



DATE: June 18, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION ORDERING THE VACATION OF A PORTION OF RIGHT-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF CROUCH AND APPLE STREETS**

SYNOPSIS

Staff recommends that the City Council conduct a public hearing on the matter to adopt a resolution to order the vacation of a portion of right-of-way located at the southwest corner of Crouch and Apple Streets, 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, and authorization for the City Clerk to file a certified copy of the resolution with the County Recorder.

BACKGROUND

On May 7, 2008, the City Council adopted Resolution No. 08-R0286-1, stating its intent to vacate a portion of right-of-way located at the southwest corner of Crouch and Apple Streets pursuant to the provisions of Chapter 3 of the Public Streets, Highways and Service Easement Vacation Law (State of California Streets and Highways Code).

The portion of right-of-ways to be vacated is located at the southwest corner of Crouch and Apple Streets, 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 feet in width 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 and Apple Streets that is not consistent with standard City right-of-way requirements. The vacation contains approximately 600 square feet.

The proposed vacation of a portion of Crouch and Apple Streets 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 five 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 standard City 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.

Cox Communications, Pacific Bell, and the City of Oceanside Water Utilities Department have no 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.

In order to adopt the resolution ordering the vacation, the City Council must conduct a public hearing to give all interested persons an opportunity to be heard regarding the proposed vacation. If the City Council finds, from all the evidence submitted, that the right-of-way to be vacated at the southwest corner of Crouch and Apple Streets is unnecessary for present or prospective public use, the City Council may adopt a resolution vacating the street.

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

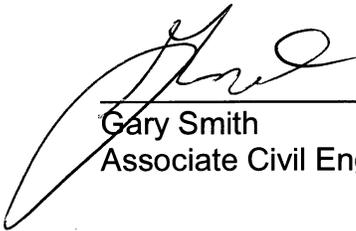
The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing on the matter to adopt a resolution to order the vacation of a portion of right-of-way located at the southwest corner of Crouch and Apple Streets, 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, and authorization for the City Clerk to file a certified copy of the resolution with the County Recorder.

PREPARED BY:

SUBMITTED BY:



Gary Smith
Associate Civil Engineer



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 ORDERING THE VACATION OF PUBLIC
STREET RIGHT-OF-WAY AND RESERVING A PUBLIC
UTILITY EASEMENT**

(CROUCH STREET AND APPLE STREET)

WHEREAS, the City Council of the City of Oceanside did, on May 7, 2008, by Resolution No. 08-R0286-1, declare its 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 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.);

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

WHEREAS, the proposed vacation has been considered in relation to the General Plan of the City of Oceanside;

WHEREAS, notice of the intended vacation was duly published in *The North County Times* and posted in accordance with subdivision (a) of Section 8322 of the California Streets and Highways Code;

WHEREAS, on June 11, 2008, the City Council continued the matter to the June 18, 2008 Council meeting;

WHEREAS, on June 18, 2008 the City Council held a public hearing on the proposed vacation and considered all evidence submitted by all persons interested in said vacation;

WHEREAS, after consideration of all evidence submitted, the City Council finds this public street right-of-way unnecessary for present or prospective public use; and

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

1 Section 1. The public street right-of-way described in said Exhibit "A" and as
2 shown on said Exhibit "B" shall be and is hereby vacated.

3 Section 2. That pursuant to Section 8340 of the Streets and Highways Code
4 there is hereby reserved and excepted from this vacation a public utility easement and
5 right, to construct, maintain, operate, replace, remove, and renew public utilities and
6 appurtenant structures in, upon, over, across and through the portions of street hereby
7 vacated.

8 Section 3. The City Clerk shall cause a certified copy of this resolution to be
9 recorded in the Office of the County Recorder of San Diego County in accordance with
10 Section 8325 of the Streets and Highways Code. Upon such recordation, vacation is
11 complete.

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

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 MAYOR OF THE CITY OF OCEANSIDE

20
21 ATTEST:

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

24 _____
25 CITY CLERK

26 
27 CITY ATTORNEY
28

Street Vacation
Southwest corner Apple
and Crouch Streets,
Oceanside, Ca

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
R.C.E. 27732; EXPIRES 3-31-10

Date:

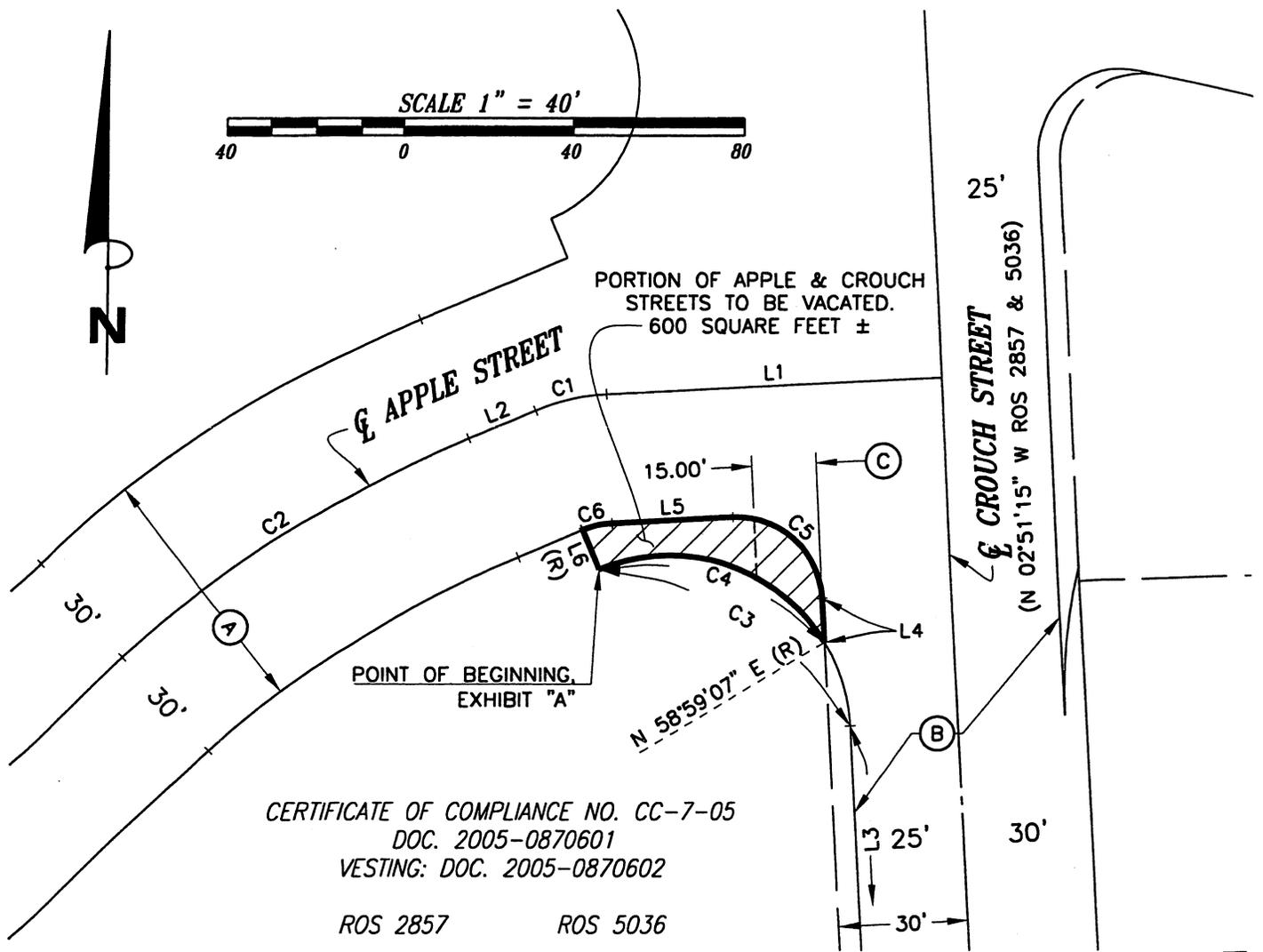
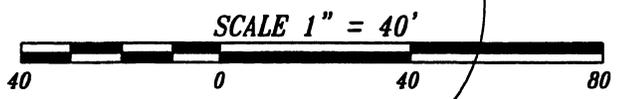
3.14.08

**BUCCOLA
ENGINEERING, inc.**

3142 Vista Way, Suite 301
Oceanside, CA 92056

760/721-2000
FAX 760/721-2046





PORTION OF APPLE & CROUCH
STREETS TO BE VACATED.
600 SQUARE FEET ±

POINT OF BEGINNING,
EXHIBIT "A"

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.

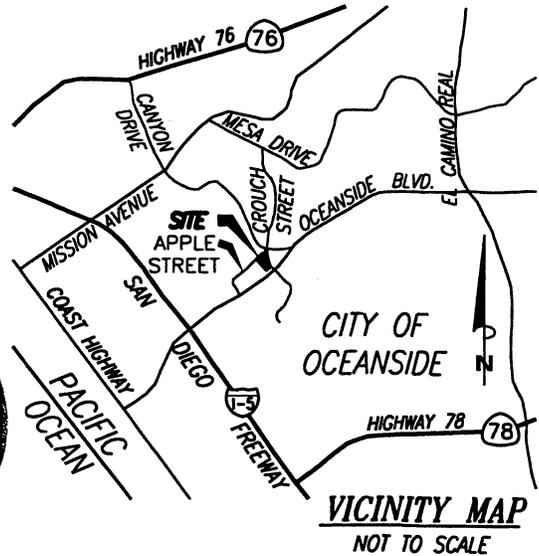
LINE DATA			
	BEARING	DISTANCE	REFERENCE
L1	N87°08'45"E	78.17'	
	(N87°08'45"E	78.38'	REF. 2)
L2	N67°20'00"E	16.67'	REF. 1
	(N67°20'50"E	16.67'	REF. 2)
L3	N02°51'15"W	244.09'	REF. 1
	(N02°53'25"W	243.96'	REF. 3)
L4	N02°51'15"W	10.40'	
L5	S87°08'45"W	28.17'	
L6	S22°40'00"E	10.00'	RADIAL

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

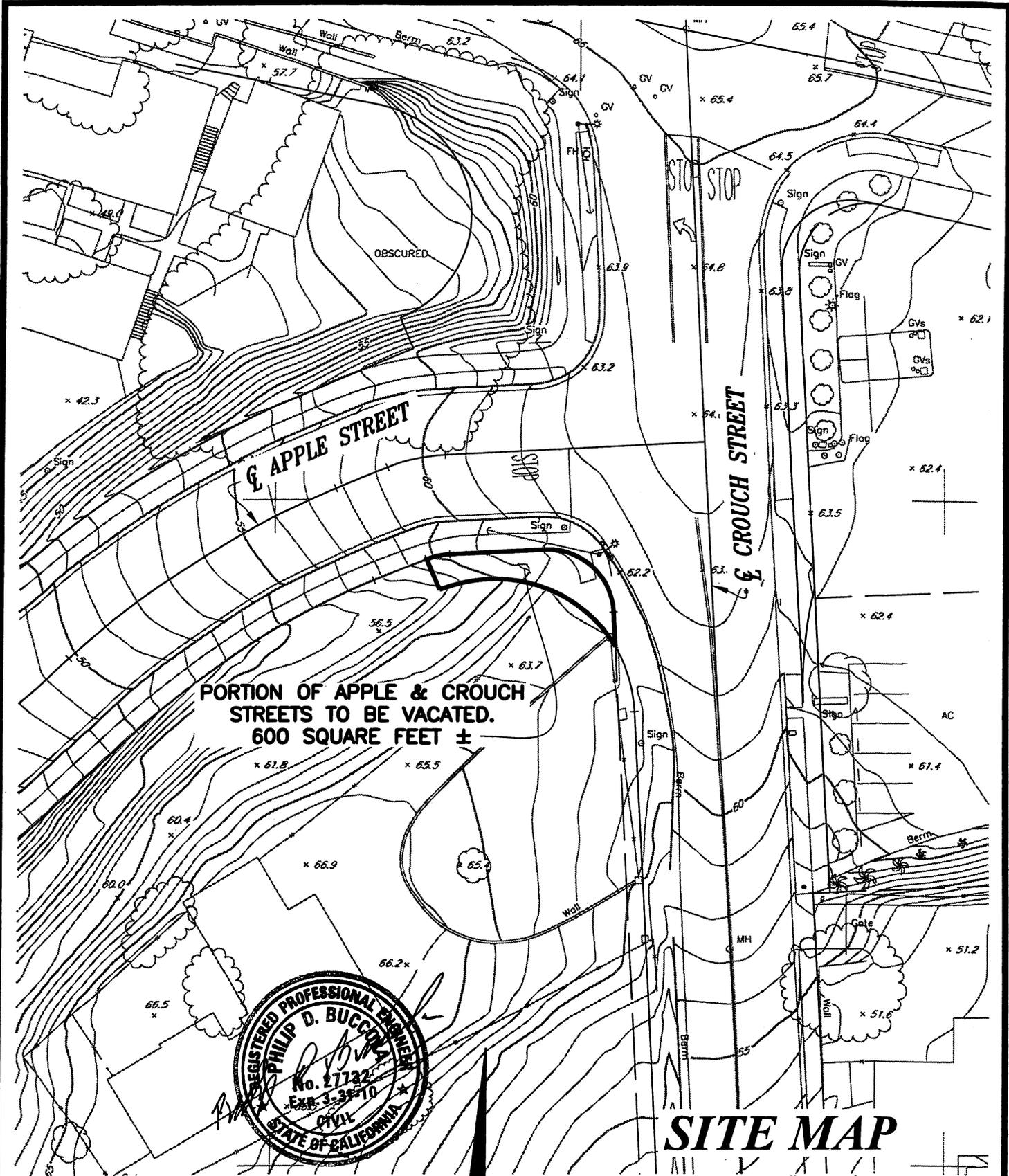
CITY OF OCEANSIDE
VACATION PLAT

SOUTHWEST CORNER OF CROUCH STREET
AND APPLE STREET

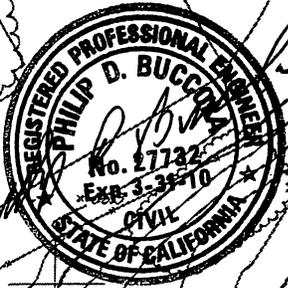
EXHIBIT "B"

SHEET 2 OF 3 SHEETS

AREA = 600 S.F.



PORTION OF APPLE & CROUCH
STREETS TO BE VACATED.
600 SQUARE FEET ±



PREPARED IN THE OFFICE OF:

BUCCOLA
ENGINEERING, inc

760/721-2000

3142 Vista Way, Suite 301, Oceanside, CA 92056



SITE MAP

SCALE 1" = 40'

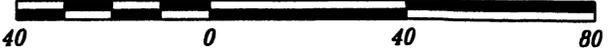


EXHIBIT "B"

SHEET 3 OF 3 SHEETS