

STAFF REPORT



ITEM NO. 11 CITY OF OCEANSIDE

DATE: August 9, 2006

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **VACATION OF EXCESS STREET RIGHT-OF-WAY AT NORTHWEST CORNER OF COLLEGE BOULEVARD AND STATE ROUTE 76 EXPRESSWAY**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating excess street right-of-way at the northwest corner of College Boulevard and State Route 76 Expressway; and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

BACKGROUND

To expedite the construction of the State Route 76 Expressway, the City and California Department of Transportation ("Caltrans") entered into a Cooperation Agreement whereby the City agreed to acquire the right-of-way and other interests needed in private property for the project.

On March 28, 2004, the City purchased a 980-square-foot portion of the Mission Market Place property at the northwest corner of College Boulevard and State Route 76 Expressway from Pacific Oceanside Holdings. After constructing the improvements, Caltrans has determined that a 63-square-foot portion of the right-of-way is excess and not needed for street (highway) purposes.

The Public Streets, Highways, and Service Easement Vacation Law, being Section 8300, *et seq.*, of the California Streets and Highways Code, authorizes the summary vacation of excess right-of-way not needed for street or highway purposes.

ANALYSIS

Because the right-of-way has been determined to be excess by Caltrans it would be appropriate that the City Council make the same finding and adopt a resolution summarily vacating the right-of-way. By adopting the resolution, the City would relinquish its interest in the property for street purposes. Upon the filing of a certified copy of the adopted resolution, the vacation will become effective.

FISCAL IMPACT

There is no adverse budgetary impact from this item.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The referenced document has been reviewed by the City Attorney and approved as to form.

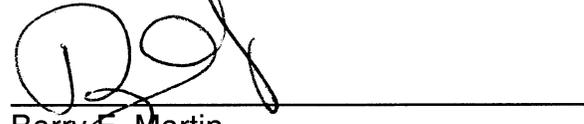
RECOMMENDATION

Staff recommends that the City Council adopt a resolution summarily vacating excess street right-of-way at the northwest corner of College Boulevard and State Route 76 Expressway; and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:


William F. Marquis
Senior Property Agent

SUBMITTED BY:

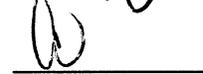

Barry E. Martin
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager

Peter A. Weiss, Public Works Director

Douglas E. Eddow, Real Property Manager


RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, ORDERING THE SUMMARY VACATION OF A PUBLIC STREET RIGHT-OF-WAY (Northwest Corner College Blvd. and SR76 Expressway)

WHEREAS, pursuant to the California Streets and Highways Code Section 8330, et seq., the City Council of the City of Oceanside is authorized to summarily vacate right-of-way that is excess right-of-way; and

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

WHEREAS, the portion of street to be vacated is excess right-of-way and not required for street purposes; and

WHEREAS, after consideration of all the evidence submitted, this City Council finds and determines that the portion of right-of-way described in Exhibit "A" and shown on Exhibit "B" is unnecessary for present or prospective public use as a street.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

SECTION 1. The right-of-way described in Exhibit "A" and shown on Exhibit "B" shall be and hereby is summarily vacated.

SECTION 2. The City Clerk shall cause a certified copy of this resolution to be recorded in the Office of the County Recorder of the County of San Diego in accordance with the provisions of Section 8336 of the Streets and Highways Code.

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

AYES:
NAYS:
ABSENT:
ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Clerk

Christina Hamilton

City Attorney

**Resolution Ordering the Summary Vacation
of Portion of Northwest Corner College Blvd
and SR 76 Expressway**

EXHIBIT "A"

LEGAL DESCRIPTION

30026-01-01

THAT PORTION OF LOT 2 OF THE RANCHO GUAJOME, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS CONVEYED TO THE CITY OF OCEANSIDE AS PARCEL 1 (30026) IN DOCUMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MARCH 28, 1996 AS DOCUMENT NO. 1996-0151992 OF OFFICIAL RECORDS, LYING WESTERLY AND NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHERLY TERMINUS OF THE NORTHERLY RIGHT-OF-WAY LINE OF HIGHWAY 76 ON THE WESTERLY SIDE OF COLLEGE BOULEVARD SHOWN AS COURSE L16 ON SHEET 14 OF 18 OF RECORD OF SURVEY NO. 16513 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, RECORDED MARCH 17, 2000 AS FILE NO. 2000-136833;

THENCE (1) ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 05°35'21" EAST, 17.76 FEET;

THENCE (2) CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 30°03'13" WEST, 5.28 FEET TO THE WESTERLY LINE OF SAID PARCEL 1 (30026) AND THE POINT OF **TERMINUS** OF SAID LINE.

CONTAINING 63 SQUARE FEET MORE OR LESS.

THERE SHALL BE NO ABUTTER'S RIGHTS, INCLUDING ACCESS RIGHTS APPURTENANT TO THE ABOVE DESCRIBED REAL PROPERTY IN AND TO THE ADJACENT STATE HIGHWAY.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTIONS ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 6. MULTIPLY ALL DISTANCES USED IN THE ABOVE DESCRIPTIONS BY 1.00005292 TO OBTAIN GROUND LEVEL DISTANCES.

THIS ATTACHED HERETO AND MADE A PART OF THIS LEGAL DESCRIPTION IS A PLAT LABELED EXHIBIT "B".

REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.

SIGNATURE 
LICENSED LAND SURVEYOR

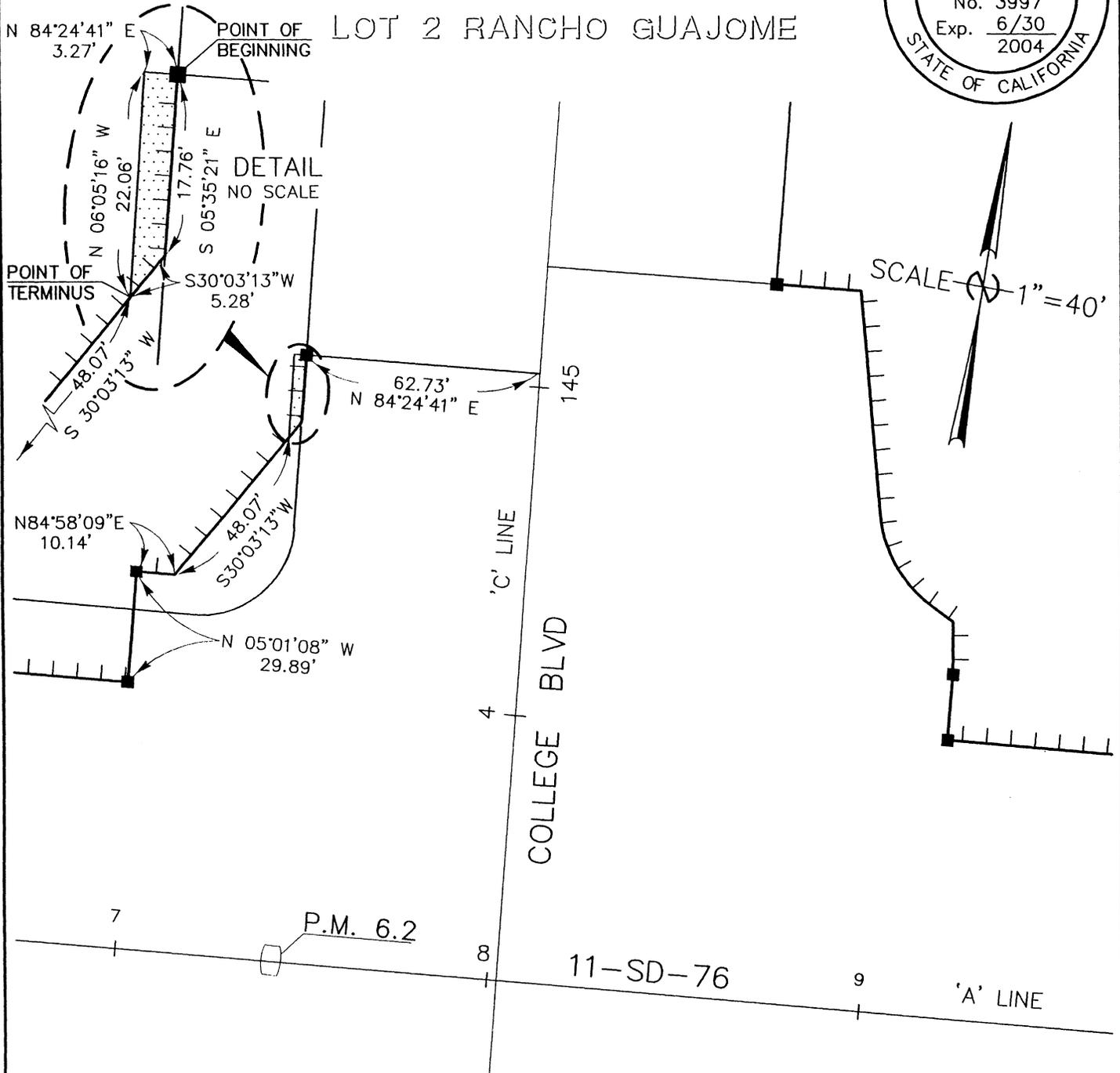
DATE 01/21/03



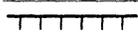
EXHIBIT "B"

CITY OF OCEANSIDE

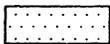
LOT 2 RANCHO GUAJOME



LEGEND



ACCESS CONTROLLED
RIGHT-OF-WAY



AREA OF VACATION
AREA= 63 SQ.FT. MORE OR LESS

MAP DATA SHOWN IS ON CALIF. COORD. SYS. OF 1927, ZONE 6 DIST. X 1.00005292 EQUALS GROUND LEVEL DISTANCES.

CITY OF OCEANSIDE	
COLLEGE BOULEVARD VACATION PLAT	
DATE: JANUARY 14, 2003	SHEET 1 OF 1