

STAFF REPORT



ITEM NO. 14

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 VISTA WAY LOCATED NORTH OF HIGHWAY 78 AND EAST OF RANCHO DEL ORO DRIVE, RESERVING A STORM DRAIN EASEMENT 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 Vista Way right-of-way located north of Highway 78, east of Rancho del Oro Drive as part of subdivision boundary to Parcel C of Parcel Map 14502, reserving and excepting from the vacation the easement for storm drain 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 storm drain easement.

BACKGROUND

In 1988 the segment of Vista Way at Rancho del Oro Drive was relocated from a parallel alignment along the north side of SR78 to an alignment further to the north in order to provide the area needed to construct a future freeway interchange. The City has received a request from FICO Ocean Terrace, LLC, located in Solana Beach, California, to vacate a portion of a previous alignment of Vista Way right-of-way located north of Highway 78, east of Rancho del Oro Drive as part of subdivision boundary to Parcel C of Parcel Map 14502. The area to be vacated contains 1.065 acres. Right-of-way for Vista Way was originally granted by Easement for Public Highway per document No. 75-047238 recorded on February 28, 1975. The northerly 30-foot-wide area of Vista Way right-of-way was rededicated on Parcel Map No.10041, filed on May 21, 1980. The area intended to be vacated is described in Exhibit "A" and shown on Exhibit "B" attached hereto and made a part hereof by reference.

The proposed vacation of Vista Way right-of-way, a 60-foot-wide right-of-way, is in conjunction with the Ocean Terrace Professional Center Development, located on Parcel C of Parcel Map No. 14502. On September 11, 2006, the Planning Commission approved this project, containing 10 medical and professional buildings by Resolution No. 2006-P50. The vacation of the Vista Way right-of-way is a condition for approval of the project. The right-of-way for Vista Way was realigned per Parcel Map No. 14502.

The area to be vacated does not abut any other properties and is not used for vehicular or pedestrian access. There are storm drain facilities built on 20-foot-wide storm drain easement that was dedicated per Parcel Map No. 14502 located within this portion of Vista Way right-of-way to be vacated. A reservation of an easement will be required to support these City-owned storm facilities with the vacation of Vista Way right-of-way. All City departments support the vacation with the proposed easement reservation.

ANALYSIS

The State of California Public Streets, Highways and Service Easements 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 City Council may reserve an easement from the vacation if there are in-place public utility facilities that are in use. The area to be vacated is not used for vehicular or pedestrian access due to the realignment and relocation of Vista Way right-of-way. 20-foot-wide storm drain easement granted to the City per Parcel Map No. 14502 is necessary to maintain, operate, replace, remove or renew the existing Storm Drain Facility and shall be reserved from the vacation area. The location of the centerline for said storm drain easement to be reserved is shown on Exhibit "B".

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.

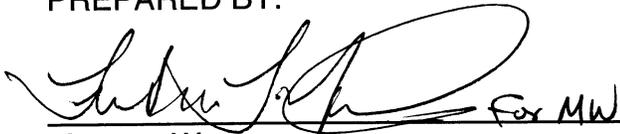
CITY ATTORNEY'S ANALYSIS

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

RECOMMENDATION

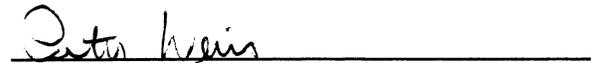
Staff recommends that the City Council adopt a resolution declaring the City's intention to vacate a portion of the Vista Way right-of-way located north of Highway 78, east of Rancho del Oro Drive as part of subdivision boundary to Parcel Map 14502, reserving and excepting from the vacation the easement for storm drain 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 storm drain easement.

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

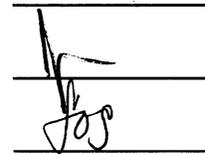




Exhibit A
Exhibit B

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DECLARING ITS INTENTION TO VACATE A PORTION OF A PUBLIC STREET RIGHT-OF-WAY, RESERVING A STORM DRAIN EASEMENT AND SETTING A PUBLIC HEARING THEREON (VISTA WAY)

WHEREAS, the City Council of the City of Oceanside does declare its intention to vacate a portion of VISTA WAY located north of Highway 78 and east of Rancho Del Oro Road (hereinafter "THE STREET") in accordance with the procedures contained in Chapter Three of the Public Streets, Highways and Service Easements Vacation Law (California Streets and Highways Code Section 8320 et.seq.);

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

WHEREAS, the public street intended to be vacated is not used for vehicular or pedestrian access; and

WHEREAS, there is public storm drain facilities within the Vista Way right-of-way that would be affected by the proposed vacation;

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

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

Section 2. That a public hearing regarding said vacation is set for Wednesday, May 2, 2007, at 6:00 p.m., or as soon as possible thereafter, in the Council Chambers of the City of Oceanside located at 300 North Coast Highway, Oceanside, California. At this hearing, all interested persons may introduce evidence and testimony pertaining to the proposed vacation. At the conclusion of the hearing, the City Council shall determine, from all evidence submitted, whether or not the portion of the public street right-of-way is necessary for present or prospective public use.

1 Section 3. That pursuant to Section 8340 of the Streets and Highways Code there will
2 be reserved and excepted from the vacation the 20-footwide easement and right at any time,
3 or from time to time, to construct, maintain, operate, replace, remove, and renew storm drain
4 and appurtenant structures and slopes in, upon, over, across and through the street proposed
5 to be vacated. The centerline of said easement is shown on said Exhibit "B".

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

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

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

12 AYES:

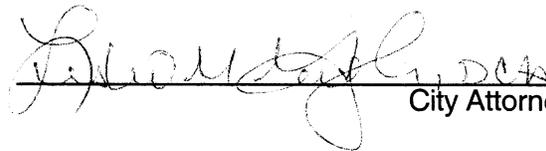
13 NAYS:

14 ABSENT:

15 ABSTAIN:

16 _____
17 Mayor of the City of Oceanside

18 APPROVED AS TO FORM:
19 OFFICE OF THE CITY ATTORNEY

20 
21 _____
22 City Attorney

23 ATTEST:

24 _____
25 City Clerk
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EXHIBIT 'A'

LEGAL DESCRIPTION STREET VACATION

BEING A PORTION OF EXISTING VISTA WAY AS DEDICATED PER DOCUMENT 75-047238, RECORDED FEBRUARY 28, 1977, AND PER PARCEL MAP 10041, BOTH OF OFFICAL RECORDS ADJACENT TO PARCEL 'C' OF PARCEL MAP 14502, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL '1'

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 'C', ALSO CALLED THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY BOUNDARY LINE OF SAID PARCEL 'C'

1. SOUTH 81°37'25" EAST 110.00 FEET TO THE BEGINNING OF A TANGENT 2395.00 FOOT RADIUS CURVE CONCAVE NORTHERLY; THENCE ALONG THE ARC OF SAID CURVE
2. EASTERLY 255.29 FEET THROUGH A CENTRAL ANGLE OF 06°06'26" TO THE BEGINNING OF A 490.00 FOOT RADIUS COMPOUND CURVE CONCAVE NORTHERLY WHENCE A RADIAL LINE BEARS NORTH 02°16'09" EAST; THENCE ALONG THE ARC OF SAID CURVE
3. EASTERLY 136.75 FEET THROUGH A CENTRAL ANGLE OF 15°59'25" TO THE **TRUE POINT OF BEGINNING** LEAVING SAID BOUNDARY LINE OF PARCEL 'C'; THENCE
4. NORTH 79°30'49" WEST 91.93 FEET TO THE BEGINNING OF A NON-TANGENT 460.00 FOOT RADIUS CURVE CONCAVE NORTHERLY WHENCE A RADIAL LINE BEARS NORTH 03°13'29" WEST, ALSO BEING THE NORTHERLY RIGHT-OF-WAY OF SAID VISTA WAY; THENCE ALONG THE ARC OF SAID CURVE
5. EASTERLY 107.74 FEET THROUGH A CENTRAL ANGLE OF 13°25'11"; THENCE

6. NORTH 73°21'20" EAST 600.27 FEET TO THE BEGINNING OF A 466.31 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE
7. EASTERLY 105.18 FEET THROUGH A CENTRAL ANGLE OF 12°55'25"; THENCE
8. NORTH 60°25'55" EAST 22.62 FEET LEAVING SAID RIGHT-OF-WAY OF VISTA WAY TO THE BEGINNING OF A NON-TANGENT 742.00 FOOT RADIUS CURVE CONCAVE NORTHERLY WHENCE A RADIAL LINE BEARS NORTH 06°22'06" WEST, ALSO BEING THE SOUTHERLY RIGHT-OF-WAY OF VISTA WAY DEDICATED PER PARCEL MAP 14502; THENCE ALONG THE ARC OF SAID CURVE
9. EASTERLY 88.73 FEET THROUGH A CENTRAL ANGLE OF 06°51'05" TO THE BEGINNING OF A 742.00 FOOT RADIUS COMPOUND CURVE CONCAVE NORTHERLY ALSO BEING THE BOUNDARY OF SAID PARCEL 'C'; THENCE ALONG THE ARC OF SAID CURVE
10. EASTERLY 68.05 FEET THROUGH A CENTRAL ANGLE OF 05°15'17" TO THE BEGINNING OF A 742.00 FOOT RADIUS COMPOUND CURVE CONCAVE NORTHERLY LEAVING SAID BOUNDARY OF PARCEL 'C'; THENCE
11. EASTERLY 143.66 FEET THROUGH A CENTRAL ANGLE OF 11°05'36" LEAVING SAID RIGHT-OF-WAY OF VISTA WAY TO THE SOUTHERLY RIGHT-OF-WAY OF VISTA WAY DEDICATED PER PARCEL MAP 10041; THENCE ALONG SAID RIGHT-OF-WAY
12. SOUTH 60°25'55" WEST 145.49 FEET LEAVING SAID RIGHT-OF-WAY; THENCE
13. SOUTH 71°16'44" WEST 129.21 FEET; THENCE
14. SOUTH 61°53'42" WEST 234.26 FEET TO THE SAID SOUTHERLY RIGHT-OF-WAY OF SAID VISTA WAY; THENCE ALONG SAID RIGHT-OF-WAY

15. SOUTH 73°21'20" WEST 524.36 FEET TO THE BEGINNING OF A TANGENT
520.00 FOOT RADIUS CURVE CONCAVE
NORTHERLY; THENCE ALONG THE ARC
OF SAID CURVE

16. WESTERLY 6.80 FEET THROUGH A CENTRAL ANGLE OF 00°44'56" LEAVING
SAID RIGHT-OF-WAY OF VISTA WAY;
THENCE

17. NORTH 47°23'09" WEST 35.59 FEET TO THE TRUE POINT OF BEGINNING

CONTAINS 1.065 ACRES MORE OR LESS

PARCEL '2'

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL 'C', ALSO CALLED
THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY BOUNDARY
LINE OF SAID PARCEL 'C'

1. SOUTH 81°37'25" EAST 110.00 FEET TO THE BEGINNING OF A TANGENT
2395.00 FOOT RADIUS CURVE CONCAVE
NORTHERLY; THENCE ALONG THE ARC
OF SAID CURVE

2. EASTERLY 255.29 FEET THROUGH A CENTRAL ANGLE OF 06°06'26" TO THE
BEGINNING OF A 490.00 FOOT RADIUS
COMPOUND CURVE CONCAVE
NORTHERLY WHENCE A RADIAL LINE
BEARS NORTH 02°16'09" EAST; THENCE
ALONG THE ARC OF SAID CURVE

3. EASTERLY 136.75 FEET THROUGH A CENTRAL ANGLE OF 15°59'25" TO THE
TRUE POINT OF BEGINNING LEAVING
SAID BOUNDARY LINE OF PARCEL 'C';
THENCE

4. NORTH 79°30'49" WEST 91.93 FEET TO THE BEGINNING OF A NON-TANGENT
460.00 FOOT RADIUS CURVE CONCAVE
NORTHERLY WHENCE A RADIAL LINE
BEARS NORTH 03°13'29" WEST, ALSO
BEING THE NORTHERLY RIGHT-OF-WAY
OF SAID VISTA WAY; THENCE ALONG
THE ARC OF SAID CURVE

5. EASTERLY 107.74 FEET THROUGH A CENTRAL ANGLE OF 13°25'11"; THENCE
6. NORTH 73°21'20" EAST 600.27 FEET TO THE BEGINNING OF A 466.31 FOOT
RADIUS CURVE CONCAVE
NORTHWESTERLY; THENCE ALONG THE
ARC OF SAID CURVE
7. EASTERLY 105.18 FEET THROUGH A CENTRAL ANGLE OF 12°55'25"; THENCE
8. NORTH 60°25'55" EAST 22.62 FEET LEAVING SAID RIGHT-OF-WAY OF VISTA
WAY TO THE BEGINNING OF A NON-
TANGENT 742.00 FOOT RADIUS CURVE
CONCAVE NORTHERLY WHENCE A
RADIAL LINE BEARS NORTH 06°22'06"
WEST, ALSO BEING THE SOUTHERLY
RIGHT-OF-WAY OF VISTA WAY
DEDICATED PER PARCEL MAP 14502;
THENCE ALONG THE ARC OF SAID
CURVE
9. EASTERLY 88.73 FEET THROUGH A CENTRAL ANGLE OF 06°51'05" LEAVING
SAID RIGHT-OF-WAY OF VISTA WAY TO
THE SOUTHERLY BOUNDARY OF SAID
PARCEL 'C'; THENCE CONTINUING
ALONG SAID BOUNDARY
10. SOUTH 60°25'55" WEST 106.07 FEET TO THE BEGINNING OF A TANGENT
496.31 FOOT RADIUS CURVE CONCAVE
NORTHWESTERLY; THENCE ALONG THE
ARC OF SAID CURVE
11. WESTERLY 111.95 FEET THROUGH A CENTRAL ANGLE OF 12°55'25";
THENCE
12. SOUTH 73°21'20" WEST 600.22 FEET TO THE BEGINNING OF A TANGENT
490.00 FOOT RADIUS CURVE CONCAVE
NORTHERLY; THENCE ALONG THE ARC
OF SAID CURVE
13. WESTERLY 25.00 FEET THROUGH A CENTRAL ANGLE OF 02°55'24 TO THE
TRUE POINT OF BEGINNING

CONTAINS 0.574 ACRES MORE OR LESS

RESERVING THEREFROM, AN EASEMENT FOR STORM DRAIN PURPOSES.

 3/13/07

RUDY P. PACHECO
LS 5717 EXP. 9-30-07



MATCH LINE SEE SHEET 2

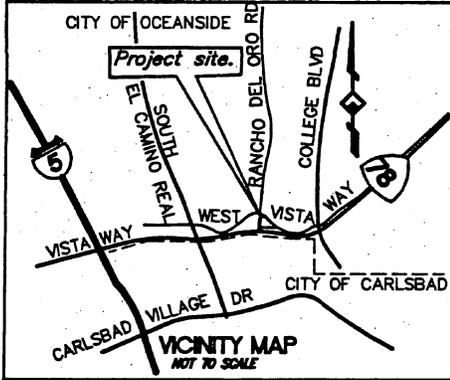
SCALE: 1"=100'

CL 6' TELEPHONE EASEMENT
PER FILE NO. 73-136188
FILED MAY 21, 1973

CL 10' SEWER EASEMENT
PER FILE NO. 95558
FILED APRIL 18, 1972

CL OF 20' STORM DRAIN
EASEMENT TO THE CITY OF
OCEANSIDE PER PM 14502
TO BE RESERVED

CALTRANS R/W
RIGHT OF WAY MAP
SURVEY OF 1962; XI-SD-78-2.6
LO-27501.1 SHEET 14



VISTA WAY
DEDICATED TO CITY OF
OCEANSIDE PER PM 10041

D=13'25"11"
L=107.74'
R=460.00'

N03°13'29"W(R)

N02°16'09"E(R)

L=252.09'

L=255.29'

L=258.48'

164+25.00

R=520.00'

D=18'54"55"

L=171.67'

D=29'35"17"

R=2500.00'

L=1291.02'

VISTA WAY (OLD ALIGNMENT)
DEDICATED TO CITY OF OCEANSIDE
PER ESMT DOC NO. 75-047238
REC FEB 28, 1975

HIGHWAY 78

LEGEND:

- PROJECT BOUNDARY
- PARCEL '1'
INDICATES AREA TO BE VACATED PER DOC NO. 75-047238
AREA=46384 SQ. FT (1.065 AC)
- PARCEL '2'
INDICATES AREA TO BE VACATED PER PM 10041
AREA=24993 SQ. FT (0.574 AC)
- CALTRANS R/W PER RIGHT OF WAY MAP, SURVEY OF 1962; XI-SD-78-2.6 LO-27501.1

ASSESSOR'S PARCEL NO.
165-362-07-00

PARCEL 'C' PM 14502
A.P.N. 165-362-07-00

REFERENCE DRAWINGS:
PARCEL MAP NO. 14502, 10041
FREEWAY RAMP DEDICATED PER MAP 14502 FOR FUTURE FREEWAY RAMPS

BASIS OF BEARINGS:
WESTERLY LINE OF PARCEL 'C' OF PM NO. 14502
I.E. N 08°22'35"E

PARTNERS
Planning and Engineering
15938 Bernardo Center Dr.
San Diego, CA. 92127
Ph. (858) 376-3444
Fax: (858) 376-3555



N08°22'35"E
BASIS OF BEARINGS
RANCHO DEL ORO

P.O.B.

[Signature] 3/22/07
RUDY P. PACHECO, L.S. NO. 5717 DATE
MY REGISTRATION EXPIRES 09/30/07

CITY OF OCEANSIDE
EXIST. VISTA WAY VACATION
PARCEL C OF PARCEL MAP 14502

EXHIBIT 'B'
DRAWN BY:
PARTNERS ENG'G.
SHEET: 1 OF 4

LINE DATA TABLE		
LINE	BEARING	LENGTH
L1	N79°30'49"W	91.93'
L2	N60°25'55"E	22.62'
L3	N60°25'55"E	145.49'
L4	N71°16'44"E	129.21'
L5	N61°53'42"E	234.26'
L6	N47°23'09"W	35.59'
L7	N60°25'55"E	106.07'

CURVE DATA TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	18°54'49"	490.00'	161.75'
C2	15°58'25"	490.00'	136.75'
C3	06°51'05"	742.00'	88.73'
C4	05°15'17"	742.00'	68.05'
C5	11°05'36"	742.00'	143.66'
C6	00°44'56"	520.00'	6.80'
C7	12°55'25"	496.31'	111.95'

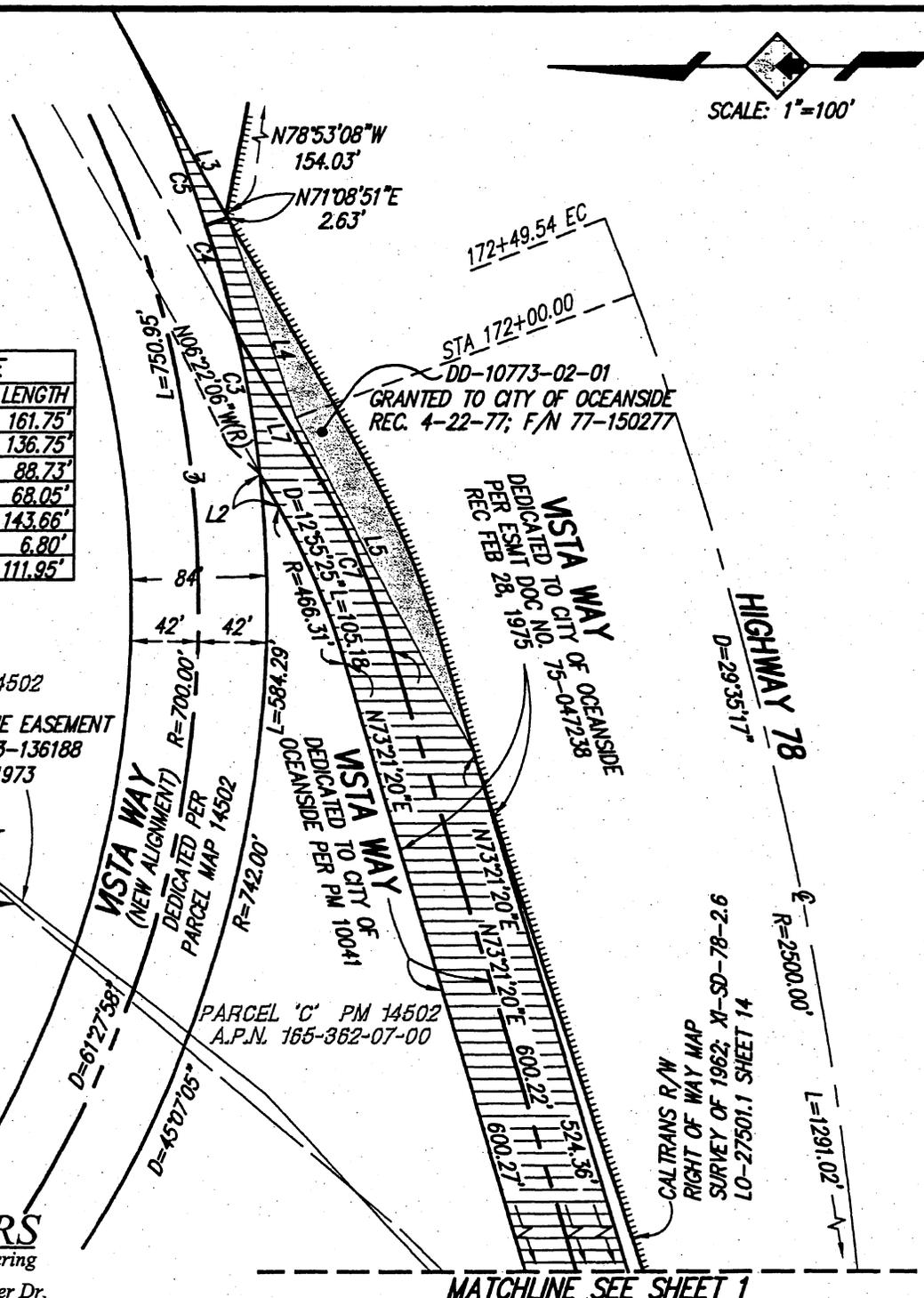
SCALE: 1"=100'

PARCEL 'D' PM 14502
 CL 6" TELEPHONE EASEMENT
 PER FILE NO. 73-136188
 FILED MAY 21, 1973
 CL OF 10' SEWER EASEMENT
 PER FILE NO. 95558
 FILED APRIL 18, 1972



PARTNERS
 Planning and Engineering
 15938 Bernardo Center Dr.
 San Diego, CA. 92127
 Ph. (858) 376-3444
 Fax: (858) 376-3555

[Signature] 3/22/07
 RUDY P. PACHECO, L.S. NO. 5717 DATE
 MY REGISTRATION EXPIRES 09/30/07



CITY OF OCEANSIDE
 EXIST. VISTA WAY VACATION
 PARCEL C OF PARCEL MAP 14502

EXHIBIT 'B'
 DRAWN BY:
 PARTNERS ENG'G.
 SHEET: 2 OF 4

MATCH LINE SEE SHEET 4

SCALE: 1"=100'

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PER FILE NO. 73-136188
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CL OF 20' STORM DRAIN
EASEMENT TO THE CITY OF
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TO BE RESERVED

CALTRANS R/W
RIGHT OF WAY MAP
SURVEY OF 1962; XI-SD-78-2.6
LO-27501.1 SHEET 14

VISTA WAY
DEDICATED TO CITY OF
OCEANSIDE PER PM 10041

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N03°13'29"W(R)

N02°16'09"E(R)

PARCEL 'C' PM 14502
A.P.N. 165-362-07-00

FREEWAY RAMP DEDICATED
PER MAP 14502 FOR FUTURE
FREEWAY RAMPS

N71°15'14"W
60.99'

D=06°06'26" R=2365.00' L=252.09'

D=06°06'26" R=2395.00' L=255.29'

D=06°06'26" R=2425.00' L=258.48'

N08°22'35"E
BASIS OF BEARINGS

RANCHO DEL ORO

P.O.B.

N81°37'25"W
110.00'

N81°37'25"W
1145.94'

HIGHWAY 78

D=29°35'17" R=2500.00' L=1291.02'

D=171.67' D=183°4'55" R=520.00' L=171.67'

VISTA WAY (OLD ALIGNMENT)
DEDICATED TO CITY OF OCEANSIDE
PER ESMT DOC NO. 75-047238
REC FEB 28, 1975



PARTNERS
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San Diego, CA. 92127
Ph. (858) 376-3444
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[Signature] 3/22/07

RUDY P. PACHECO, L.S. NO. 5717 DATE
MY REGISTRATION EXPIRES 09/30/07

CITY OF OCEANSIDE

EXHIBIT 'B'

**EXIST. VISTA WAY VACATION
PARCEL C OF PARCEL MAP 14502**

DRAWN BY:
PARTNERS ENG'G.

SHEET: 3 OF 4

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C8	02°55'24"	490.00'	25.00'

PARCEL 'D' PM 14502
 CL 6' TELEPHONE EASEMENT
 PER FILE NO. 73-136188
 FILED MAY 21, 1973

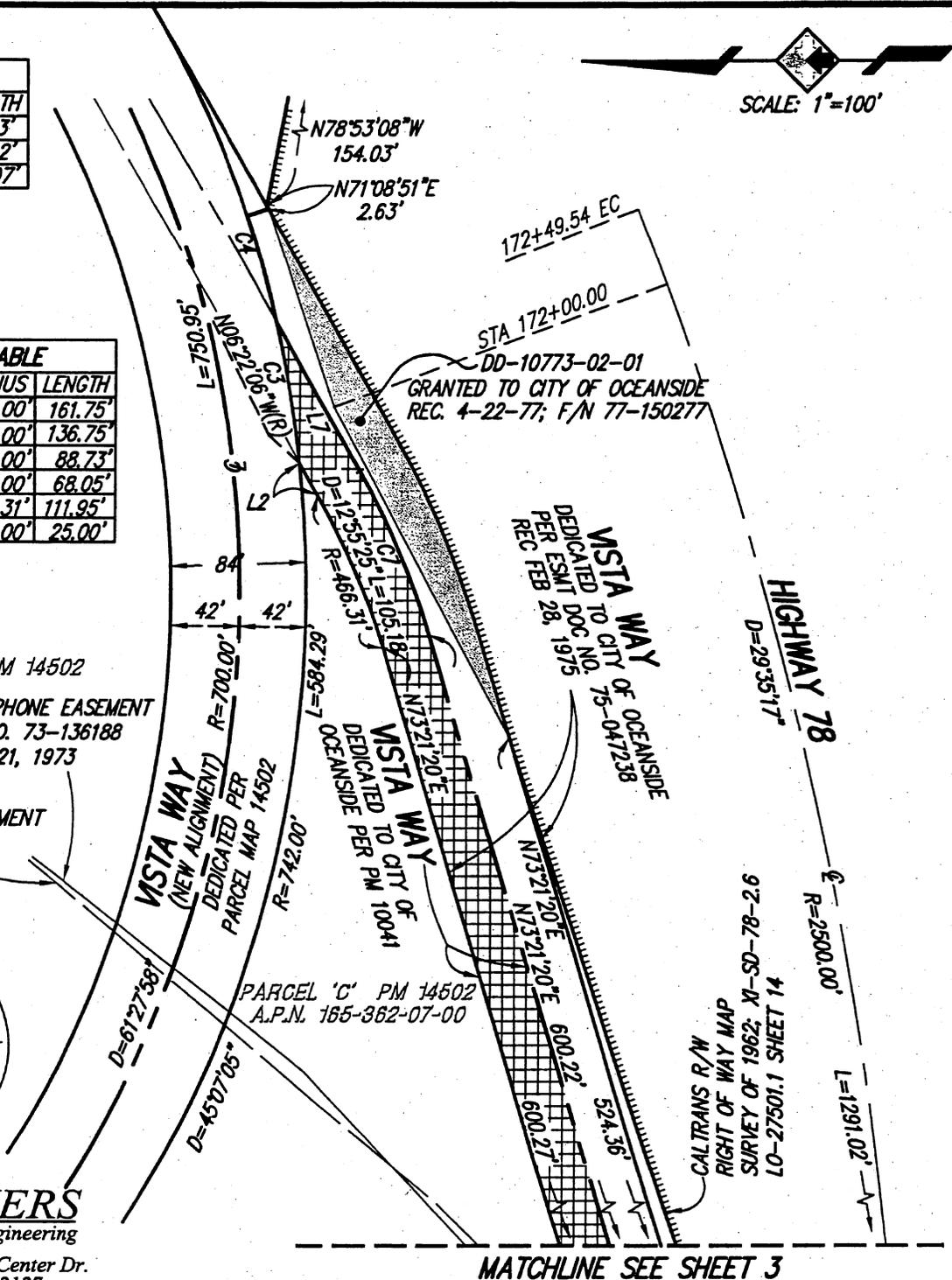
CL OF 10' SEWER EASEMENT
 PER FILE NO. 95558
 FILED APRIL 18, 1972



PARTNERS
 Planning and Engineering
 15938 Bernardo Center Dr.
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[Signature] 3/22/07
 RUDY P. PACHECO, L.S. NO. 5717 DATE
 MY REGISTRATION EXPIRES 09/30/07

SCALE: 1"=100'



MATCHLINE SEE SHEET 3

CITY OF OCEANSIDE	EXHIBIT 'B'
EXIST. VISTA WAY VACATION PARCEL C OF PARCEL MAP 14502	DRAWN BY: PARTNERS ENG'G.
	SHEET: 4 OF 4