



DATE: July 6, 2011

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **RESOLUTION SUMMARILY VACATING A PORTION OF A PUBLIC WATERLINE, SANITARY SEWER, STORM DRAIN, DRAINAGE, AND UTILITY EASEMENT LOCATED AT THE SOUTHEAST CORNER OF OCEANSIDE BOULEVARD AND ARROYO AVENUE**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a portion of a public waterline, sanitary sewer, storm drain, drainage, and utility easement located in parcel 1 and parcel 2 of parcel map number 15591, at the southeast corner of Oceanside Boulevard and Arroyo Avenue; 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 Abdul H. Sheikh and Anne E.M. Sheikh, owners of the property located at parcel 1 and parcel 2 of parcel map number 15591 at the southeast corner of Oceanside Boulevard and Arroyo Avenue, proposing the vacation of a portion of an existing public waterline, sanitary sewer, storm drain, drainage, and utility easement. The public easement was dedicated to the City of Oceanside by document number 1998-0824328, filed in the office of the County Recorder of San Diego County on December 17, 1998.

The subject easement lies in the property located at parcel 1 and parcel 2 of parcel map number 15591 at the southeast corner of Oceanside Boulevard and Arroyo Avenue.

There was an existing public sewer line and an existing public water line within the portion of easement requested to be vacated that were previously active. That public sewer line was abandoned in place and relocated within the portion of easement that will remain after the vacation is complete. The previously existing water line has been completely removed from the area requested to be vacated to accommodate the site design for three commercial buildings (Application No. D-19-2004).

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The Water Utilities Department has verified that the public sewer line has been abandoned and relocated within the portion of easement that will remain if the vacation is approved, and they have verified that the existing water line has been completely removed from the area being vacated.

The portion of easement proposed to be vacated has never been used for public storm drain, drainage, or utility purposes other than the public sewer line and public water line mentioned above.

ANALYSIS

California Streets and Highways Code, section §8333 (c) provides the City Council with the authority to summarily vacate a public service easement if the easement has been superseded by relocation, or 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 portion of a public waterline, sanitary sewer, storm drain, drainage, and utility easement located in parcel 1 and parcel 2 of parcel map number 15591 at the southeast corner of Oceanside Boulevard and Arroyo Avenue, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:



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 SUMMARILY VACATING A PORTION OF
A PUBLIC WATERLINE, SANITARY SEWER, STORM
DRAIN, DRAINAGE, AND UTILITY EASEMENT LOCATED
IN PARCEL 1 AND PARCEL 2 OF PARCEL MAP NUMBER
15591 AT THE SOUTHEAST CORNER OF OCEANSIDE
BOULEVARD AND ARROYO AVENUE**

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 portion of public waterline, sanitary sewer, storm drain, drainage, and utility easement to be vacated is located in parcel 1 and parcel 2 of parcel map number 15591 at the southeast corner of Oceanside Boulevard and Arroyo Avenue 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 a public waterline, sanitary sewer, storm drain, drainage, and utility easement if the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement;

WHEREAS, the sewer and waterline portion of the easement has been superseded by relocation since the existing public sewer line has been abandoned in place and relocated and the water line has been abandoned. The storm drain, drainage, and utility portion of the easement has been determined to be excess since the portion of easement being vacated has never been used for public storm drain, drainage, or utility purposes other than the public sewer line and public water line mentioned above. There are no other public facilities located within the easement; and

WHEREAS, after consideration of all evidence submitted, the City Council finds and determines that the portion of public waterline, sanitary sewer, storm drain,

1 drainage, and utility easement described in said Exhibit "A" and shown on Exhibit "B"
2 has been superseded by relocation, is determined to be excess by the easement holder,
3 and there are no other public facilities located within the easement,

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

6 Section 1. The public waterline, sanitary sewer, storm drain, drainage, and
7 utility easement described in said Exhibit "A" and shown on Exhibit "B" shall be and
8 hereby is summarily vacated.

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

13 PASSED AND ADOPTED by the City Council of the City of Oceanside,
14 California this _____ day of _____, 2011, by
15 the following vote:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

20
21 MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:

23 APPROVED AS TO FORM:

24
25 _____
26 City Clerk

27 
28 City Attorney

26 A RESOLUTION SUMMARILY VACATING A PORTION OF A PUBLIC WATERLINE, SANITARY
27 SEWER, STORM DRAIN, DRAINAGE, AND UTILITY EASEMENT LOCATED IN PARCEL 1 AND
28 PARCEL 2 OF PARCEL MAP NUMBER 15591 AT THE SOUTHEAST CORNER OF OCEANSIDE
BOULEVARD AND ARROYO AVENUE

LEGAL DESCRIPTION

EXHIBIT "A"

VACATION OF PORTION OF SEWER EASEMENT

THAT PORTION OF THE 60' WIDE EASEMENT FOR WATERLINE, SEWER, STORM DRAIN AND DRAINAGE AS STATED ON THE DOCUMENT RECORDED DECEMBER 17, 1998 AS INSTRUMENT NO. 1998-0824328 OF OFFICIAL RECORDS, SAID VACATION BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF PARCEL 2 OF MAP NO. 15581, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY FEBRUARY 27, 1989 AS FILE NO. 1989-99268 OF OFFICIAL RECORDS; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 2, NORTH 00°36'05" WEST 119.27 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF SAID PARCEL 2, NORTH 00°36'05" WEST 41.55 FEET TO A POINT; THENCE LEAVING SAID EASTERLY LINE SOUTH 59°26'38" WEST 457.37 FEET; THENCE SOUTH 75°33'22" EAST 50.91 FEET; THENCE NORTH 59°26'38" EAST 400.63 FEET TO THE EASTERLY LINE OF SAID PARCEL 2 AND THE TRUE POINT OF BEGINNING.

EXHIBIT "B" IS ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE.



DAVID J. MACARTHUR
RCE 12502, EXP 3-31-07

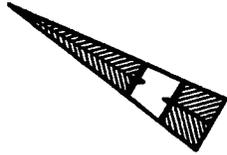
DATE: 3-31-06

PROJECT ENGINEER	CITY OF OCEANSIDE	PROPERTY OWNER
OKO ENGINEERING, INC. 23671 BIRTCHER DRIVE LAKE FOREST, CA 92630 (949) 597-3577	SEWER EASEMENT VACATION	ABDUL HALIM SHEIKH 2733 VIA MIGUEL PALOS VERDES ESTATES, CA 90274 (310) 377-2876
		FILE NO. EAS-VAC-06-001

PLAT

EXHIBIT "B"

VACATION OF PORTION OF SEWER EASEMENT



GRAPHIC SCALE
1" = 100'

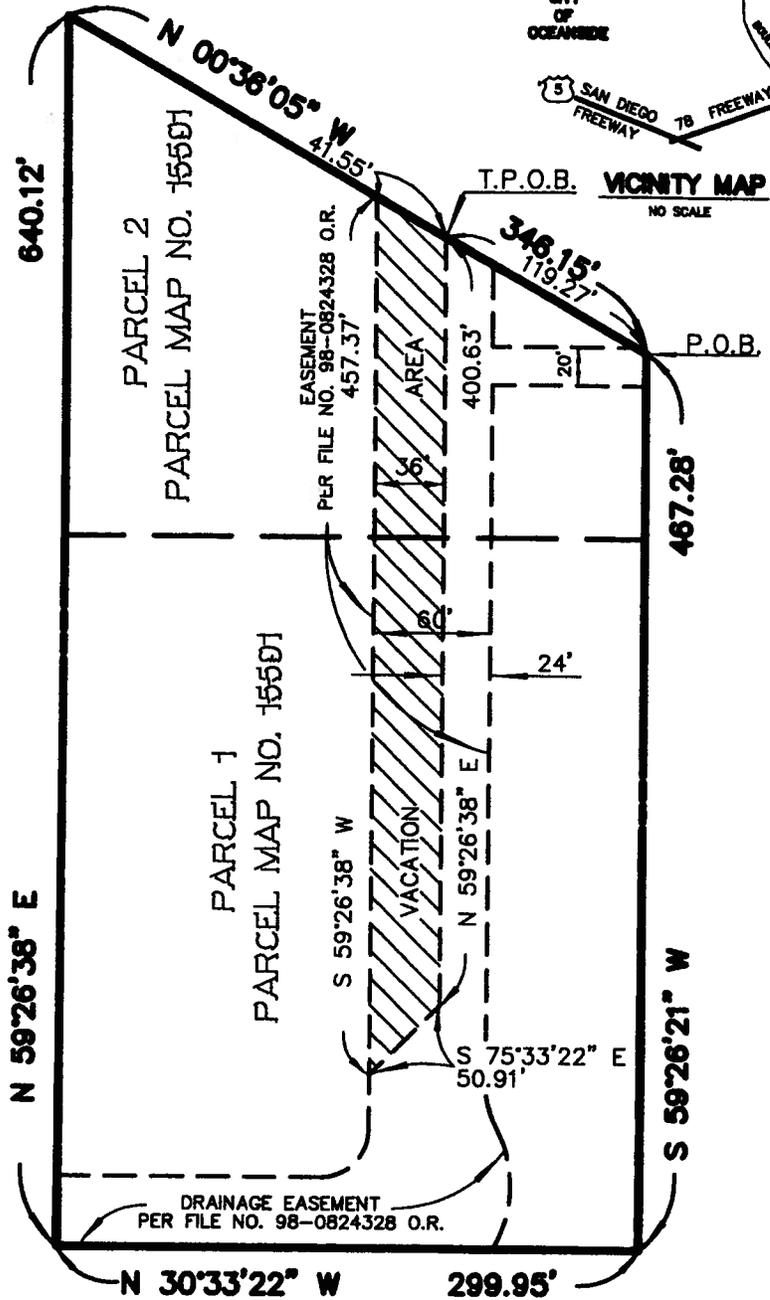


DAVID J. MACARTHUR
RCE 12502, EXP 3-31-07

DATE: 3-31-06

OCEANSIDE BOULEVARD

ARROYO AVENUE



PROJECT ENGINEER

CITY OF OCEANSIDE

PROPERTY OWNER

OKO ENGINEERING, INC.
23671 BIRTCHE DRIVE
LAKE FOREST, CA 92630
(949) 597-3577

SEWER EASEMENT VACATION

ABDUL HALIM SHEIKH
2733 VIA MIGUEL
PALOS VERDES ESTATES,
CA 90274
(310) 377-2876

FILE NO. EAS-VAC-06-001