

STAFF REPORT



ITEM NO. 15
CITY OF OCEANSIDE

DATE: April 4, 2007

TO: Honorable Mayor and City Council Members

FROM: Public Works Department

SUBJECT: **ADOPTION OF A RESOLUTION DECLARING THE CITY'S INTENTION TO VACATE A PORTION OF SPORTFISHER DRIVE LOCATED EAST OF MYERS STREET, AND SETTING A PUBLIC HEARING**

SYNOPSIS

Staff recommends that the City Council adopt a resolution declaring the City's intention to vacate a portion of the Sportfisher Drive right-of-way located east of Myers Street and adjacent to 502 Myers Street, reserving and excepting from the vacation an easement for public emergency access and setting a public hearing on the proposed vacation for May 2, 2007, at 6:00 p.m. in the City Council Chambers. The hearing will consider ordering the vacation and reserving the public emergency access easement.

BACKGROUND

The City has received a request from 502 Myers Street, LLC, located in La Jolla, to vacate a portion of the Sportfisher Drive right-of-way located east of Myers Street and adjacent to 502 Myers Street. The area to be vacated contains 3585 square feet and was delineated on Oceanside Townsite, Map No. 344, filed on July 1, 1885. The intended area to be vacated is described in Exhibit "A" and shown on Exhibit "B" both attached hereto and made a part hereof by reference.

The proposed vacation of the Sportfisher Drive 40-foot-wide right-of-way is in conjunction with the Crystal Sands Condominium Project located on Lots 5 and 6 of Map No. 344. On October 4, 2006, the Community Development Commission approved the Crystal Sands Condominium Project, containing 4 residential units, by Resolution No. 06-R0605-3. The vacation of the Sportfisher Drive right-of-way is a condition of the approval. The right-of-way for Sportfisher Drive was dedicated on said Map No. 344.

The portion of the Sportfisher Drive to be vacated abuts the Sea Village Condominiums located at 400 North Myers Street. Sea Village residents use the subject portion of Sportfisher Drive right-of-way to access their property via a pedestrian gate. Several meetings were conducted with the Sea Village Association Board. The Board was in agreement with the vacation with the understanding that a pedestrian access easement, walkway and gate will be provided for their use.

There is also a vehicular access gate on the northeasterly terminus of the Sportfisher Drive for secondary fire and emergency access to the Sea Village Condominiums, with primary access provided from Myers and Surfrider Streets.

Oceanside Fire Department has determined that the access from Sportfisher Drive is not needed, however, emergency pedestrian access should be retained.

The proposed vacation shall be conditioned upon the developer/owner granting a pedestrian access easement over and across a portion of the area to be vacated to the Sea Village Homeowner's Association.

An easement for fire and emergency access will be reserved from the vacation of the Sportfisher Drive right-of-way. Both access easements will coexist in the same alignment. The existing vehicular access will be eliminated. All City Departments support the vacation with the proposed conditions.

ANALYSIS

The State of California Public Streets, Highways and Service Easements Vacation Law, Chapter 3, Section 8300, et seq., of the California Streets and Highways Code (the "Vacation Law") provides the City Council with the authority to vacate a public street right-of-way based on the determination that there is not a present or prospective public need for the rights being vacated. The Vacation Law also provides that the City Council may vacate the public's interest in the right-of-way with stipulations that certain conditions are met prior to the recordation of the resolution ordering the vacation with the County Recorder.

The vacation of the Sportfisher Drive right-of-way will be conditioned upon the completion of construction of a walkway within the emergency access easement to be reserved and that an ingress and egress easement be granted to the Sea Village Homeowners Association.

FISCAL IMPACT

There is no fiscal impact. The applicant has paid the required fees for the processing of this action. In addition, the property owner will assume all costs associated with relocation, reconstruction and maintenance of the Public Emergency Access facilities including walkway and access gate.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

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

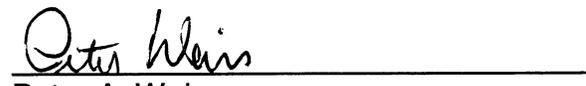
RECOMMENDATION

Staff recommends that the City Council adopt a resolution declaring the City's intention to vacate a portion of the Sportfisher Drive right-of-way located east of Myers Street and adjacent to 502 Myers Street, reserving and excepting from the vacation an easement for public emergency access and setting a public hearing on the proposed vacation for May 2, 2007, at 6:00 p.m. in the City Council Chambers. The hearing will consider ordering the vacation and reserving the public emergency access easement.

PREPARED BY:

SUBMITTED BY:


Maryam Wagner
Senior Engineering Assistant


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



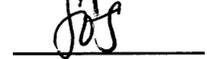


Exhibit A

Exhibit B

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE DECLARING ITS INTENTION TO VACATE A PORTION
4 OF A PUBLIC STREET RIGHT-OF-WAY, RESERVING PUBLIC
EMERGENCY ACCESS EASEMENT AND SETTING A PUBLIC
HEARING THEREON

(SPORTSFISHER DRIVE)

5
6 WHEREAS, the City Council of the City of Oceanside does declare its intention to
7 vacate a portion of SPORTSFISHER DRIVE located east of Myers Street (hereinafter "THE
8 STREET") in accordance with the procedures contained in Chapter 3 of the Public Streets,
9 Highways and Service Easements Vacation Law (California Streets and Highways Code
10 Section 8320 et.seq.);

11 WHEREAS, the public street right-of-way intended to be vacated is described in Exhibit
12 "A" and shown on Exhibit "B" both attached hereto and made a part hereof by reference; and

13 WHEREAS, the street is not needed for present or prospective vehicular purposes
14 and there are no public facilities within the street that would be affected by the proposed
15 vacation; and

16 WHEREAS, the proposed vacation shall be conditioned upon the completion of certain
17 improvements to provide both public emergency access and private pedestrian ingress and
18 egress to the Sea Village Condominium Development;

19 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE and
20 order as follows:

21 Section 1. That this City Council does intend to vacate, pursuant to its authority
22 under Chapter 3, Section 8320 et.seq. of the Public Streets, Highways and Service
23 Easements Vacation Law, California Streets and Highways Code, "THE STREET" as
24 described in said Exhibit "A" and as shown on said Exhibit "B", as filed in the Office of the City
25 Clerk located at 300 North Coast Highway, Oceanside, California.

26 Section 2. That a public hearing regarding said vacation is set for Wednesday, May
27 2, 2007, at 6:00 p.m., or as soon as possible thereafter, in the Council Chambers of the City of
28 Oceanside located at 300 North Coast Highway, Oceanside, California. At this hearing, all

1 interested persons may introduce evidence and testimony pertaining to the proposed vacation.
2 At the conclusion of the hearing, the City Council shall determine, from all evidence submitted,
3 whether or not the portion of the public street right-of-way is necessary for present or
4 prospective public use.

5 Section 3. That pursuant to Section 8340 of the Streets and Highways Code there will
6 be reserved and excepted from the vacation the easement and right at any time, or from time
7 to time, for Public Emergency Access in, upon, over, across and through the street proposed
8 to be vacated as described in said Exhibit "A" and shown on said Exhibit "B".

9 Section 4. The City Engineer is directed to cause the notice of this vacation to be
10 posted in accordance with Section 8323 of the Streets and Highways Code.

11 Section 5. The City Clerk is directed to publish this resolution of intention in *The*
12 *North County Times* at least 15 days before the public hearing.

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

15 AYES:

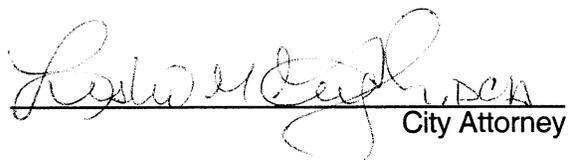
16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 _____
20 Mayor of the City of Oceanside

21 APPROVED AS TO FORM:
22 OFFICE OF THE CITY ATTORNEY

23 
24 _____
25 City Attorney

26 ATTEST:

27 _____
28 City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF SPORTFISHER DRIVE (FORMERLY KNOWN AS FIFTH STREET) AS SHOWN ON OCEANSIDE TOWNSITE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 344 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 1, 1885 DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 6, BLOCK 13 OF SAID MAP NO. 344; THENCE SOUTH 35°13'44" EAST 40.00 FEET ALONG THE SOUTHEASTERLY PROLONGATION OF THE NORTHEASTERLY LINE OF SAID BLOCK 13 TO A LINE WHICH IS PARALLEL WITH AND DISTANT 40.00 FEET SOUTHEASTERLY OF THE SOUTHEASTERLY LINE OF SAID LOT 6, THENCE SOUTH 54°45'16" WEST 89.63 FEET ALONG SAID PARALLEL LINE TO THE NORTHEASTERLY LINE OF MYERS STREET, 60 FEET WIDE; THENCE NORTH 35°12'46" WEST 40.00 FEET ALONG SAID NORTHEASTERLY LINE OF MYERS STREET TO SAID SOUTHEASTERLY LINE OF LOT 6; THENCE NORTH 54°45'16" EAST 89.62 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM, AN EASEMENT FOR PUBLIC EMERGENCY ACCESS PURPOSES OVER THE NORTHWESTERLY 10.00 FEET OF THE SOUTHEASTERLY 13.00 FEET THEREOF.

Prepared by:



PHILIP D. BUCCOLA

R.C.E. 27732; EXPIRES 3-31-08

Date:

3-13-07

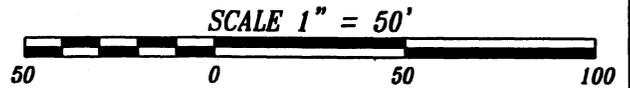


**BUCCOLA
ENGINEERING, INC.**

3142 Vista Way, Suite 301
Oceanside, CA 92056

760/721-2000
FAX 760/721-2046

AT & SF RAILROAD



NOTE: DIMENSIONS SHOWN HEREON ARE DERIVED FROM RECORD DATA AS SHOWN ON MAP NO. 11107.

LOT 1
MAP NO. 11107

POINT OF BEGINNING, EXHIBIT "A"
MOST EASTERLY CORNER LOT 6,
BLK. 13, MAP 344

N 35°13'44" W 340.46'

PORTION OF SPORTFISHER
DRIVE TO BE VACATED.

147-071-11

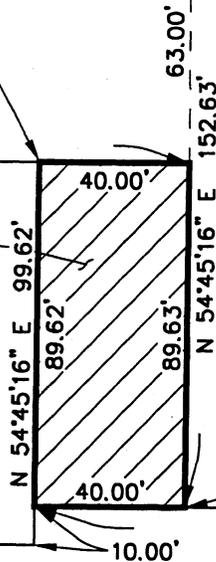
4

5

6

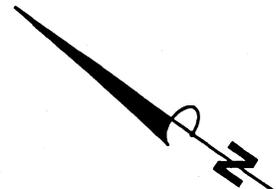
BLOCK 13

MAP NO. 344



147-161-06

LOT 1
MAP NO. 11107



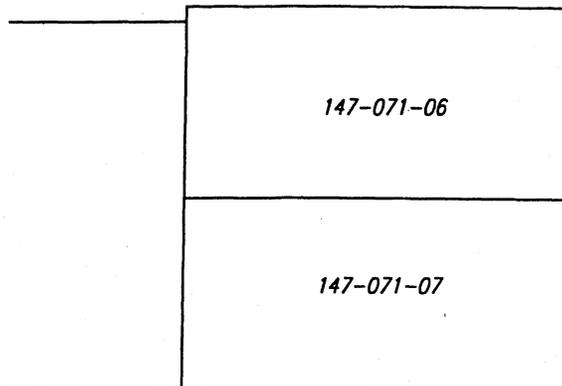
423.11'

N 35°12'46" W 463.11'

20' ALLEY

MYERS STREET

30'



SPORTFISHER DRIVE
(FIFTH STREET)

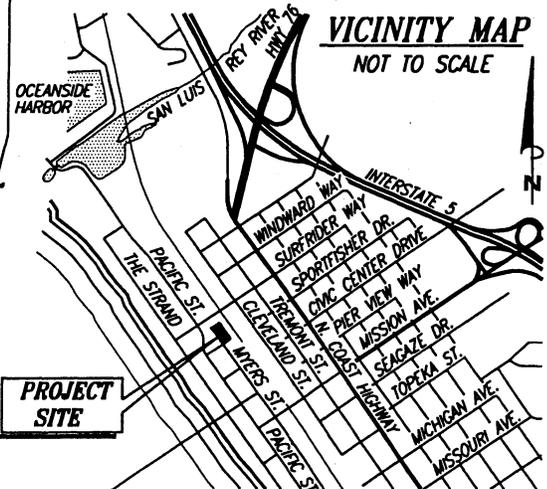
N 35°12'46" W

30'

LOT 3
MAP NO. 11848

147-072-17

PACIFIC STREET



PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc

760/721-2000

3142 Vista Way, Suite 301, Oceanside, CA 92056

PROJECT SITE

Revision	By	Approved	Date

CITY OF OCEANSIDE
VACATION PLAT

VACATION OF SPORTFISHER DRIVE
ADJOINING BLOCK 13, MAP NO. 344

EXHIBIT "B"

SHEET 1 OF 2 SHEETS

AREA = 3,585 S.F.

SCALE 1" = 20'



POINT OF BEGINNING, EXHIBIT "A"
MOST EASTERLY CORNER LOT 6,
BLK. 13, MAP 344

NOTE: DIMENSIONS SHOWN HEREON ARE DERIVED FROM
RECORD DATA AS SHOWN ON MAP NO. 11107.

LOT 6
BLOCK 13
MAP NO. 344

APN 147-071-11

N 54°45'16" E 89.62'

N 35°13'44" W
40.00'

PORTION OF SPORTFISHER
DRIVE TO BE VACATED.

EASEMENT FOR PUBLIC EMERGENCY
ACCESS PURPOSES RESERVED HEREON.

APN 147-161-06

LOT 1
MAP NO. 11107

13.00'
10.00'

N 35°12'46" W
40.00'

20'

ALLEY

30'

MYERS STREET

N 35°12'46" W

PREPARED IN THE OFFICE OF:

BUCCOLA
ENGINEERING, inc

760/721-2000

3142 Vista Way, Suite 301, Oceanside, CA 92056



Revision	By	Approved	Date

CITY OF OCEANSIDE
VACATION PLAT

VACATION OF SPORTFISHER DRIVE
ADJOINING BLOCK 13, MAP NO. 344

EXHIBIT "B"

SHEET 2 OF 2 SHEETS

AREA = 3,585 S.F.