



DATE: February 1, 2012

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION SUMMARILY VACATING PORTIONS OF RANCHO DEL ORO DRIVE LOCATED APPROXIMATELY AT THE SOUTHEAST CORNER OF RANCHO DEL ORO DRIVE AND OCEANSIDE BOULEVARD**

SYNOPSIS

Staff recommends that the City Council adopt a resolution summarily vacating portions of Rancho del Oro Drive located between Oceanside Boulevard and A.T. & S.F. Railroad right-of-way, and authorize the City Clerk to file a certified copy of the resolution with the San Diego County Recorder.

BACKGROUND

As part of NCTD's plans to improve and expand its services and the number of bus stops, the subject vacation area was dedicated to the City to be used for the purpose of expanding the existing bus stop and installing a new bus stop with better amenities along Rancho del Oro Drive, as seen in Exhibit A, hereto. Due to revisions in the bus routes, and prior to any construction being performed, the need for this bus stop was eliminated from the NCTD project. NCTD has removed the existing facilities from the bus stop.

The City has received a request from North County Transit District (NCTD), which acquired title as North San Diego Transit Development Board, proposing the vacation of portions of Rancho del Oro Drive located between Oceanside Boulevard and A.T. & S.F. The railroad right-of-way, containing 0.038 acres, dedicated for a new and improved bus stop per Document 2010-0256905, was recorded in the office of the County Recorder on May 21, 2010.

There are no other public facilities located in the area to be vacated and the public right-of-way to be vacated is considered to be excess and is not needed for present or future public use.

ANALYSIS

The California Streets and Highway Code, section §8334 (a), authorizes the summary vacation of a street right-of-way that has been determined to be excess and not required for street or highway purposes by the right-of-way holder; there are no other public facilities located within the right-of-way.

FISCAL IMPACT

There is no fiscal impact. The applicant has paid the required fees for the processing of this action.

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

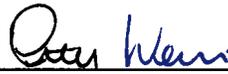
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PREPARED BY:

 1/9/12

Maryam Wagner
Senior Engineering Assistant

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







Attachments:

- A. Map
- B. Resolution

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RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
OCEANSIDE CALIFORNIA SUMMARILY VACATING
PORTIONS OF RANCHO DEL ORO DRIVE LOCATED
BETWEEN OCEANSIDE BOULEVARD AND A.T. & S.F.
RAILROAD RIGHT-OF-WAY**

WHEREAS, the California Streets and Highway Code, Section §8330 et seq., authorizes the City Council of the City of Oceanside to summarily vacate a public street;

WHEREAS, the 0.038 acre portion of Rancho Del Oro Drive right-of-way is located between Oceanside Boulevard and A.T. & S.F. Railroad right-of-way that was dedicated per Document No. 2010-0256905, recorded in the office of the County Recorder, May 21, 2010, and is more particularly described in Exhibit "A" and shown on Exhibit "B" of Document No. 2010-0256905, attached hereto and made a part hereof by reference;

WHEREAS, California Streets and Highway Code, section §8334 (a), authorizes the summary vacation of a street right-of-way that has been determined to be excess and not required for street or highway purposes by the right-of-way holder, and there are no other public facilities located within the right-of-way;

WHEREAS, there are no public facilities located within the area to be vacated that would be affected by the vacation; and

WHEREAS, after consideration of all evidence submitted, the City Council finds and determines that the public right-of-way dedicated per Document No. 2010-0256905, recorded in the office of the County Recorder, May 21, 2010, has been determined to be excess and is not needed for present or future prospective public use.

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

1 Section 1. The public street right-of-way described in Exhibit "A" and shown
2 on Exhibit "B" of Document No. 2010-0256905, shall be and hereby is summarily
3 vacated.

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

8 PASSED AND ADOPTED by the City Council of the City of Oceanside,
9 California this _____ day of _____, 2012, by the following vote:

10
11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15
16 _____
Mayor of the City of Oceanside

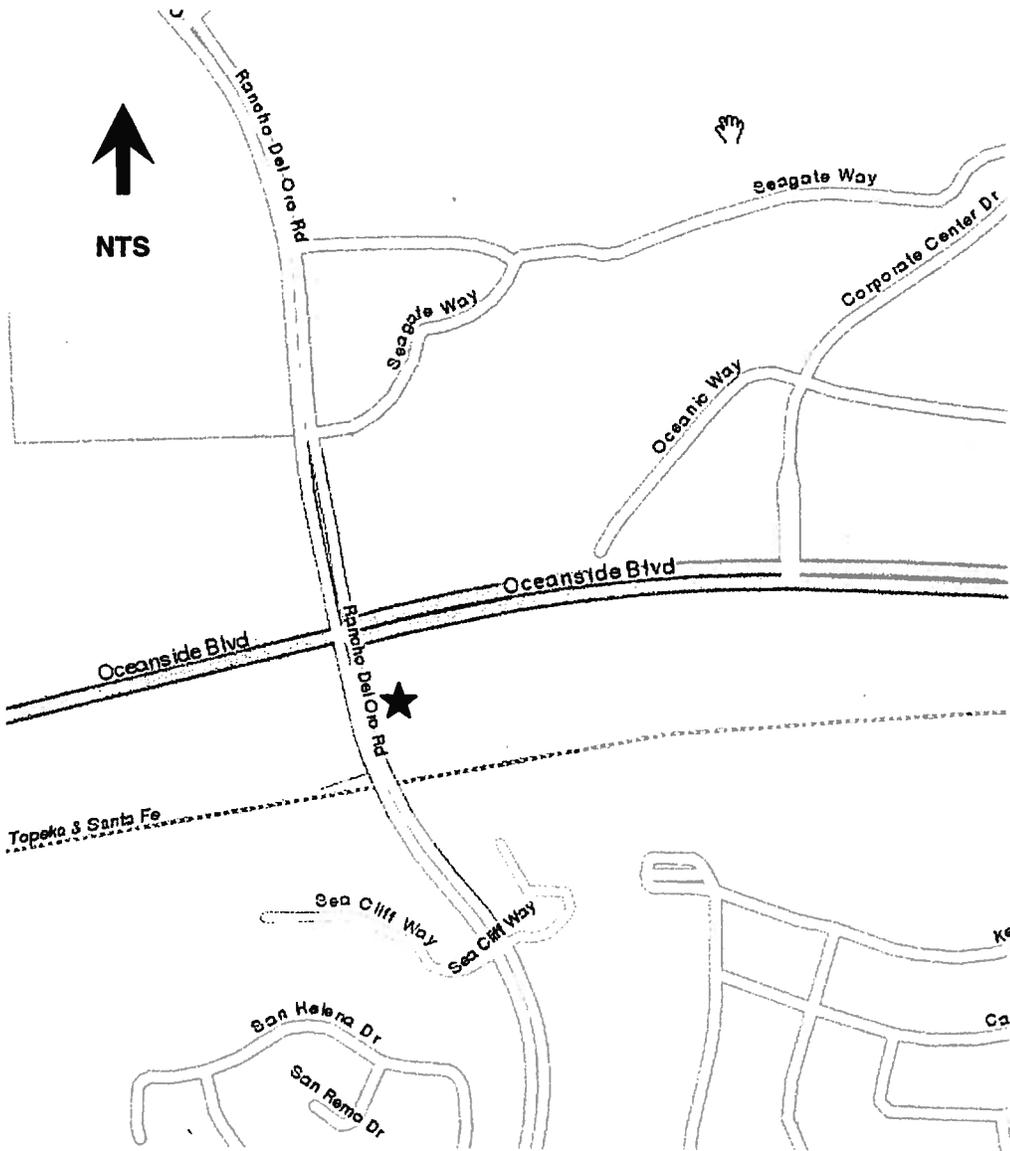
17 APPROVED AS TO FORM:
18 OFFICE OF THE CITY ATTORNEY

19 _____
20 *Christine Hamilton, ASST*
City Attorney

21 ATTEST:

22
23 _____
24 City Clerk

25
26 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE CALIFORNIA
27 SUMMARILY VACATING PORTIONS OF RANCHO DEL ORO DRIVE LOCATED BETWEEN
28 OCEANSIDE BOULEVARD AND A.T. & S.F. RAILROAD RIGHT-OF-WAY



★ = Approximate location of the existing NCTD bus stop.



PROJECT #
ROWV11-00001

NCTD BUS STOP RIGHT-OF-WAY VACATION

EXHIBIT
A

EXHIBIT "B"

8' PUBLIC HIGHWAY EASEMENT PER DOC. NO. 83-214976 REC. 6/24/83

104' PUBLIC HIGHWAY EASEMENT PER FILE NO. 165919 REC. 10/25/67



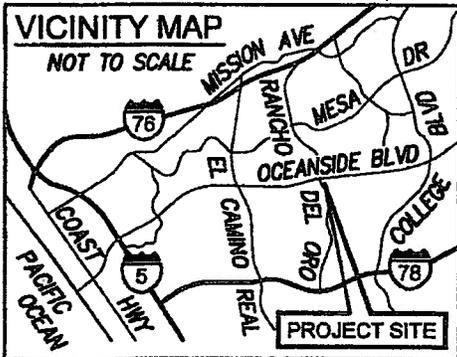
OCEANSIDE

BOULEVARD

LEGEND

- POC INDICATES POINT OF COMMENCEMENT
- TPOB INDICATES TRUE POINT OF BEGINNING
- [] INDICATES RECORD DATA PER MAP NO. 11410
- () INDICATES RECORD DATA PER DOC. NO. 86-080614
- (R) INDICATES RADIAL BEARING

LINE TABLE		
LINE	BEARING	LENGTH
L1	N10°20'15"W (N10°20'14"W) [N10°20'15"W]	106.05'



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	08°25'28"	1450.00'	213.20'
C2	03°45'21"	1450.00'	95.05'
C3	15°02'12"	40.00'	10.50'

84' PUBLIC HIGHWAY EASEMENT PER F/P 80-382446 REC. 11/13/80

LOT C

MAP NO. 11410

PORCION OF RANCHO DEL ORO DEDICATED PER MAP NO. 11410

RD.

10' EASEMENT TO P.T.&T. CO. PER DEED REC. 2/4/1984 AS DOC. NO. 84-054989

10' SANITARY SEWER EASEMENT TO CITY OF OCEANSIDE PER DEED REC. 12/30/1971 AS FILE NO. 305065

10' DRAINAGE EASEMENT PER DOC. NO. 86-080615 REC. 2/28/1986

10' PORTION OF RANCHO DEL ORO DEDICATED PER DOC. NO. 86-080614

POC S.W. CORNER LOT B OF MAP NO. 11410

A.T. & S.F. RAILROAD

LOT A

10' SANITARY SEWER EASEMENT TO CITY OF OCEANSIDE PER DEED REC. 12/30/1971 AS FILE NO. 305065



Gary L. Hus 3-24-2010
GARY L. HUS NO. 7019 DATE

OWNER: NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT
 SITE ADDRESS: RANCHO DEL ORO RD. & OCEANSIDE BLVD.
 ENGINEER: PROJECT DESIGN CONSULTANTS
 701 'B' STREET, SUITE 800 SAN DIEGO, CA 92101

CITY OF OCEANSIDE

ENGINEERING DIVISION
 RIGHT-OF-WAY
 DEDICATION PLAT

APN# 162-082-32

FILE # ROWD-3-2009

DATE: 03/24/2010

SHEET 2 OF 2

RECORDING REQUESTED BY

CITY OF OCEANSIDE

AND WHEN RECORDED MAIL TO

CITY CLERK
CITY OF OCEANSIDE
300 NORTH COAST HIGHWAY
OCEANSIDE, CA 92054

File
SP
OCNA
NF

DOC# 2010-0256905
[Barcode]

MAY 21, 2010 2:08 PM

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
DAVID L. BUTLER, COUNTY RECORDER
FEES: 0.00
OC: NA

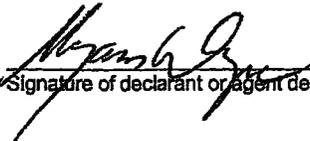
PAGES: 5

[Barcode]

A.P.N. 162-082-32

City Clerk Doc# 10-D0371-4

DOCUMENT TRANSFER TAX None


Signature of declarant or agent determining tax - Firm name

IRREVOCABLE OFFER TO DEDICATE

(File No. ROWD-3-2009)

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

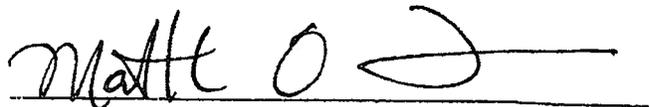
NORTH COUNTY TRANSIT DISTRICT, A PUBLIC AGENCY, WHO ACQUIRED TITLE AS NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT BOARD

Do(es) hereby dedicate to the **CITY OF OCEANSIDE**, a municipal corporation, of the State of California, its successors or assigns, that certain real property situated in the City of Oceanside, County of San Diego, State of California, more particularly described on Exhibit "A" and illustrated on Exhibit "B", attached hereto and made a part hereof by this reference.

SEE LEGAL DESCRIPTION MARKED EXHIBIT "A" AND A SKETCH THEREOF MARKED EXHIBIT "B", ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCED.

This offer is made for the benefit of all parties who have or may acquire any right, title, or interest in any part of the above described property. This offer is binding on the Grantor, his heirs, assigns or successors in interest, and shall continue until accepted or rejected, in whole or in part, at any time or times by the City of Oceanside.

Dated: April 29, 2010



Matthew O. Tucker
NCTD Executive Director

NORTH COUNTY TRANSIT DISTRICT

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On April 29, 2010 before me, Jillayne McNaughton, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Matthew O. Tucker
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Jillayne McNaughton
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Irrevocable offer to Dedicate

Document Date: April 29, 2010 Number of Pages: Three

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: Matthew O. Tucker

- Individual
- Corporate Officer — Title(s): Exec. Dir
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

EXHIBIT "A"

Document No. 10-D0371-4

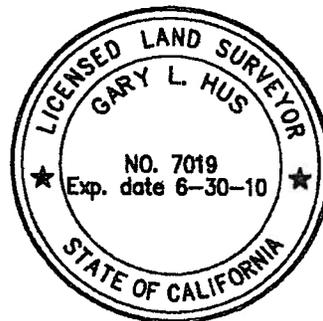
LEGAL DESCRIPTION

A RIGHT-OF-WAY DEDICATION BEING IN A PORTION OF LOT B OF RANCHO DEL ORO - MASTER SUBDIVISION MAP WEST, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11410 FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN DIEGO ON DECEMBER 27, 1985, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT B, SAID POINT ALSO BEING ON THE SOUTHERLY LINE OF A PORTION OF RANCHO DEL ORO ROAD DEDICATED PER DOCUMENT NO. 86-080614 RECORDED FEBRUARY 28, 1986; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT B AND SAID SOUTHERLY LINE OF A PORTION OF RANCHO DEL ORO ROAD, NORTH 79°39'45" EAST, 32.64 FEET (NORTH 79°39'45" EAST PER SAID MAP NO. 11410, NORTH 79°39'56" EAST PER SAID DOCUMENT NO. 86-080614) TO THE BEGINNING OF A NON-TANGENT 1450.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 67°28'56" WEST, SAID POINT ALSO BEING ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID RANCHO DEL ORO ROAD; THENCE LEAVING SAID SOUTHERLY LINE AND ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°25'28", 213.20 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°45'21", 95.05 FEET; THENCE TANGENT TO SAID CURVE NORTH 10°20'15" WEST, 106.05 FEET (NORTH 10°20'15" WEST PER SAID MAP NO. 11410, NORTH 10°20'14" WEST PER SAID DOCUMENT NO. 86-080614) TO THE BEGINNING OF A NON-TANGENT 40.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 79°39'45" WEST; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°02'12", 10.50 FEET; THENCE TANGENT TO SAID CURVE SOUTH 25°22'27" EAST, 36.17 FEET TO THE BEGINNING OF A TANGENT 60.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°53'55", 15.60 FEET; THENCE TANGENT TO SAID CURVE SOUTH 10°28'32" EAST, 50.31 FEET TO THE BEGINNING OF A TANGENT 60.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°05'35", 7.43 FEET; THENCE TANGENT TO SAID CURVE SOUTH 03°22'57" EAST, 75.68 FEET TO THE BEGINNING OF A TANGENT 40.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°42'39", 7.48 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.038 ACRE, MORE OR LESS.


GARY L. HUS - NO. 7019 3-24-2010
DATE



OWNER: NORTH SAN DIEGO COUNTY TRANSIT DEVELOPMENT		CITY OF OCEANSIDE ENGINEERING DIVISION RIGHT-OF-WAY DEDICATION PLAT
SITE ADDRESS: RANCHO DEL ORO RD. & OCEANSIDE BLVD.		
ENGINEER: PROJECT DESIGN CONSULTANTS 701 'B' STREET, SUITE 800 SAN DIEGO, CA 92101		
APN# 162-082-32	FILE # ROWD-3-2009	DATE: 03/24/2010 SHEET 1 OF 2

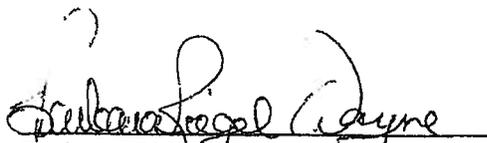


CITY OF OCEANSIDE

DEPARTMENT OF THE CITY CLERK
BARBARA RIEGEL WAYNE

This is to certify that the interest in real property conveyed by the **IRREVOCABLE OFFER TO DEDICATE (ROWD-3-2009) [City Document No. 10-D0371-4]** dated **April 29, 2010** from **North County Transit District** to the City of Oceanside, a political corporation and governmental agency, is hereby accepted by the undersigned officer on behalf of the City Council of the City of Oceanside pursuant to authority conferred by Resolution No. 81-172 of the City Council of the City of Oceanside adopted on the 27th day of May, 1981 and the grantee consents to the recordation thereof by its duly authorized officer.

Dated: May 10, 2010


Barbara Riegel Wayne, City Clerk
City of Oceanside