

STAFF REPORT



ITEM NO. 16
CITY OF OCEANSIDE

DATE: May 7, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION DECLARING THE CITY'S INTENTION TO VACATE A PORTION OF RIGHT-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF CROUCH STREET AND APPLE STREET AND THE SETTING OF A PUBLIC HEARING**

SYNOPSIS

Staff recommends that the City Council adopt a resolution declaring the City's intention to vacate a portion of right-of-way located at the southwest corner of Crouch Street and Apple Street, adjacent to 605 Crouch Street, reserving and excepting from the vacation an easement for public utility purposes over the most-easterly fifteen feet of the proposed street vacation. Staff recommends setting a public hearing on the proposed vacation for June 11, 2008, at 6:00 p.m. in the City Council Chambers. The public hearing will consider ordering the vacation and reserving a public utility easement.

BACKGROUND

The City has received a request from the owner, Loma Alta Village, LLC, a California Limited Liability Company, to vacate a portion of right-of-way located at the southwest corner of Crouch Street and Apple Street, adjacent to 605 Crouch Street. The portion of Apple Street was acquired in 1931 pursuant to book 30, page 408 of official records. Crouch Street was acquired in 1933 pursuant to book 238, page 59 of official records, and Apple Street was narrowed from 80' to 60' wide in 1960 pursuant to file/page 218257 of official records. During the process of acquiring and vacating said streets, an irregularity in the right-of-way was created at the southwest corner of Crouch Street and Apple Street that is not consistent with City standard right-of-way requirements. The vacation contains approximately 600 square feet.

The proposed vacation of a portion of Crouch Street and Apple Street is in conjunction with Loma Alta Village, a 36-unit office condominium subdivision on a single lot, located at 605 Crouch Street. On September 27, 2007, Planning Commission Resolution No. 2007-P47 approved Loma Alta Village. As part of the project, the Developer is dedicating 5 feet of right-of-way along the entire frontage of Crouch Street. The vacation at the northeast corner of Loma Alta Village will fix the irregularity in right-of-way discussed above. The vacation will also provide a City standard radius to link the right-of-way line of the newly dedicated portion of Crouch Street to the existing right-of-way line of Apple Street. The area to be vacated is under one ownership and is not used for public vehicular or pedestrian access.

Cable, telephone, and the City of Oceanside Water Utilities Department do not have any utilities within the area being vacated and have no objection to the proposed street vacation. San Diego Gas and Electric currently has existing overhead electric facilities in the area proposed to be vacated and has requested that the City of Oceanside reserve a public utility easement over the most-easterly fifteen feet of the proposed street vacation.

ANALYSIS

The State of California Streets and Highways Code provides the City Council with the authority to vacate 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 area proposed to be vacated is not used for public vehicular or pedestrian access. The State of California Streets and Highways Code also provides that if there are in-place public utility facilities that are in use, a public entity shall require, reserve, and except from the vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities. San Diego Gas and Electric currently has existing overhead electric facilities in the area proposed to be vacated and has requested that the City of Oceanside reserve a public utility easement over the most-easterly fifteen feet of the proposed street vacation.

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 referenced documents have 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 right-of-way located at the southwest corner of Crouch Street and Apple Street, adjacent to 605 Crouch Street, reserving and excepting from the vacation an easement for public utility purposes over the most-easterly fifteen feet of the proposed street vacation. Staff recommends setting a public hearing on the proposed vacation for June 11, 2008, at 6:00 p.m. in the City Council Chambers. The public hearing will consider ordering the vacation and reserving a public utility easement.

PREPARED BY:



Gary Smith
Associate Civil Engineer

SUBMITTED BY:



Peter A. Weiss
City Manager

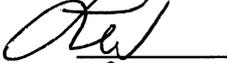
REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager

Lauren Wasserman, Interim Development Services Director

Scott O. Smith, City Engineer







Attachments:
Resolution
Exhibit "A"
Exhibit "B" (3 pages)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE DECLARING ITS INTENTION TO VACATE A
PORTION OF PUBLIC STREET RIGHT-OF-WAY,
RESERVING A PUBLIC UTILITY EASEMENT AND
SETTING A PUBLIC HEARING THEREON**

(CROUCH STREET AND APPLE STREET)

WHEREAS, the City Council of the City of Oceanside does declare its intention to vacate a portion of right-of-way located at the southwest corner of Crouch Street and Apple Street (hereinafter "THE STREETS") in accordance with the procedures contained in Chapter 3 of the Public Streets, Highways and Service Easements Vacation Law (California Streets and Highways Code Section 8320 et.seq.); and

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.

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 3, Section 8320 et.seq. of the Public Streets, Highways and Service Easements Vacation Law, California Streets and Highways Code, "THE STREETS" 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, June 11, 2008, 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
2 there will be reserved and excepted from the vacation an easement and right at any time,
3 or from time to time, to construct, maintain, operate, replace, remove, and renew public
4 utilities and appurtenant structures in, upon, over, across and through the street proposed
5 to be vacated. The said easement is described on said Exhibit "A" and shown on said
6 Exhibit "B".

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

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

11 PASSED AND ADOPTED by the City Council of the City of Oceanside,
12 California this _____ day of _____, 2008, by
13 the following vote:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18 _____
19 Mayor of the City of Oceanside

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

22 _____
23 City Attorney

24 ATTEST:

25 _____
26 City Clerk
27
28

FILE NO. ROWV-01-2008

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF APPLE STREET AND CROUCH STREET AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF THAT CERTAIN GRANT OF EASEMENT FOR PUBLIC HIGHWAY RECORDED ON AUGUST 23, 1933 IN BOOK 238, PAGE 59 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, SAID POINT BEING THE WESTERLY TERMINUS OF THE TANGENT CURVE TO THE LEFT CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 42.24 FEET, CENTRAL ANGLE OF 109°48'45" AND ARC LENGTH OF 80.97 FEET AS DESCRIBED THEREIN AND SHOWN AS HAVING A CENTRAL ANGLE OF 109°48'45", RADIUS OF 42.24 FEET AND ARC LENGTH OF 80.96 FEET ON RECORD OF SURVEY NO. 2857 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 22, 1952, A RADIAL LINE TO SAID WESTERLY TERMINUS BEARS NORTH 22°40'00" WEST; THENCE NORTHEASTERLY, EASTERLY AND SOUTHEASTERLY 60.20 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 81°39'07" TO A LINE THAT IS PARALLEL WITH AND 30.00 FEET WESTERLY OF THE CENTERLINE OF CROUCH STREET SHOWN AS NORTH 02°51'15" WEST 447.76 FEET ON SAID RECORD OF SURVEY NO. 2857; THENCE NORTH 02°51'15" WEST 10.40 FEET ALONG SAID PARALLEL LINE TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 20.00 FEET THAT IS ALSO TANGENT TO A LINE THAT IS PARALLEL WITH AND 30.00 FEET SOUTHERLY OF THE CENTERLINE OF APPLE STREET SHOWN AS NORTH 87°08'45" EAST 78.38 FEET ON SHEET 5 OF STREET IMPROVEMENT DRAWING NO. R-961 DATED DECEMBER 28, 1965 ON FILE WITH THE CITY OF OCEANSIDE ENGINEERING DEPARTMENT; THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY 31.42 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00"; THENCE SOUTH 87°08'45" WEST 28.17 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 20.00 FEET; THENCE WESTERLY 6.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 19°48'45"; THENCE SOUTH 22°40'00" EAST 10.00 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM, A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITY PURPOSES OVER THE MOST EASTERLY 15.00 FEET THEREOF, TOGETHER WITH THE RIGHT TO GRANT AND CONVEY THE SAME TO A PUBLIC OR QUASI-PUBLIC AGENCY.

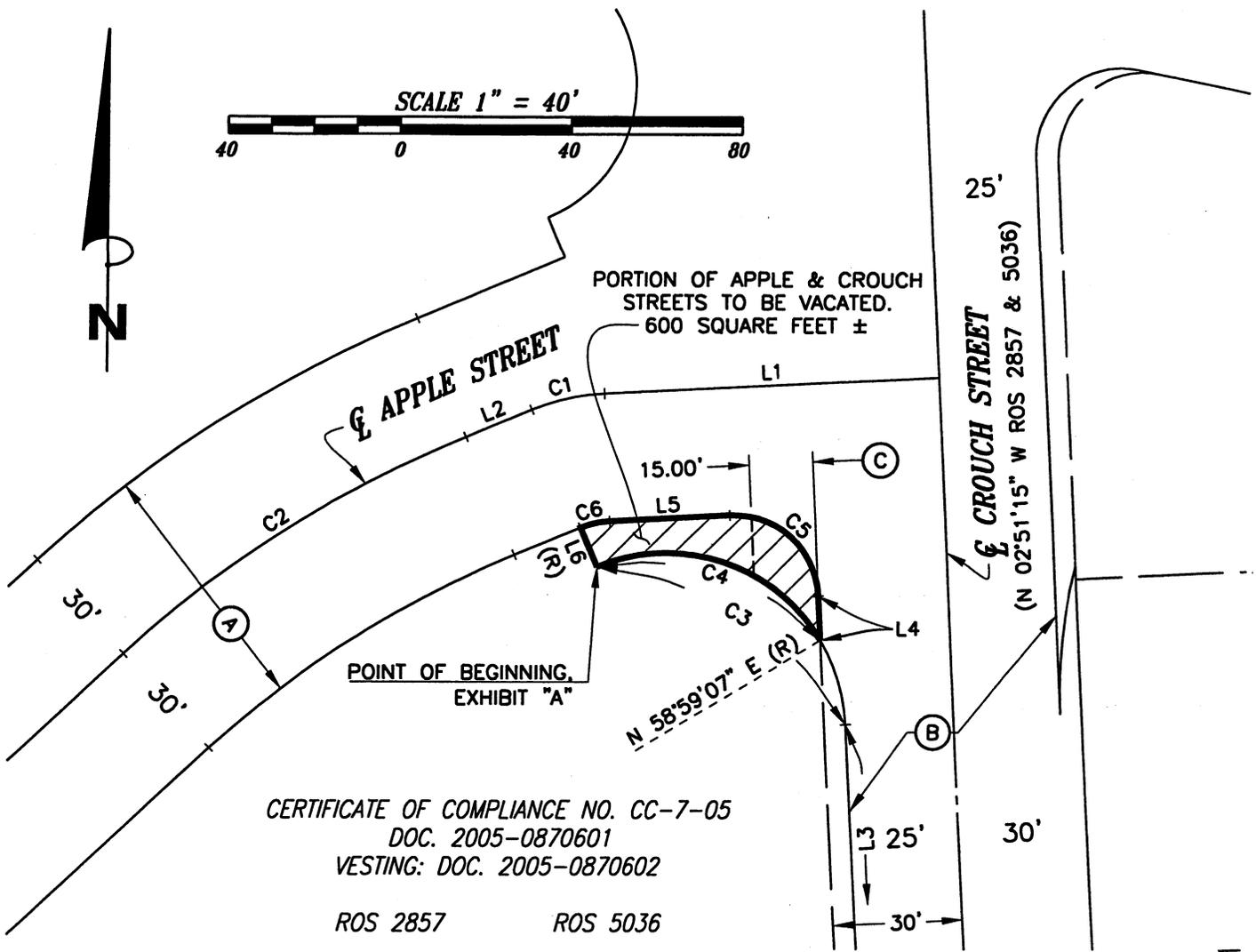
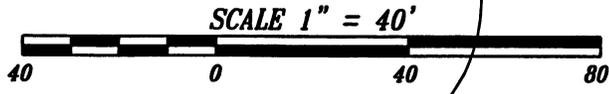
Prepared by: *Philip D. Buccola*
PHILIP D. BUCCOLA
R.C.E. 27732; EXPIRES 3-31-10

Date: 3.14.08

**BUCCOLA
ENGINEERING, inc.**

3142 Vista Way, Suite 301 760/721-2000
Oceanside, CA 92056 FAX 760/721-2046





CERTIFICATE OF COMPLIANCE NO. CC-7-05
DOC. 2005-0870601
VESTING: DOC. 2005-0870602
ROS 2857 ROS 5036

- (A) INDICATES A PUBLIC HIGHWAY EASEMENT IN FAVOR OF THE CITY OF OCEANSIDE RECORDED ON OCTOBER 15, 1931 IN BOOK 30, PAGE 408 OF OFFICIAL RECORDS THAT WAS PARTIALLY VACATED PURSUANT TO CITY COUNCIL RESOLUTION NO. 60-136 RECORDED ON NOVEMBER 3, 1960 AS FILE/PAGE 218257.
- (B) INDICATES A PUBLIC HIGHWAY EASEMENT IN FAVOR OF THE CITY OF OCEANSIDE RECORDED ON AUGUST 23, 1933 IN BOOK 238, PAGE 59 OF OFFICIAL RECORDS.
- (C) INDICATES A NON-EXCLUSIVE EASEMENT FOR PUBLIC UTILITY PURPOSES, 15 FEET WIDE, RESERVED BY THE CITY OF OCEANSIDE HEREON, TOGETHER WITH THE RIGHT TO GRANT AND CONVEY THE SAME TO A PUBLIC OR QUASI-PUBLIC AGENCY.

DIMENSIONS SHOWN HEREON ARE DERIVED FROM RECORD DATA. SEE SHEET 2 FOR THE IDENTITY OF THESE REFERENCES.



FILE No. ROWV-01-2008

Revision	By	Approved	Date

**CITY OF OCEANSIDE
VACATION PLAT**

**SOUTHWEST CORNER OF CROUCH STREET
AND APPLE STREET**

EXHIBIT "B"

SHEET 1 OF 3 SHEETS

AREA = 600 S.F.

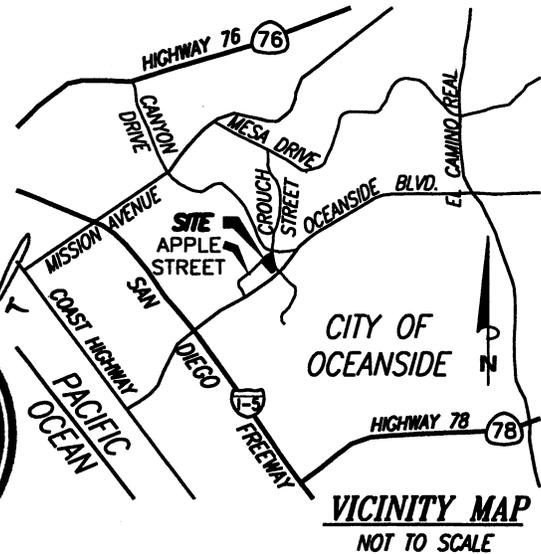
LINE DATA			
	BEARING	DISTANCE	REFERENCE
L1	N87°08'45"E	78.17'	
	(N87°08'45"E	78.38'	REF. 2)
L2	N67°20'00"E	16.67'	REF. 1
	(N67°20'50"E	16.67'	REF. 2)
L3	N02°51'15"W	244.09'	REF. 1
	(N02°53'25"W	243.96'	REF. 3)
L4	N02°51'15"W	10.40'	
L5	S87°08'45"W	28.17'	
L6	S22°40'00"E	10.00'	RADIAL

CURVE DATA				
	DELTA	RADIUS	LENGTH	REFERENCE
C1	19°48'45"	50.00'	17.29'	
	(19°47'55"	50.00'	17.28'	REF. 2)
C2	20°00'00"	271.48'	94.77'	REF. 1 & 2
C3	109°48'45"	42.24'	80.97'	REF. 3
	(109°48'45"	42.24'	80.96'	REF. 1)
C4	81°39'07"	42.24'	60.20'	
C5	90°00'00"	20.00'	31.42'	
C6	19°48'45"	20.00'	6.92'	

REFERENCE 1: RECORD OF SURVEY NO. 2857

REFERENCE 2: SHEET 5 OF STREET IMPROVEMENT DRAWING NO. R-961 DATED DECEMBER 28, 1965 ON FILE WITH THE CITY OF OCEANSIDE ENGINEERING DEPARTMENT.

REFERENCE 3: BOOK 238, PAGE 59 OFFICIAL RECORDS RECORDED ON AUGUST 23, 1933.



PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc

760/721-2000

3142 Vista Way, Suite 301, Oceanside, CA 92056



FILE No. ROWV-01-2008

Revision	By	Approved	Date

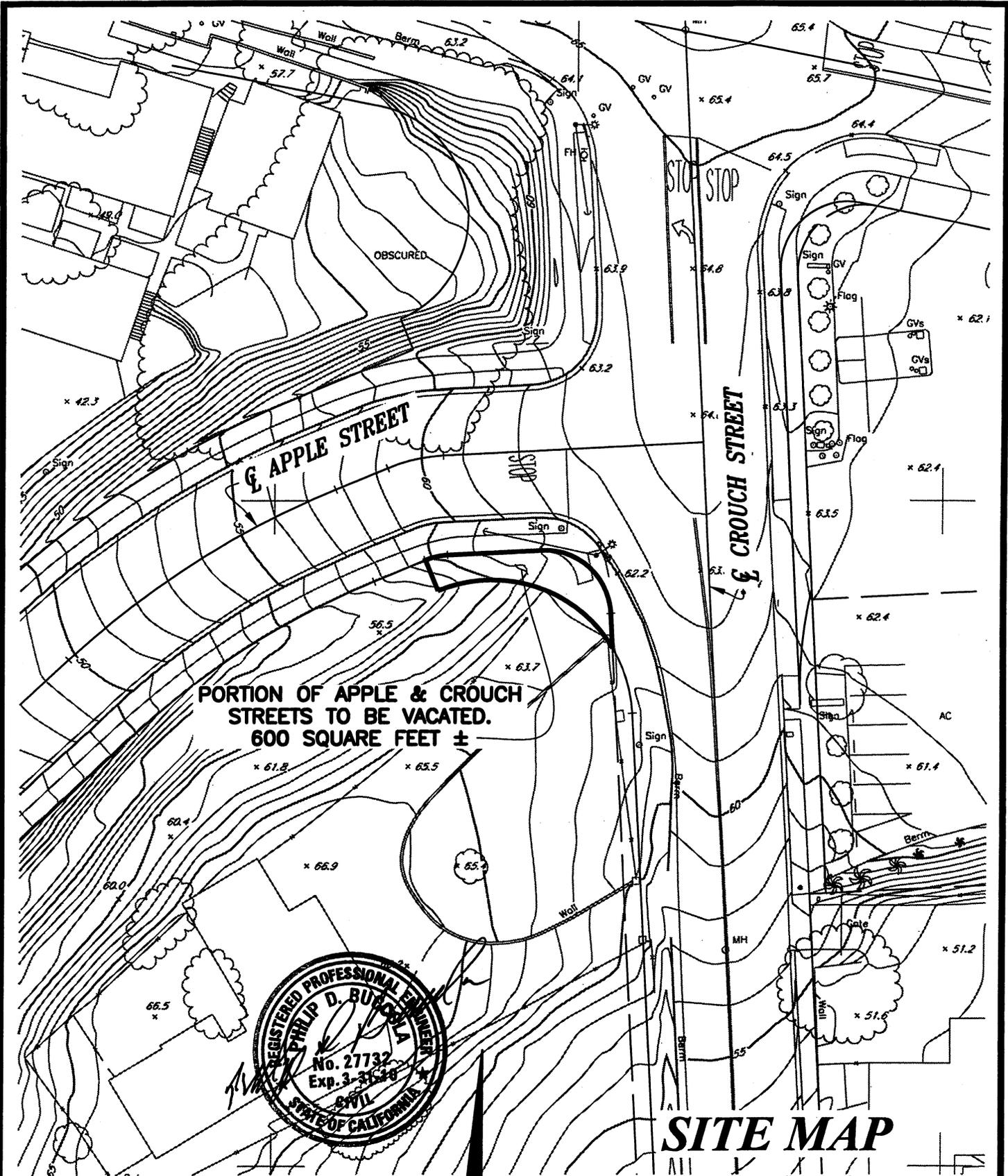
**CITY OF OCEANSIDE
VACATION PLAT**

**SOUTHWEST CORNER OF CROUCH STREET
AND APPLE STREET**

EXHIBIT "B"

SHEET 2 OF 3 SHEETS

AREA = 600 S.F.



PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc

760/721-2000

3142 Vista Way, Suite 301, Oceanside, CA 92056

EXHIBIT "B"
 SHEET 3 OF 3 SHEETS