

STAFF REPORT



ITEM NO. 9

CITY OF OCEANSIDE

DATE: July 9, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **SUMMARY VACATION OF DEDICATION OF ACCESS RIGHTS
RELINQUISHMENT TO PERMIT VEHICULAR ACCESS MELROSE
DRIVE TO PARCEL 1 OF PARCEL MAP NO. 18079**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a relinquishment of a 44-foot-wide vehicular access via Melrose Drive to Parcel 1 of Parcel Map No. 18079, located adjacent to 1430 South Melrose Drive (APN 169-011-44) just north of Cannon Road, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

BACKGROUND

The owner, Steve Metsovas has requested vehicular access via Melrose Drive to a portion of the property known as Parcel 1, as shown on Exhibit "A" attached. The access rights were formerly relinquished on Map No. 18079 pursuant to Section No. 66476 of the State of California Subdivision Map Act.

A development plan for construction of commercial retail buildings and appurtenances at this 1.5 acre-site was reviewed by the Planning Commission and was approved by Resolution No. 2008-P04. The additional access to Melrose Drive is essential to the future development of this property and was a requirement of the development plan. The additional access drive to Melrose Drive will facilitate better traffic flow to and from the site.

ANALYSIS

Government Code §66477.2(c) and Streets and Highway Code Section 8330, et seq., provide the City Council with the authority to vacate a dedication based on the determination that there is not a present or prospective public need for the dedication being vacated.

The prior property owner dedicated the relinquishment of the access right pursuant to conditions of approval of Parcel Map No. 18079, which provided only a single point of access to control the traffic flow on Melrose Drive.

The current owners' new development plan approved by the Planning Commission provides for an additional point of access to said road. The additional access point to Melrose Drive will facilitate better traffic flow to and from the site, thus eliminating the present and prospective need for the owners to relinquish access rights to Melrose Drive.

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

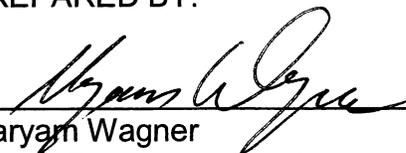
Pursuant to Government Code §66477.2(c) and Streets and Highway Code Section 8330, et seq. the City Council may terminate a dedication through adoption of a resolution of vacation. The resolution shall state that the vacation complies with the general plan and is made pursuant to the above statutes, shall precisely describe the dedication being vacated, and shall state all facts under which the summary vacation is made. Upon recordation of the resolution, the dedication is terminated.

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 relinquishment of a 44-foot-wide vehicular access via Melrose Drive to Parcel 1 of Parcel Map No. 18079, located adjacent to 1430 South Melrose Drive (APN 169-011-44) just north of Cannon Road, 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

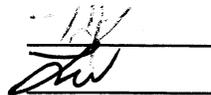
SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Lauren Wasserman, Interim Development Services Director
Scott O. Smith, City Engineer



for: 

Attachments
Resolution
Exhibit "A" map

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE SUMMARILY VACATING DEDICATION OF
4 VEHICULAR ACCESS RIGHTS VIA MELROSE DRIVE TO PARCEL
5 1 OF MAP NO. 18079

6 WHEREAS, a request has been made for vehicular access via Melrose Drive to the
7 Parcel 1 of Parcel Map No. 18079, recorded on 28th day of July, 1998, as Document No. 98-
8 469616; and

9 WHEREAS, said access was previously relinquished by a former owner on Parcel Map
10 No. 18079 pursuant to Section No. 66476 of the State of California Subdivision Map Act; and

11 WHEREAS, the description of the dedication to be vacated is particularly described on
12 the attached Exhibit A; and

13 WHEREAS, Government Code §66477.2(c) authorizes the City Council to summarily
14 vacate a dedication if it is no longer needed for present or prospective public use; and

15 WHEREAS, the dedication as described in Exhibit A is unnecessary for present or
16 prospective public use; and

17 WHEREAS, the vacation of the dedication is in compliance with the general plan
18 because it encourages access to businesses in the City; and

19 WHEREAS, this resolution is made pursuant to Government Code §66477.2(c) and
20 Streets and Highway Code Section 8330 et seq; and

21 WHEREAS, the interests of the business community as well as the interest of the public
22 will be served by vacating the dedication described above due to the increased access and ease
23 of use of the property with the second access point; and

24 WHEREAS, after consideration of all evidence submitted this City Council does find an
25 order as follows:

26 SECTION 1: That the dedication of vehicular access is hereby vacated on, over and
27 across the vehicular access rights relinquished on said Map No. 18079 along the westerly
28 boundary of said Parcel 1 of said Map as subsequently shown on Exhibit A attached hereon
and made a part hereof and also shown on Grading Plan No. 2824 submitted to the City and

1 that vehicular access is hereby granted to the owners of said property on, over and across the
2 vehicular access rights previously relinquished.

3 SECTION 2: The City Clerk is hereby ordered to file a certified copy of this resolution
4 in the Official Records with the County Recorder of the San Diego County.

5 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
6 this _____ day of _____, 2008, by the following vote:

7
8 AYES:

9 NAYS:

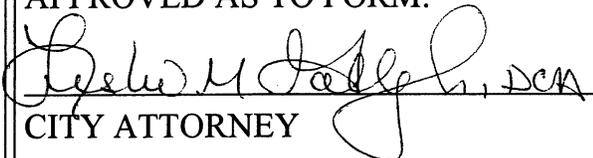
10 ABSENT:

11 ABSTAIN:

12 _____
MAYOR OF THE CITY OF OCEANSIDE

13
14 APPROVED AS TO FORM:

ATTEST:

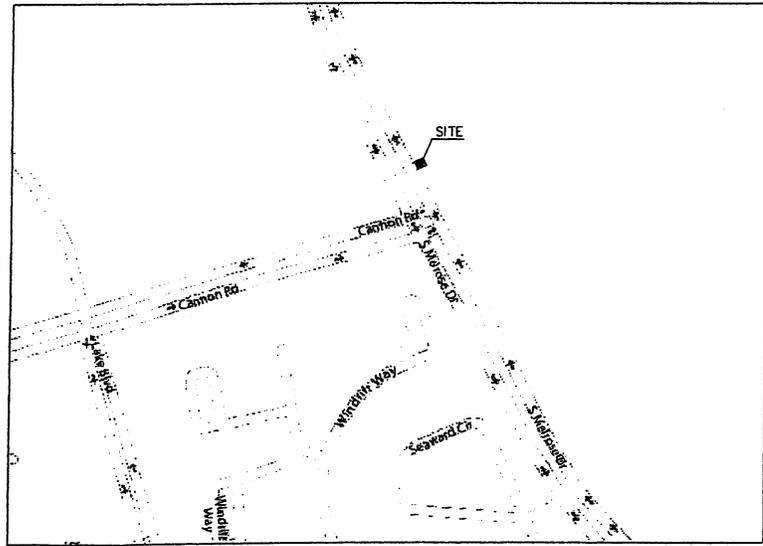
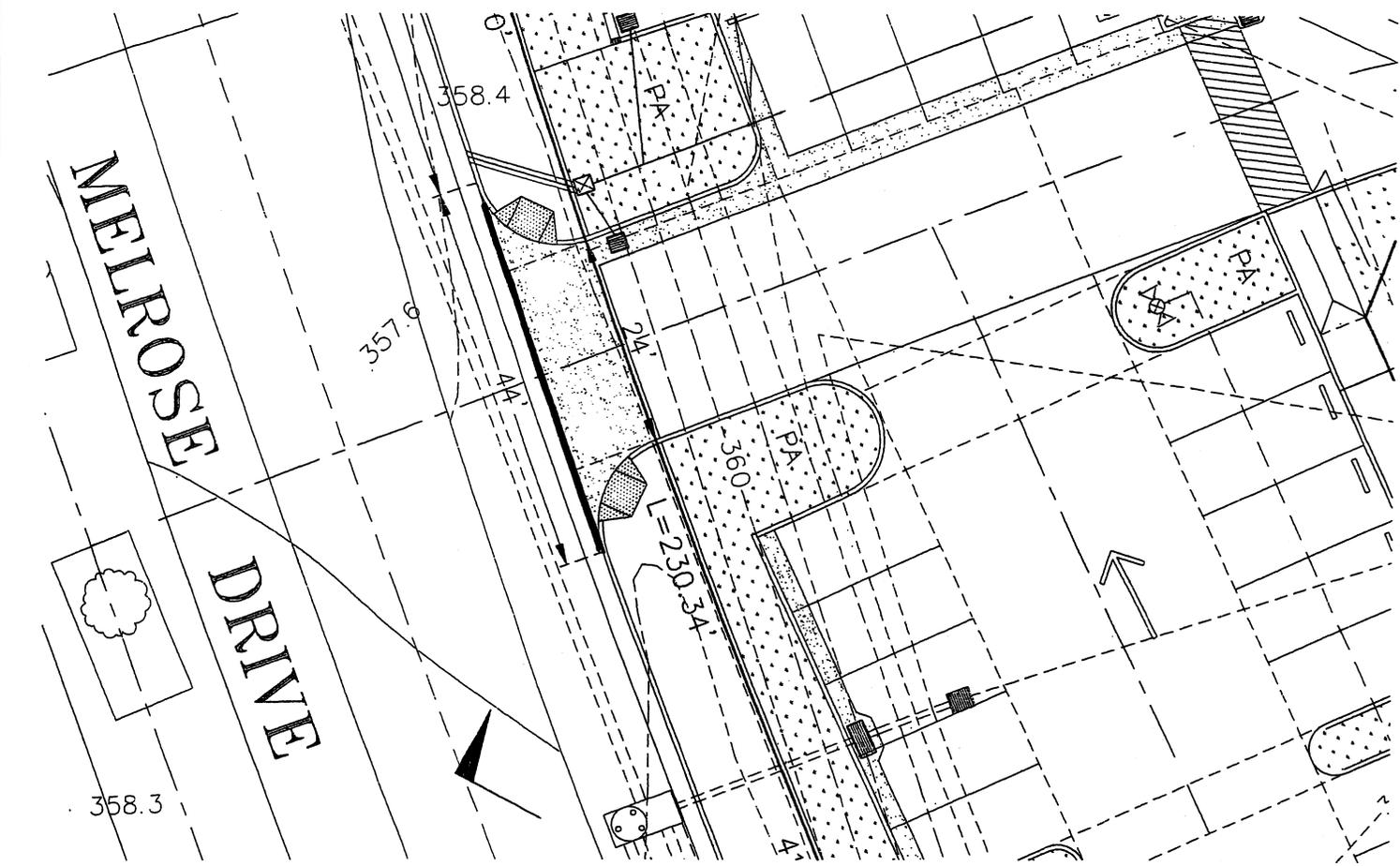
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16 _____
CITY ATTORNEY

17 _____
CITY CLERK

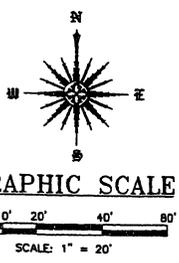
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EXHIBIT "A"

MAP NO. 18079
 PARCEL 1
 A.P. NO. 169-011-044



VICINITY MAP
 N.T.S.



JK ASSOCIATES THE CHOICE
 CIVIL CONSULTING ENGINEERS
 1295 LOS ANGELES ST. BLDG. #4
 GLENDALE, CA 91204
 TEL: (818) 507-9881
 FAX: (818) 507-9882



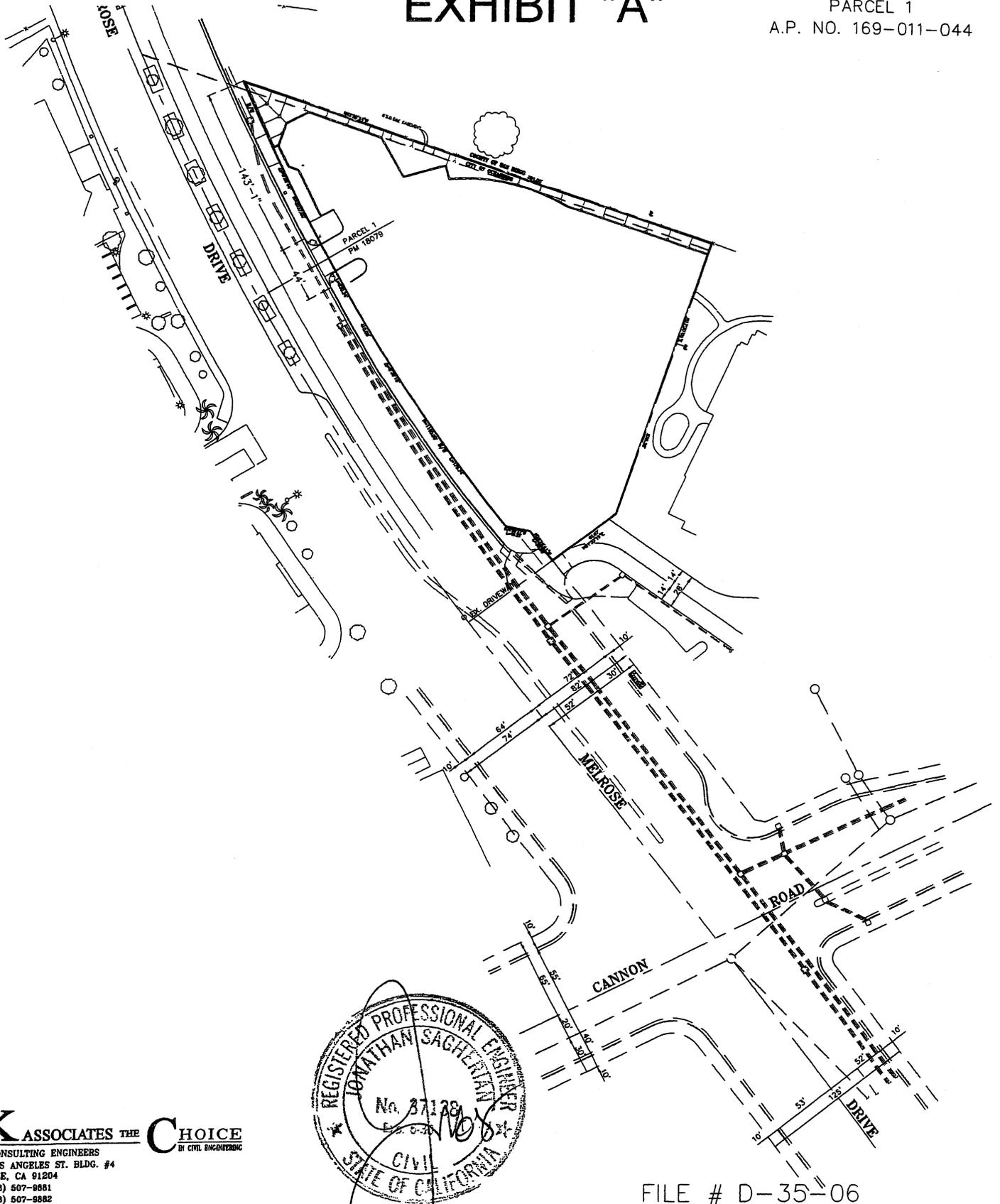
FILE # D-35-06

OWNER: STEVE METSOVAS
 SITE ADDRESS: 1430 SOUTH MELROSE DRIVE, OCEANSIDE CA
 ENGINEER: JOHNATHAN SEGHERIAN *[Signature]* 5-20-08
 APN# 169-011-44 PLAN # ROWV-002-2008

CITY OF OCEANSIDE
 ENGINEERING DIVISION
 RIGHT-OF-WAY
 VACATION PLAT
 DATE: 05-21-2008 SHEET 1 OF 2

EXHIBIT "A"

MAP NO. 18079
 PARCEL 1
 A.P. NO. 169-011-044



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CITY OF OCEANSIDE

ENGINEERING DIVISION
 RIGHT-OF-WAY
 VACATION PLAT

PLAN # ROWV-002-2008

DATE: 05-21-2008

SHEET 2 OF 2