

STAFF REPORT



ITEM NO. 15
CITY OF OCEANSIDE

DATE: August 15, 2007

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING A PUBLIC WATER AND UTILITY EASEMENT - LOCATED WITHIN 923 SOUTH CLEVELAND STREET AND 1007 SOUTH CLEVELAND STREET**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a public water and utility easement located within 923 South Cleveland Street and 1007 South Cleveland Street, 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 Gary Hoffman, owner, proposing the vacation of a public water and utility easement. The public water and utility easement was reserved in the vacation of West Street by City of Oceanside Resolution No. 67-118, recorded September 15, 1967.

The above easement lies within 923 South Cleveland Street and 1007 South Cleveland Street.

Vacation of the public water and utility easement is a requirement of Planning Commission Resolution No. 2007-P21, dated April 23, 2007, approving a 4-unit condominium development. SDG&E, AT&T, Cox Communications and the City of Oceanside Water Utilities Department have confirmed that there are no existing utilities within the water and utility easement.

ANALYSIS

The California Streets and Highways Code provides the City Council with the authority to summarily vacate an easement that has been determined to be excess by the easement holder, and where 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.

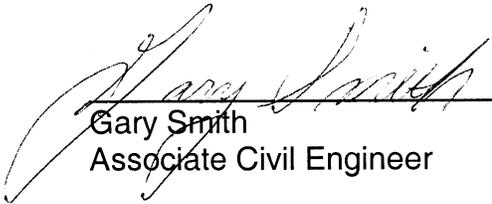
CITY ATTORNEY'S ANALYSIS

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 public water and utility easement located within 923 South Cleveland Street and 1007 South Cleveland Street, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:



Gary Smith
Associate Civil Engineer

SUBMITTED BY:



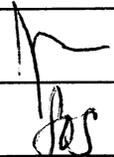
Peter A. Weiss
Interim City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager

Joseph Arranaga, Acting Deputy Public Works Director

Scott O. Smith, City Engineer



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RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE CALIFORNIA SUMMARILY VACATING A
PUBLIC WATER AND UTILITY EASEMENT LOCATED
WITHIN 923 SOUTH CLEVELAND STREET AND 1007
SOUTH CLEVELAND STREET**

WHEREAS, the California Streets and Highway Code, Section §8330 et seq., authorizes the City Council of the City of Oceanside to summarily vacate a public service easement;

WHEREAS, the 10 foot wide water line easement to be vacated is located within 923 South Cleveland Street and 1007 South Cleveland Street and is more particularly described in Exhibit "A" and shown on Exhibit "B", both attached hereto and made a part hereof by reference;

WHEREAS, California Streets and Highway Code, section §8333 (c), authorizes the summary vacation of a water line easement that has been determined to be excess by the easement holder, and there are no other public facilities located within the easement.

WHEREAS, there are no public facilities located within the area to be vacated that would be affected by the vacation; and

WHEREAS, after consideration of all evidence submitted, the City Council finds and determines that the public water and utility easement described in said Exhibit "A" and shown on Exhibit "B" has been determined to be excess by the easement holder and is not needed for present or future prospective public use,

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

Section 1. The public water and utility easement described in said Exhibit "A" and shown on Exhibit "B" shall be and hereby is summarily vacated.

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2 Section 2. The City Clerk shall cause a certified copy of this resolution to be
3 recorded in the Office of the County Recorder of the County of San Diego in accordance
4 with the provisions of Section §8336 of the Streets and Highways Code. Upon such
5 recordation, the vacation is complete.

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

9 AYES:

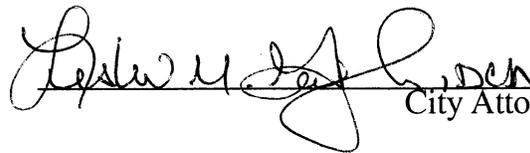
10 NAYS:

11 ABSENT:

12 ABSTAIN:

13 _____
14 Mayor of the City of Oceanside

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

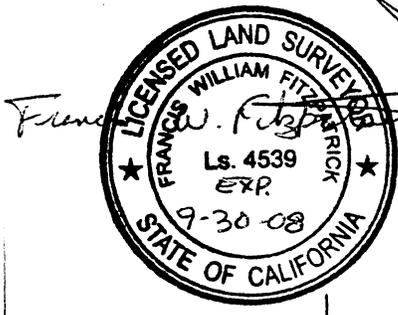
17 _____
18  City Attorney

19 ATTEST:

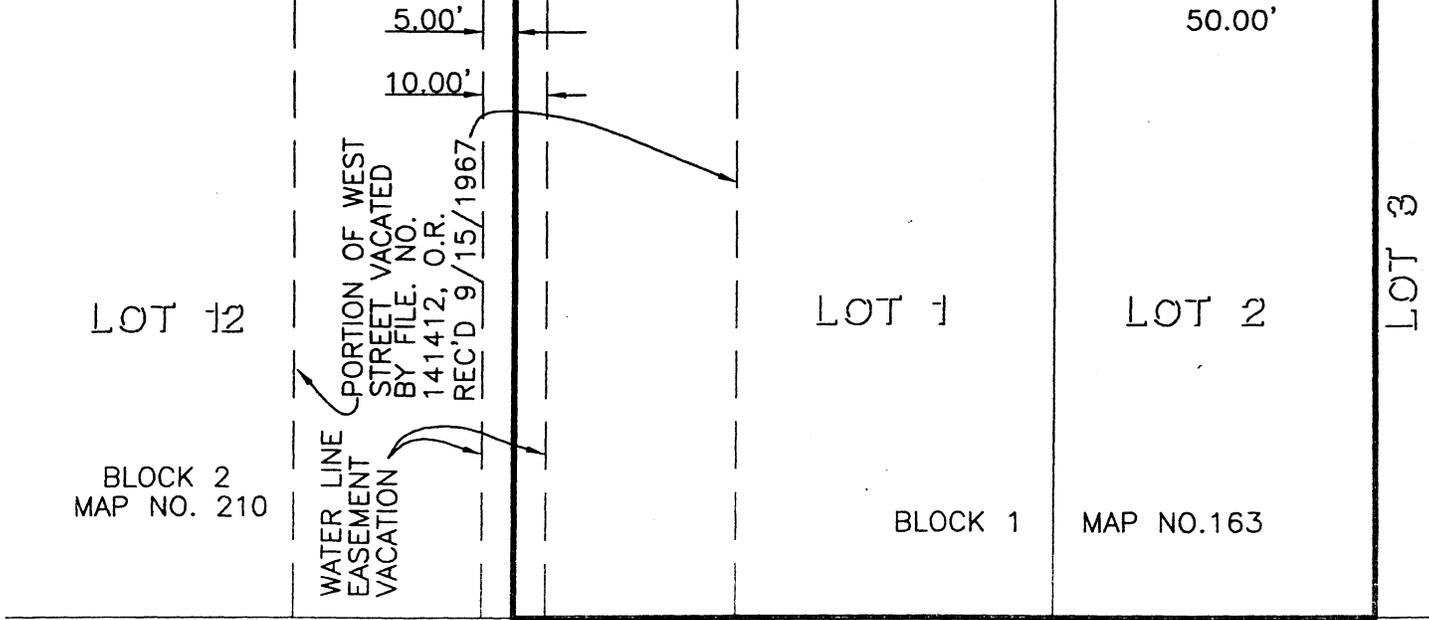
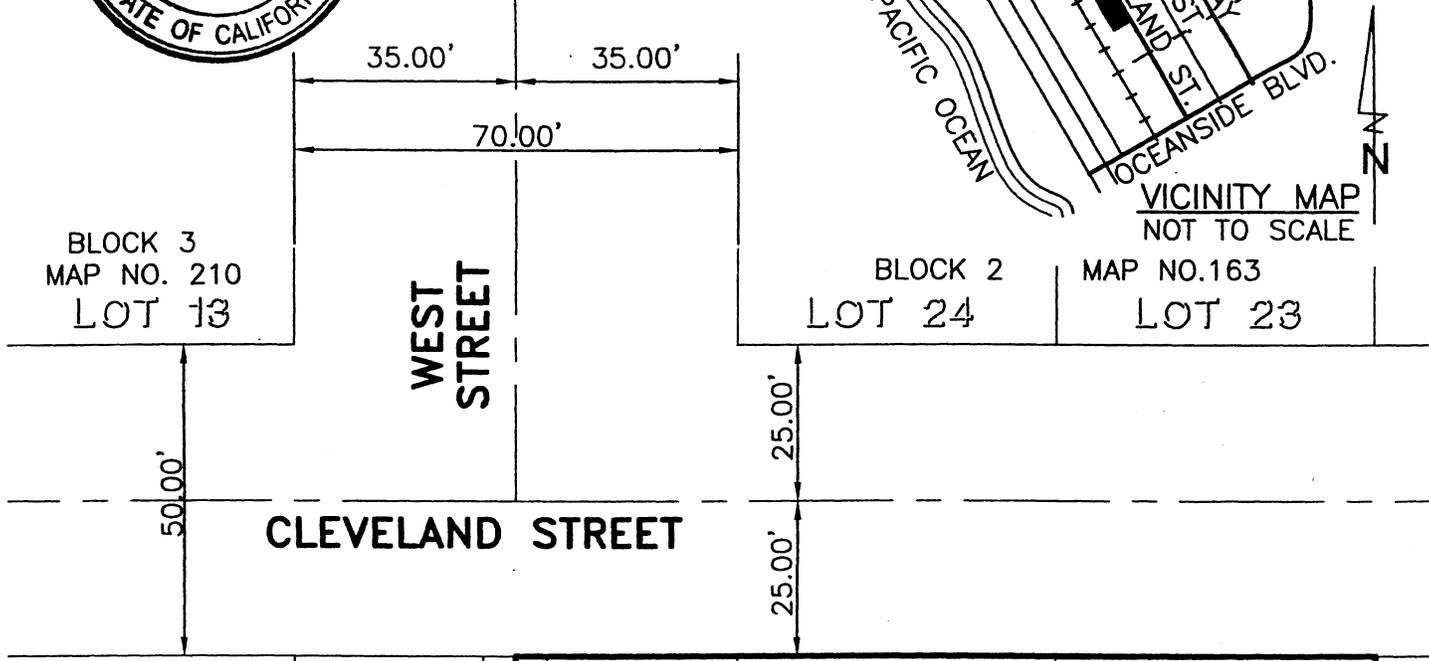
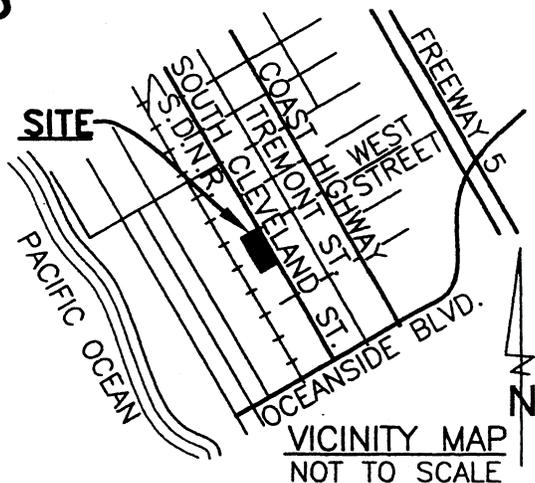
20 _____
21 City Clerk
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28 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE
CALIFORNIA SUMMARILY VACATING A PUBLIC WATER AND UTILITY
EASEMENT LOCATED WITHIN 923 SOUTH CLEVELAND STREET AND 1007
SOUTH CLEVELAND STREET

EXHIBIT "B"



SCALE: 1"=30'



OWNER: 1007 INVESTMENT, INC., A CALIFORNIA CORPORATION	CITY OF OCEANSIDE PUBLIC WORKS DEPARTMENT ENGINEERING DIVISION WATER LINE EASEMENT VACATION PLAT
SITE ADDRESS: 1007 SOUTH CLEVELAND STREET	
ENGINEER: MANITOU ENGINEERING COMPANY 350 W. NINTH AVE., ESCONDIDO, CA. 92025	
APN# 150-371-15. 152-013-11 FILE# EASV-003-2007	DATE: 07-06-07 SHEET 1 OF 1