

STAFF REPORT



ITEM NO. 25
CITY OF OCEANSIDE

DATE: June 20, 2007
TO: Honorable Mayor and City Councilmembers
FROM: Public Works Department
SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING A PUBLIC WATER LINE EASEMENT- LOCATED AT PALM TREE PLAZA**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a portion of water line easement located within Walgreens property located at Palm Tree Plaza being Parcel 1 of Parcel Map No. 17346, 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 Palm Tree Plaza, LLC, owner, proposing the vacation of a portion of water line easement acquired by the City of Oceanside by grant of easement deed, recorded on December 10, 1991 as Document No. 1991-0640468 of Official Records of San Diego County.

The above easement lies within Walgreens property located on Palm Tree Plaza being Parcel 1 of Parcel Map No. 17346, on file in the office of the San Diego County.

With development of the new Walgreens and completion of grading on Parcel 1, the existing water line within the area to be vacated was relocated. The easement has been superseded by relocation and there are no other public facilities located in the area to be vacated.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Easements Vacation Law provides the City Council with the authority to summarily vacate an easement that has been superseded by relocation, provided there are no other public facilities located within the easement.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 referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution summarily vacating a portion of water line easement located within Walgreens property located at Palm Tree Plaza being Parcel 1 of Parcel Map No. 17346, 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
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Joseph Arranaga, Acting Deputy Public Works Director

Scott O. Smith, City Engineer





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
3 accordance with the provisions of Section §8336 of the Streets and Highways Code.
4 Upon such recordation, the vacation is complete.

5 PASSED AND ADOPTED by the City Council of the City of Oceanside,
6 California this _____ day of _____, 2007, by
7 the following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Mayor of the City of Oceanside

14 APPROVED AS TO FORM:
15 OFFICE OF THE CITY ATTORNEY

16 _____
17 *Shirley M. Decker*
18 City Attorney

19 ATTEST:

20 _____
21 City Clerk

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE
CALIFORNIA SUMMARILY VACATING A WATER LINE EASEMENT
LOCATED ON PARCEL 1 OF PM 17346**

EXHIBIT A

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 17346, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 30, 1994, AS FILE NO. 1994-0209262 IN BOOK OF PARCEL MAPS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

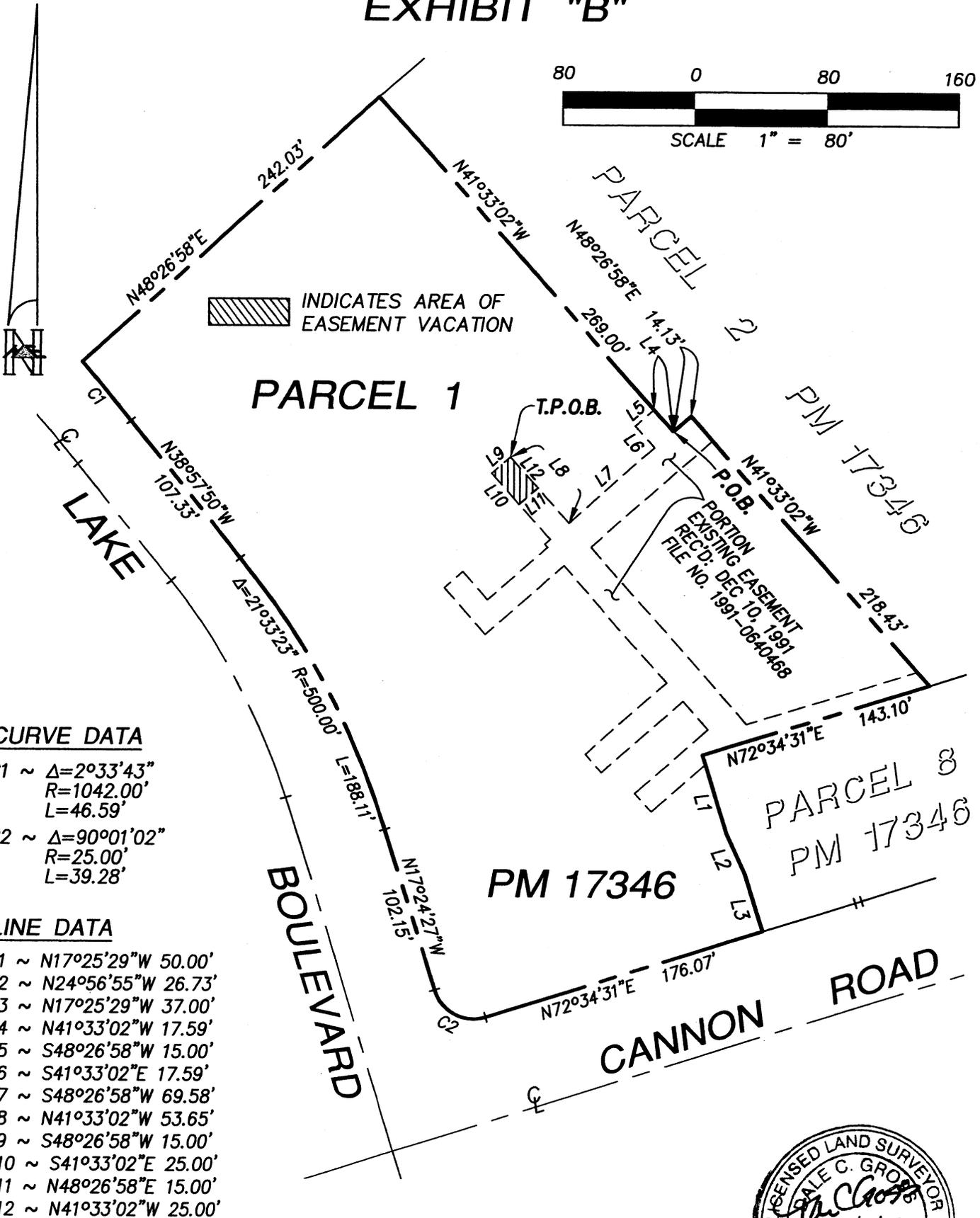
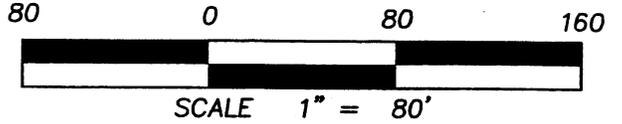
BEING A PORTION OF AN EXISTING EASEMENT RECORDED DECEMBER 10, 1991 AS FILE NO. 1991-0640468 OF OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE EASTERLY LINE OF SAID PARCEL 1, THE SOUTHERLY TERMINUS OF WHICH, BEARS SOUTH 41°33'02" EAST, 269.00 FEET FROM THE MOST NORTHEASTERLY CORNER THEREOF; THENCE ALONG SAID EASTERLY LINE, NORTH 41°33'02" WEST, 17.59 FEET TO THE NORTHERLY LINE OF AN EXISTING EASEMENT RECORDED DECEMBER 10, 1991, AS FILE NO. 1991-0640468 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHERLY LINE: SOUTH 48°26'58" WEST, 15.00 FEET (L5); THENCE SOUTH 41°33'02" EAST, 17.59 FEET (L6); THENCE SOUTH 48°26'58" WEST, 69.58 FEET (L7); THENCE NORTH 41°33'02" WEST, 53.65 FEET (L8) TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 48°26'58" WEST, 15.00 FEET TO THE SOUTHERLY LINE OF SAID EXISTING EASEMENT (L9); THENCE ALONG SAID SOUTHERLY LINE, SOUTH 41°33'02" EAST, 25.00 FEET (L10); THENCE LEAVING SAID SOUTHERLY LINE, NORTH 48°26'58" EAST, 15.00 FEET (L11) TO A POINT ON SAID NORTHERLY LINE OF EXISTING EASEMENT; THENCE ALONG SAID NORTHERLY LINE, NORTH 41°33'02" WEST, 25.00 FEET (L12) TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 375.00 SQUARE FEET, MORE OR LESS.



EXHIBIT "B"



CURVE DATA

- C1 ~ $\Delta=2^{\circ}33'43''$
 $R=1042.00'$
 $L=46.59'$
- C2 ~ $\Delta=90^{\circ}01'02''$
 $R=25.00'$
 $L=39.28'$

LINE DATA

- L1 ~ N17 $^{\circ}$ 25'29"W 50.00'
 L2 ~ N24 $^{\circ}$ 56'55"W 26.73'
 L3 ~ N17 $^{\circ}$ 25'29"W 37.00'
 L4 ~ N41 $^{\circ}$ 33'02"W 17.59'
 L5 ~ S48 $^{\circ}$ 26'58"W 15.00'
 L6 ~ S41 $^{\circ}$ 33'02"E 17.59'
 L7 ~ S48 $^{\circ}$ 26'58"W 69.58'
 L8 ~ N41 $^{\circ}$ 33'02"W 53.65'
 L9 ~ S48 $^{\circ}$ 26'58"W 15.00'
 L10 ~ S41 $^{\circ}$ 33'02"E 25.00'
 L11 ~ N48 $^{\circ}$ 26'58"E 15.00'
 L12 ~ N41 $^{\circ}$ 33'02"W 25.00'

JOB NO. 0455



HALE ENGINEERING

CIVIL ENGINEERING ~ SURVEYING ~ LAND PLANNING

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