

STAFF REPORT



ITEM NO. 22

CITY OF OCEANSIDE

DATE: August 16, 2006

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **SUMMARY VACATION OF DEDICATION OF ACCESS RIGHTS TO PERMIT VEHICULAR ACCESS VIA OCEANSIDE BOULEVARD TO PARCEL 2, MAP NO. 15591**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating dedication of a 52-foot-wide vehicular access drive to Oceanside Boulevard as shown on attached Exhibit A to Parcel 2 of Map No. 15591 recorded on February 27, 1989, as file No. 89-99268.

BACKGROUND

The owners of Oceanside Market Place and Business Center have requested vehicular access via Oceanside Boulevard to a portion of the property known as Parcel 2. As shown on Exhibit A attached, the access rights were formerly relinquished on Map No. 15591 pursuant to Section No. 66476 of the State of California Subdivision Map Act.

The vehicular access will provide additional access to a commercial center. Currently the center is served by only one access from Arroyo Avenue. The access to Oceanside Boulevard is essential to the future development of this property. A development plan for construction of three commercial buildings and appurtenances at this site was reviewed by the Planning Commission and was approved by Resolution No. 2005-P29. The additional access drive to Oceanside Boulevard will facilitate better traffic flow to and from the site and will enhance the operation of the future businesses.

ANALYSIS

The Government Code §66477.2(c) and the 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.

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 dedication of a 52-foot-wide vehicular access drive to Oceanside Boulevard as shown on attached Exhibit A to Parcel 2 of Map No. 15591 recorded on February 27, 1989, as file No. 89-99268 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:



Barry E. Martin
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager

Peter A. Weiss, Public Works Director



Exhibit A

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 OCEANSIDE
5 BOULEVARD TO PARCEL 2 OF MAP NO. 15591

6 WHEREAS, a request has been made for vehicular access via Oceanside Boulevard to
7 the Oceanside Market Place and Business Center shown as parcel 2 of Map No. 15591 recorded
8 on 27 day of February, 1989 as file No.89-99268; and

9 WHEREAS, said access was previously relinquished by a former owner on Map No.
10 15591 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 in the Oceanside Market Place and
22 Business Center as well as the interest of the public will be served by vacating the dedication
23 described above due to the increased access and ease of use of the property with the second
24 access point; and

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

27 SECTION 1: That the dedication of vehicular access is hereby vacated on, over and
28 across the vehicular access rights relinquished on said Map No. 15591 along the northerly
boundary of said Parcel 2 of said Map as subsequently shown on Exhibit "A" attached hereon

1 and made a part hereof and also shown on Improvement Plan No R-13839 submitted to the City
2 and that vehicular access is hereby granted to the owners of said property on, over and across
3 the vehicular access rights previously relinquished.

4 SECTION 2: The vehicular access is subject to the following condition; That the drive
5 approach along Oceanside Boulevard shall be designed and constructed to provide access to the
6 said property from Oceanside Boulevard by means of only a right turn in and right turn out type
7 of vehicular access as shown on approved plans on file in the City.

8 SECTION 3: Rights to all existing public easements on said Parcel 2 and Oceanside
9 Boulevard right-of-way are hereby confirmed and reserved to the City.

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

12 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
13 this _____ day of _____, 2006, by the following vote:

14 AYES:

15 NAYS:

16 ABSENT:

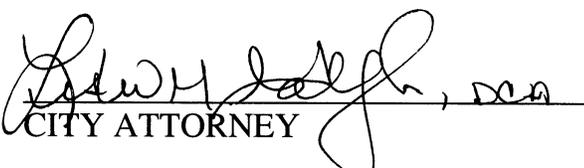
17 ABSTAIN:

18
19 _____
20 MAYOR OF THE CITY OF OCEANSIDE

21 ATTEST:

21 APPROVED AS TO FORM:

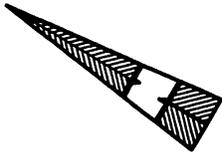
22
23 _____
24 CITY CLERK

22
23 
24 CITY ATTORNEY

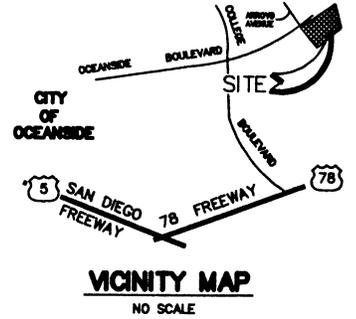
PLAT

EXHIBIT "A"

VACATION OF ABUTTER'S RIGHTS PER MAP NO. 15591

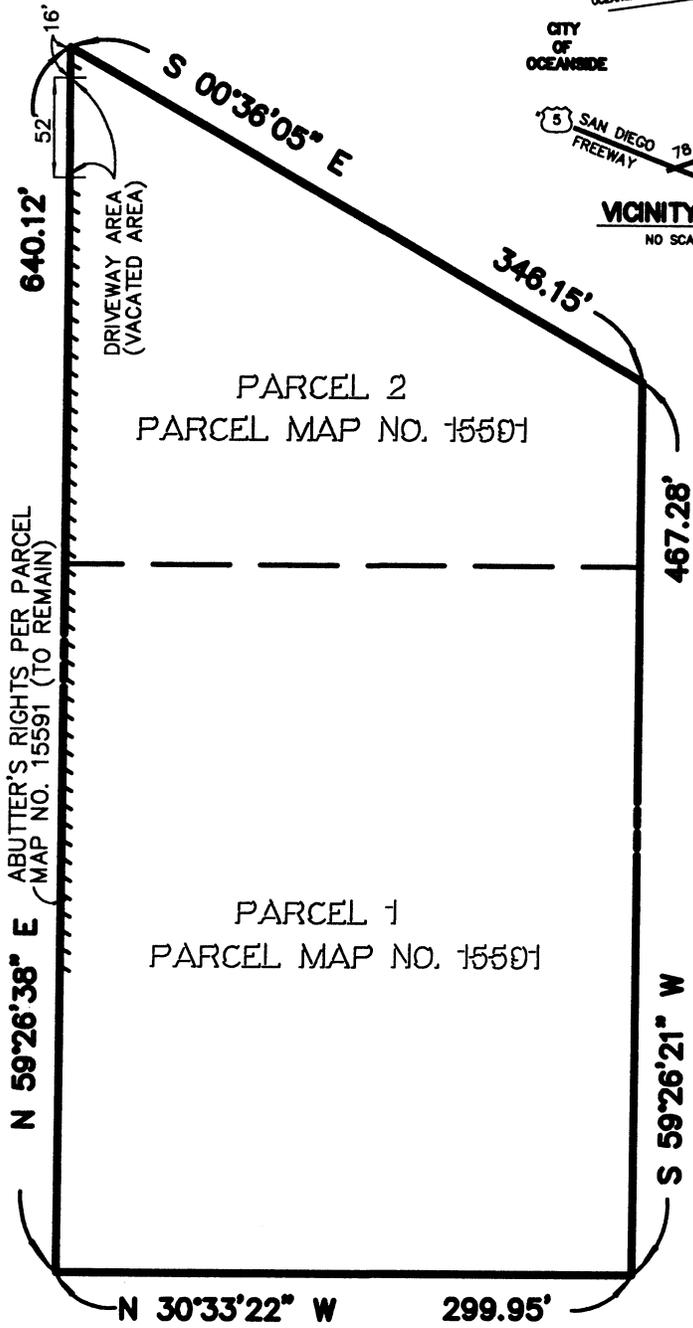


GRAPHIC SCALE
1" = 100'



OCEANSIDE BOULEVARD

ARROYO AVENUE



Revision	By	CITY OF OCEANSIDE	EXHIBIT "A"