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DATE: May 18, 2011  
TO: Honorable Mayor and City Councilmembers  
FROM: Development Services Department  
SUBJECT: **RESOLUTION SUMMARILY VACATING A PUBLIC SANITARY SEWER AND WATER EASEMENT LOCATED AT 3501 SEAGATE WAY**

**SYNOPSIS**

Staff recommends that the City Council adopt a resolution summarily vacating a public sanitary sewer and water easement located at 3501 Seagate Way, 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 Oceanside Seagate SPE, LLC, a California limited liability company, owner of the property located at 3501 Seagate Way, proposing the vacation of an existing public sanitary sewer and water easement. The public sanitary sewer and water easement was dedicated to the City of Oceanside on Parcel Map No. 20077, filed in the office of the County Recorder of San Diego County on August 14, 2006.

The above easement lies within the property located at 3501 Seagate Way.

The public sanitary sewer and water easement was originally dedicated for future improvements in conjunction with Tentative Parcel Map Number P-9-2004. Marriott subsequently processed Development Plan Number D10-00004 and the approved site plan for that development changed the way in which the public sewer and water facilities were laid out. The new design of the public sewer and water facilities required use of portions of the existing sanitary sewer and water easement within 3501 Seagate Way, an additional water line easement to be dedicated to the City of Oceanside (currently in process within the Engineering Division as file number EASD10-00005), and certain portions of the existing easement will have no sewer or water facilities located within them. It is the portions of the sanitary sewer and water easement that have no sewer or water facilities within them that are now being requested to be vacated. The Water Utilities Department has confirmed that these portions of the public sanitary sewer and water easement are no longer required and they have indicated that we are able to proceed with the vacation.

**ANALYSIS**

California Streets and Highways Code, section §8333 (c), authorizes the summary vacation of an easement if the easement has been determined to be excess by the easement holder, and 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.

**INSURANCE REQUIREMENTS**

Does not apply.

**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 sanitary sewer and water easement located at 3501 Seagate Way, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:



for: Gary Smith  
Associate Engineer

SUBMITTED BY:



Peter A. Weiss  
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager  
George Buell, Development Services Director  
Scott O. Smith, City Engineer  
Cari Dale, Water Utilities Director



Attachment:  
Resolution

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**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE CALIFORNIA SUMMARILY VACATING A  
PUBLIC SANITARY SEWER AND WATER EASEMENT  
LOCATED AT 3501 SEAGATE WAY**

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

WHEREAS, the public sanitary sewer and water easement to be vacated is located at 3501 Seagate Way, 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 Highways Code, section §8333 (c), authorizes the summary vacation of an easement if the easement 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 sewer or water facilities located within the existing public sanitary sewer and water easement and it has been determined that this easement is excess by the Water Utilities Department; and

WHEREAS, after consideration of all evidence submitted, the City Council finds and determines that the public sanitary sewer and water easement described in said Exhibit "A" and shown on Exhibit "B" does not have any public sewer or water facilities located within it and the easement has been determined to be excess;

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

Section 1. The public sanitary sewer and water easements described in said Exhibit "A" and shown on Exhibit "B" shall be and hereby are 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

1 with the provisions of Section §8336 of the Streets and Highways Code. Upon such  
2 recordation, the vacation is complete.

3 PASSED AND ADOPTED by the City Council of the City of Oceanside,  
4 California this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by  
5 the following vote:

- 6 AYES:
- 7 NAYS:
- 8 ABSENT:
- 9 ABSTAIN:

10 \_\_\_\_\_  
11 MAYOR OF THE CITY OF OCEANSIDE

12 ATTEST:

APPROVED AS TO FORM:

13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 City Clerk

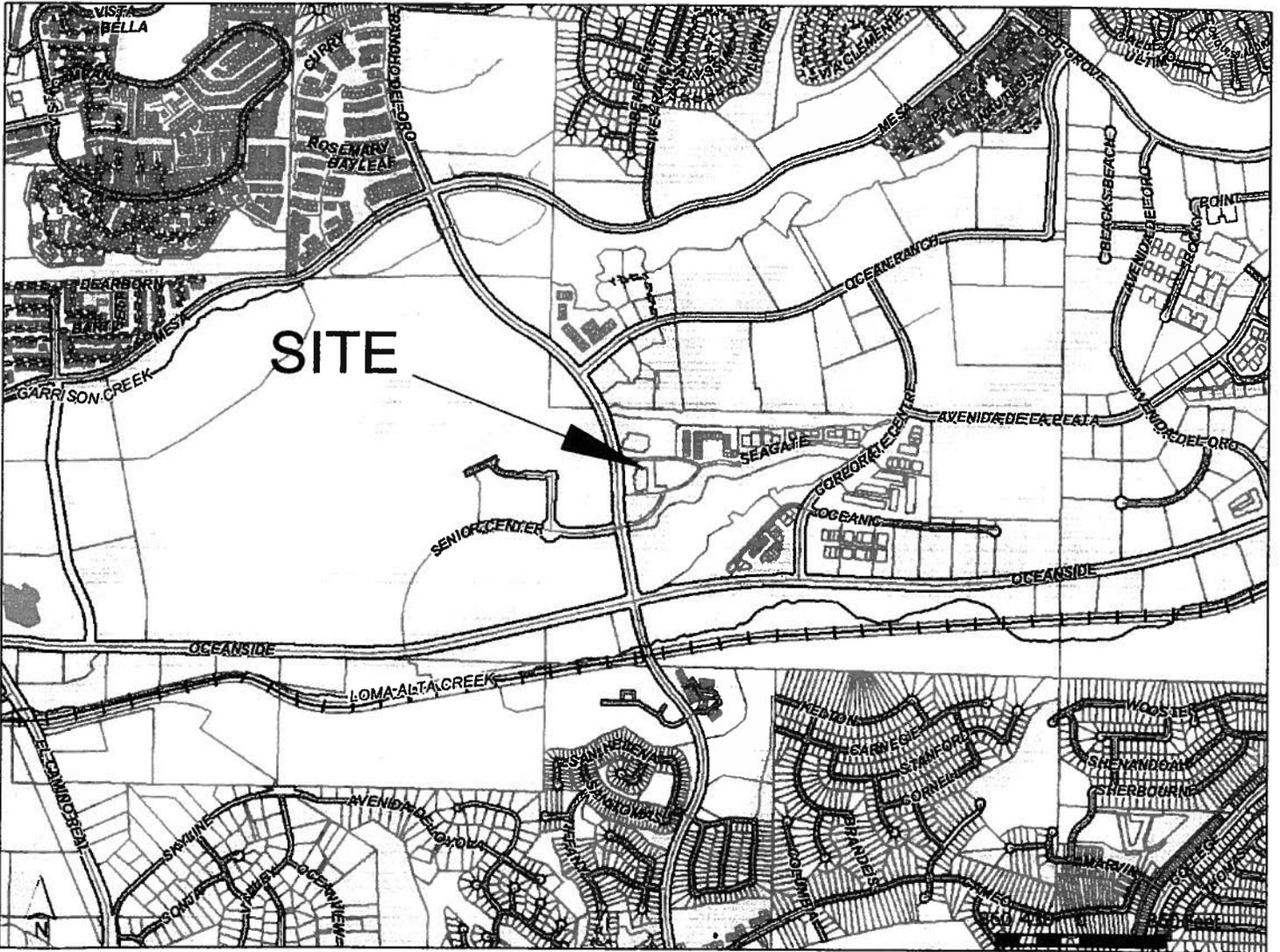
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*Brian J. Hamilton, ASST.*  
City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE  
CALIFORNIA SUMMARILY VACATING A PUBLIC SANITARY SEWER AND  
WATER EASEMENT LOCATED AT 3501 SEAGATE WAY**

# VICINITY MAP



NOT TO SCALE



APN 162-600-23  
EASV10-00002  
D10-00004

January 18, 2011  
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**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**VACATION  
SANITARY SEWER & WATER EASEMENT**

That certain parcel of land situated in the City of Oceanside, County of San Diego, State of California, being that portion of that certain easement for sanitary sewer and water purposes, 5.00 feet wide, granted to the City of Oceanside on Parcel Map No. 20077 filed August 14, 2006 in the Office of the County Recorder of said San Diego County, lying within Parcel 1 and Parcel 11 of said Parcel Map No. 20077, the centerline of which is described as follows:

**COMMENCING** at the westerly terminus of that certain course shown as "North 88°53'54" East 134.05 feet" in the centerline of that certain easement for sanitary sewer and water purposes, 30.00 feet wide, shown on said Parcel Map No. 20077; thence along said centerline North 88°53'54" East 144.05 feet; thence South 01°06'06" East 15.00 feet to the southerly line of said easement, said point being the **TRUE POINT OF BEGINNING**; thence continuing South 01°06'06" East 70.00 feet.

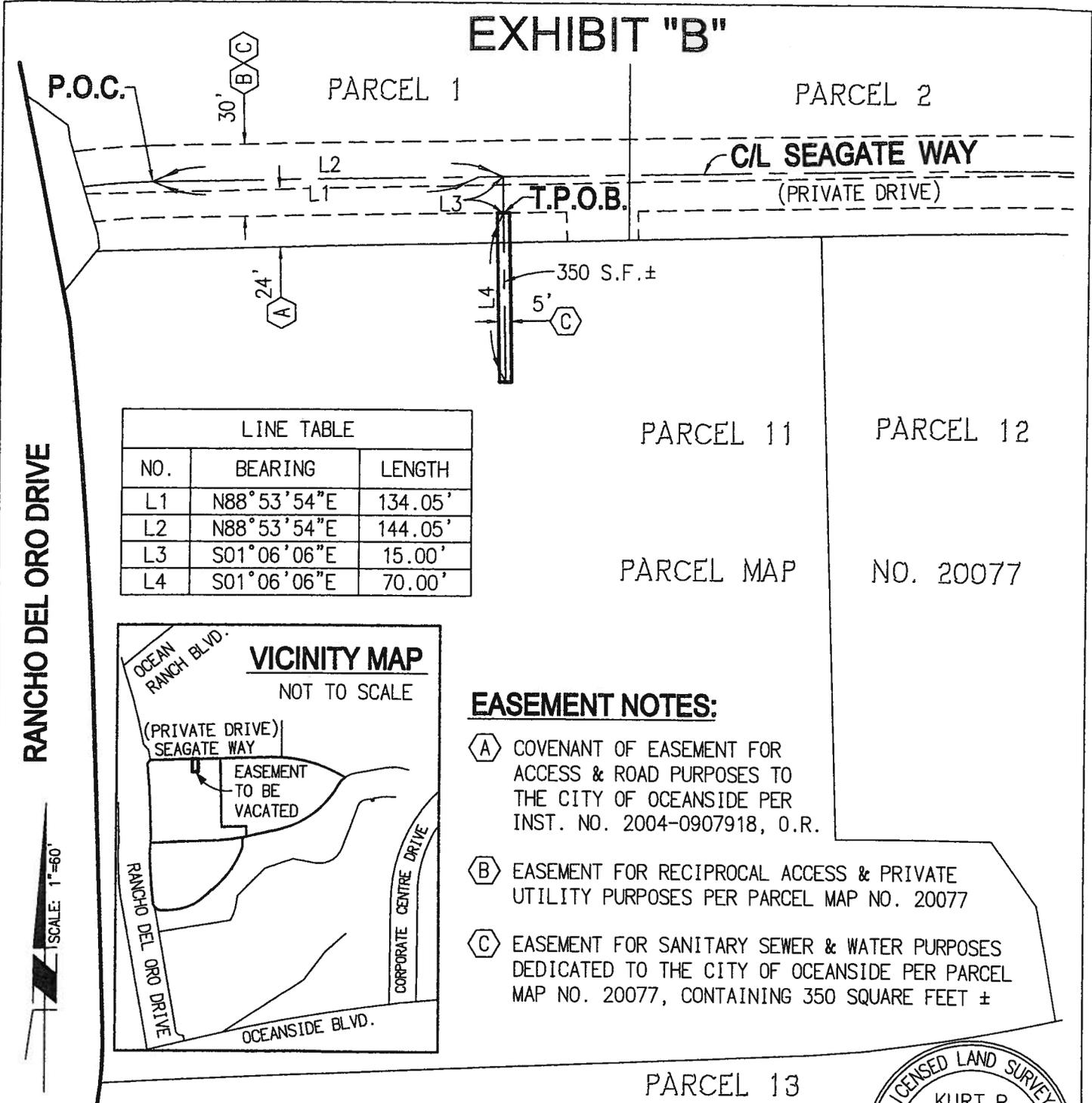
**CONTAINING:** 350 Square Feet, more or less.

**EXHIBIT "B"** attached and by this reference made a part hereof.

  
Kurt R. Troxell, L.S. 7854  
4/7/2011  
Date

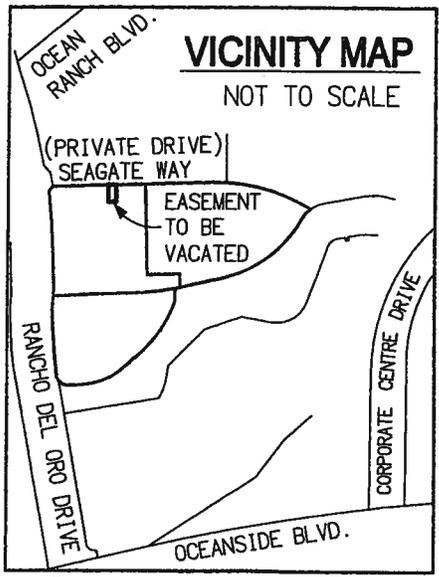


# EXHIBIT "B"



LINE TABLE		
NO.	BEARING	LENGTH
L1	N88°53'54"E	134.05'
L2	N88°53'54"E	144.05'
L3	S01°06'06"E	15.00'
L4	S01°06'06"E	70.00'

PARCEL 11      PARCEL 12  
 PARCEL MAP      NO. 20077



### EASEMENT NOTES:

- (A) COVENANT OF EASEMENT FOR ACCESS & ROAD PURPOSES TO THE CITY OF OCEANSIDE PER INST. NO. 2004-0907918, O.R.
- (B) EASEMENT FOR RECIPROCAL ACCESS & PRIVATE UTILITY PURPOSES PER PARCEL MAP NO. 20077
- (C) EASEMENT FOR SANITARY SEWER & WATER PURPOSES DEDICATED TO THE CITY OF OCEANSIDE PER PARCEL MAP NO. 20077, CONTAINING 350 SQUARE FEET ±

RANCHO DEL ORO DRIVE



### LEGEND:

- EASEMENT TO BE VACATED
- BOUNDARY P.M. NO. 20077

PREPARED BY ME OR UNDER MY DIRECTION.

*K.R.T.* 4/7/2011  
 KURT R. TROXELL, L.S. 7854      DATE



PARCEL 13

D10-00004

OWNERS: OCEANSIDE SEAGATE SPE LLC; ROCK-SEA LLC		<b>CITY OF OCEANSIDE</b> ENGINEERING DIVISION SANITARY SEWER & WATER EASEMENT VACATION PLAT
SITE ADDRESS: RANCHO DEL ORO DRIVE, OCEANSIDE, CA 92056		
SURVEYOR: RBF CONSULTING 14725 ALTON PARKWAY, IRVINE, CA 92618		
APN# 162-600-23	FILE# EASV10-00002	

