CITY OF OCEANSIDE</b><br>ENGINEERING DIVISION<br>WATER EASEMENT<br>VACATION PLAT |                |              |
| SITE ADDRESS: RANCHO DEL ORO DRIVE                   |   |                |              |
| SURVEYOR:<br>STEPHEN R. HAWXHURST FOR RBF CONSULTING |   |                |              |
| APN 162-600-01, 02, 11, 12, 20                       | FILE # EASV-01-2009   | DATE: 3/9/2009 | SHEET 3 OF 3 |