

STAFF REPORT*CITY OF OCEANSIDE*

DATE: January 4, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **RESOLUTION SUMMARILY VACATING A PORTION OF RIGHTS OF DIRECT VEHICULAR INGRESS AND EGRESS RELINQUISHED TO THE CITY OF OCEANSIDE ON PARCEL MAP NO. 19200 TO PROVIDE DIRECT VEHICULAR INGRESS AND EGRESS TO 4318 MISSION AVENUE**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating a portion of rights of direct vehicular ingress and egress relinquished to the City of Oceanside on Parcel Map No. 19200 to provide direct vehicular ingress and egress to 4318 Mission 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 Sea Breeze Old Grove, LLC, a California limited liability company, owner of the property located at 4318 Mission Avenue, proposing the vacation of a portion of rights of direct vehicular ingress and egress relinquished to the City of Oceanside on Parcel Map No. 19200. The relinquishment of direct vehicular ingress and egress was dedicated and accepted by the City of Oceanside on Parcel Map No. 19200, recorded April 3, 2003, as file No. 2003-0373521.

The application for Tentative Map No. T-4-2005, an 18-unit medical condominium complex located at 4318 Mission Avenue, was approved by City Council Resolution No. 2005-P62 on December 5, 2005, subject to conditions. Condition 24 of the resolution required vehicular access rights to Mission Avenue to be relinquished to the City of Oceanside from the site, except at the drive aisle as shown on the tentative map. Previous to this, Parcel Map No. 19200 had dedicated the relinquishment of rights of direct vehicular ingress and egress to Mission Avenue, excepting the drive aisle. It was later found that the relinquishment made on the parcel map, excepting the drive aisle, did not fully account for the whole width of the drive aisle as required by the resolution for Tentative Map No. T-4-2005 and a small portion of the drive aisle is currently encumbered by the relinquishment. The portion of the relinquishment requested to be vacated is not needed by the City of Oceanside and is considered to be excess.

ANALYSIS

Government Code, section §66477.2 (c) provides the City Council with the authority to vacate a dedication in the same manner as prescribed for the summary vacation of streets in California Streets and Highways Code, section §8330 et seq. and California Streets and Highways Code, section §8333 (c), provides the City Council with the authority to vacate the rights of direct vehicular ingress and egress relinquished provided it has been determined to be excess by the holder.

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 resolution of vacation has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

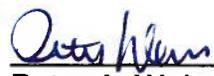
Staff recommends that the City Council adopt a resolution summarily vacating a portion of rights of direct vehicular ingress and egress relinquished to the City of Oceanside on Parcel Map No. 19200 to provide direct vehicular ingress and egress to 4318 Mission Avenue, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

PREPARED BY:



Gary Smith
Associate Engineer

SUBMITTED BY:



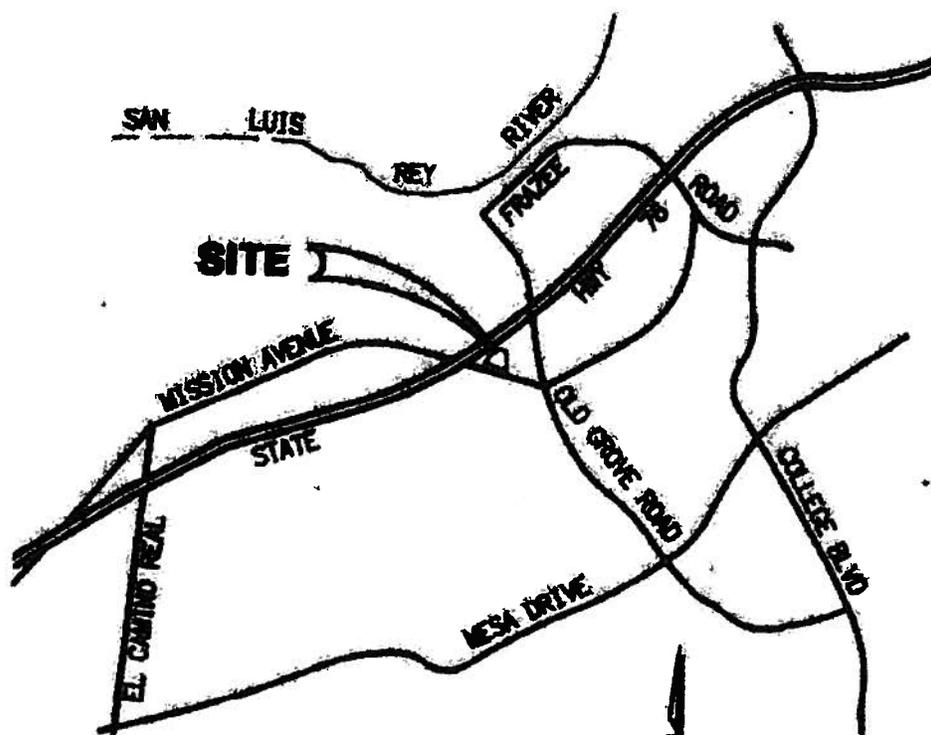
Peter A. Weiss
City Manager

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



VICINITY MAP
NO SCALE

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING THE RELINQUISHMENT OF A PORTION OF RIGHTS OF DIRECT VEHICULAR INGRESS AND EGRESS RELINQUISHED TO THE CITY OF OCEANSIDE ON PARCEL MAP NO. 19200 TO PROVIDE DIRECT VEHICULAR INGRESS AND EGRESS TO 4318 MISSION AVENUE

WHEREAS, Government Code, section §66477.2 (c) and the California Streets and Highways Code, section §8330 et seq., authorizes the City Council of the City of Oceanside to terminate an offer of dedication and summarily vacate a public service easement and similar items;

WHEREAS, the portion of rights of direct vehicular ingress and egress relinquished to the City of Oceanside to be vacated is located at 4318 Mission 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, Government Code, section §66477.2 (c) provides the City Council with the authority to terminate an offer of dedication in the same manner as prescribed for the summary vacation of streets in California Streets and Highways Code, section §8330 et seq.;

WHEREAS, California Streets and Highways Code, section §8333 (c) provides the City Council with the authority to vacate the relinquishments of rights of direct vehicular ingress and egress provided it has been determined to be excess by the holder;

WHEREAS, Parcel Map No. 19200 dedicated the relinquishment of rights of direct vehicular ingress and egress to Mission Avenue, excepting the drive aisle;

WHEREAS, it was found that the relinquishment made on the map, excepting the drive aisle, did not fully account for the whole width of the drive aisle and a small portion of it is currently encumbered by the relinquishment;

//

1 WHEREAS, the portion of the relinquishment requested to be vacated is not
2 needed by the City of Oceanside and is considered to be excess; and

3 WHEREAS, after consideration of all evidence submitted, the City Council finds
4 and determines that the portion of rights of direct vehicular ingress and egress
5 relinquished to the City of Oceanside described in said Exhibit "A" and shown on
6 Exhibit "B" has been determined to be excess by the City of Oceanside,

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

9 Section 1. The relinquishment of the portion of rights of direct vehicular
10 ingress and egress relinquished to the City of Oceanside described in said Exhibit "A"
11 and shown on Exhibit "B" shall be and hereby is summarily vacated.

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

16 PASSED AND ADOPTED by the City Council of the City of Oceanside,
17 California this _____ day of _____, 2012, by
18 the following vote:

19 AYES:

20 NAYS:

21 ABSENT:

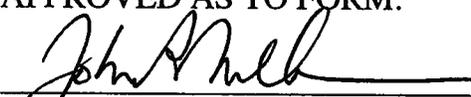
22 ABSTAIN:

23 MAYOR OF THE CITY OF OCEANSIDE

24
25 ATTEST:

APPROVED AS TO FORM:

26 _____
27 City Clerk


28 _____
City Attorney

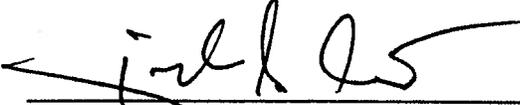
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA SUMMARILY VACATING THE
RELINQUISHMENT OF A PORTION OF RIGHTS OF DIRECT VEHICULAR INGRESS AND EGRESS RELINQUISHED TO THE
CITY OF OCEANSIDE ON PARCEL MAP NO. 19200 TO PROVIDE DIRECT VEHICULAR INGRESS AND EGRESS TO 4318
MISSION AVENUE

EXHIBIT "A"
LEGAL DESCRIPTION

ACCESS RELINQUISHMENT VACATION

That portion of Rights of Direct Vehicular ingress and egress relinquished to the City of Oceanside per Parcel Map 19200 recorded April 3, 2003 as File No. 2003-0373521, within Lot 1 of Map No. 15623, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County September 21, 2007 as File No. 2007-0620169, of Official Records, more particularly described as follows:

The Westerly 60.00 feet, vacated.

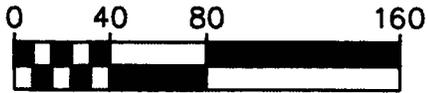


Joseph G. Cresto 11/8/11
PLS 8050 Date



END OF LEGAL DESCRIPTION

EXHIBIT "B"



SCALE: 1"=80'

PARCEL "B"
C.O.C. PLA-14-00
APN 158-101-43

STATE HIGHWAY SR-76
OLD GROVE MARKET WAY
(PRIVATE DRIVEWAY)

SW 1/4 SEC 9
T11S, R4W, SBM

LOT 1
MAP NO. 15623

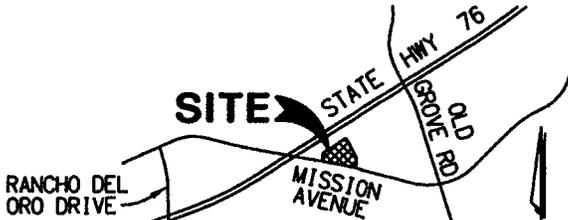
APN 158-101-42

PORTION OF RIGHTS OF
DIRECT VEHICULAR INGRESS
AND EGRESS RELINQUISHED TO
THE CITY OF OCEANSIDE PER
P.M. NO. 19200, VACATED.

60.00'

MISSION

AVENUE



VICINITY MAP

NOT TO SCALE

LEGEND

||||| INDICATES RIGHTS OF DIRECT VEHICULAR INGRESS AND EGRESS RELINQUISHED TO THE CITY OF OCEANSIDE PER P.M. NO. 19200.

(A) INDICATES PORTION OF MISSION AVENUE DEDICATED PER P.M. NO. 19200.

(B) INDICATES PORTION OF MISSION AVENUE DEDICATED PER FINAL ORDER OF CONDEMNATION RECORDED JUNE 25, 1998 AS DOCUMENT NO. 1998-0392187 AND RECORDED OCTOBER 23, 1998 AS DOCUMENT NO. 1998-0687271, O.R.



Joseph G. Cresto
JOSEPH G. CRESTO
P.L.S. 8050

11/8/11
DATE

OWNER: SEA BREEZE OLD GROVE, LLC
SITE ADDRESS: 4318 MISSION AVENUE, OCEANSIDE, CA.
ENGINEER: STEVENS CRESTO ENGINEERING, INC.
9665 CHESAPEAKE DRIVE, SUITE 320
SAN DIEGO, CA 92123-1352

CITY OF OCEANSIDE
ENGINEERING DIVISION
EASEMENT
VACATION PLAT

APN# 158-101-42

FILE # EASVII-0001

DATE: 11-07-11 SHEET 1 OF 1