ITEM NO. 27

STAFF REPORT

CITY OF OCEANSIDE

DATE: September 12, 2007

TO: Honorable Mayor and City Councilmembers

FROM: Public Works Department

SUBJECT: **CONSIDERATION OF LAND GIFT FROM VISTA WAY VILLAGE LIMITED**

SYNOPSIS

Staff recommends that the City Council consider the acceptance of a gift of a vacant 1.06-acre parcel of land, designated as Assessor Parcel No. 167-040-23, situated north of Haymar Drive, south of State Route 78, and west of Collage Boulevard, from Vista Way Village Limited and, if the parcel is accepted, authorize the City Clerk to accept the conveyance and file the deed with the County Recorder.

BACKGROUND

John Steiger, managing general partner for Vista Way Village Limited, a limited partnership, has presented a gift grant deed for the conveyance of a vacant 1.06-acre parcel of land to the City. The parcel is located on Haymar Drive, west of College Boulevard near the Marron Adobe, and according to property records is in the City of Carlsbad. The parcel has sloping topography and is a non-buildable lot.

According to Mr. Steiger this parcel is the last remaining asset of the limited partnership that is in the process of dissolution.

ANALYSIS

The acceptance of the gift of this parcel is the prerogative of the City Council.

A Phase I Environment Assessment has been conducted on the property and no adverse conditions or influences have been identified. Potential use of the site could be offsite habitat mitigation for a public improvement project.

Because the property is outside of Oceanside city limits the acceptance of the property would not qualify as tax-exempt and would be subject to annual property taxes and special assessments levied by the County and City of Carlsbad.

FISCAL IMPACT

The FY 2006-2007 property taxes for the parcel were $64.36. As stated earlier, if the property gift is accepted it would not be exempt from taxes and would be subject to annual levy of property taxes, special assessments and other charges collected on the tax bill. A change in ownership could trigger a reassessment of the current value stated to be $2,940. Therefore, the total fiscal impact from accepting the property is presently unknown. Acceptance of the gift would also vest the City with attendant duties and responsibilities as a property owner.

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 consider the acceptance of a gift of a vacant 1.06-acre parcel of land, designated as Assessor Parcel No. 167-040-23, situated north of Haymar Drive, south of State Route 78, and west of Collage Boulevard, from Vista Way Village Limited and, if the parcel is accepted, authorize the City Clerk to accept the conveyance and file the deed with the County Recorder.

PREPARED BY:

William F. Marquis
Senior Property Agent

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

Joseph Arranaga, Acting Deputy Public Works Director

Douglas E. Eddow, Real Property Manager

RECORDING REQUESTED BY AND RETURN TO:

City Clerk
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

MAIL TAX STATEMENTS TO:
City of Oceanside
Property Management
300 North Coast Highway
Oceanside, CA 92054

A.P.N. 167-040-36 SPACE ABOVE THIS LINE FOR RECORDER'S USE

GIFT GRANT DEED

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS $ [GIFT -0-] **CITY TAX $ ____**
[ ] computed on full value of property conveyed, or
[ ] computed on full value less value of liens or encumbrances remaining at time of sale.
[ ] unincorporated area [**X**] city of Oceanside AND

FOR VALUABLE CONSIDERATION receipt of which is hereby acknowledged, VISTA WAY VILLAGE LIMITED, a limited partnership, hereby GRANT(S) to the CITY OF OCEANSIDE, a municipal corporation, the following described real property in the County of San Diego, State of California:

That portion of Rancho Agua Hedionda, in the City of Carlsbad, County of San Diego, State of California, according to Patent Map thereof recorded April 28, 1873 in Book 1, page 150 of Patens, Records of San Diego County, described as follows:

Commencing at Corner 2 of said Rancho Agua Hedionda; thence along the Northerly boundary of said Rancho North 85°51'40" East, 3721.08 feet to the Westerly line of land described in deed to Rosa Marron, recorded May 1, 1903 in Book 324, page 114 of Deeds; thence along the Westerly line of said Marron's land South 05°32'29" East (record South 07°35' East) 820.42 feet to the Southerly boundary of California State Highway 11-SD-78 and being a point herein designated as Point "X"; thence continuing along said Westerly line South 05°32'29" East, 70.91 feet; thence South 62°18'36" West, 73.56 feet to the centerline of County Highway Commission Route 14, according to Plat thereof dated August 1912 on file in the Office of the County Engineer of San Diego County, being the most Easterly corner of Parcel 2 of land described in deed to the State of California recorded November 18, 1964 as File No. 209627 and being the TRUE POINT OF BEGINNING; thence along the boundary of said Parcel 2 as follows: South 66°19'19" West 115.51 feet; South 76°25'31" East 86.08 feet; South 87°48'21" West 290.09 feet; South 55°52'02" West 23.59 feet to a point on the arc of a non-tangent 1970.00 foot radius curve concave Northerly a radial line of said curve bears South 01°00'16" East to said point; and Westerly along the arc of said curve through a central angle of 01°22'15" a distance of 46.56 feet; thence South 00°15'19" West to the center line of said Route 14 filed August 1912; thence Westerly along said center line to the most Westerly corner of Parcel 3 of said State of California's land; thence South 89°32'30" East to an angle point therein; thence North 80°39'29" East, 300.44 feet to the beginning of a non-tangent 2585.00 foot radius curve concave Northerly a radius line of said curve bears South 10°37'52" East to said point; thence Easterly along the arc of said curve through a central angle of 07°06'17" a distance of 320.54 feet; thence South 17°51'56" West 3.00 feet to a point on the arc of a non-tangent 2588.00 foot radius curve concave Northerly; thence Easterly along the arc of said curve through a central angle of 03°25'38" a distance of 154.81 feet; thence North 68°42'26" East 44.98 feet to the Southerly boundary of said California State Highway XI-SD-78, said point bears South 78°47'35" West from said Point "X"; thence North 78°47'35" East, 105.82 feet to said Point "X"; thence South 05°32'29" East to the center line of said Old Route 14 as filed August 1912; thence Southwesterly along said center line to the TRUE POINT OF BEGINNING.

EXCEPTING therefrom that portion lying Southerly of the center line of Relocation of County Highway Commission Route 14, Division 1, according to Plat thereof on file in the Office of the County Engineer of San Diego County.

The boundary of the hereinabove described Parcel 2 being shown on State Highway Map No. 86 (Relinquishment Map) recorded November 24, 1967 as File No. 185247.

Dated: December 29, 2006

~~Vista Way~~ Village Limited, a limited partnership
By:

John A. Steiger

John A. Steiger, Managing General Partner

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO} SS.

On December 29, 2006 before me, Charlene Taylor-Elder (insert name) Notary Public, personally appeared JOHN A. STEIGER, personally known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Signature Charlene Taylor-Elder

CHARLENE TAYLOR-ELDER
Commission # 1618333
Notary Public - California
San Diego County
My Comm. Expires Nov 30, 2009

MAIL TAX STATEMENTS AS DIRECTED ABOVE