

STAFF REPORT



ITEM NO. 21

CITY OF OCEANSIDE

DATE: December 3, 2014

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO VACATE BLACKS BEACH STREET AND A PORTION OF WINDANSEA STREET AND SET A PUBLIC HEARING**

SYNOPSIS

Staff recommends that the City Council adopt a resolution declaring its intention to vacate Blacks Beach Street and a portion of Windansea Street and set a public hearing for January 7, 2015, at 6:00 p.m. in the City Council Chambers to consider ordering the vacation.

BACKGROUND

The City has received a request from AMB DFS Pacific Coast LLC ("AMB"), the owner of lots 1-10 and 12 of Parcel Map 20306, proposing the vacation of Blacks Beach Street and a portion of Windansea Street public right-of-ways, dedicated per Parcel Map 20306 recorded July 24, 2007, as File No. 2007-0494309 of Official Records of San Diego County. The areas to be vacated are approximately 2.91 acres and are located west of Avenida Del Oro adjacent to lots 1 through 12 of Parcel Map 20306.

The City currently owns lot 11 of Parcel Map 20306. The City and AMB have entered into an agreement whereby, the City's lot 10 will be exchanged so as to provide AMR with ownership of lots 1-12 for the purpose of said vacation

The proposed vacation is in conjunction with development of Fed Ex Ground Distribution Center, project file No. P14-00006. The development was approved by the Planning Commission on November 17, 2014. The vacation is a condition of the project approval to accommodate removing the roads, merging the 12 lots into one lot, and construction of over 310,000 square feet of office, gateway, garage buildings, parking and other pertinent facilities. The Blacks Beach Street and a portion of Windansea Street proposed to be vacated will revert back to Lots 1-12 of Parcel Map No. 20306, the applicant's property.

There are existing public improvements and facilities in the roads to be vacated such as pavement, curb and gutter, street lights, street signs, water, sewer, and storm drain. The existing public roads, facilities and utilities are all located within the owner's property and are not being used by the public.

Building the roads and empowering the street lights were part of the development requirements of the original Pacific Business Park. The area to be vacated services only the adjacent 12 lots that were never developed; thus the sewer, water and other facilities were not used.

All existing improvements including all utilities in the vacation area will be removed and/or relocated to a new location per approved grading and/or improvement plans. The street lights and street signs will be salvaged and returned to the City. There shall be no existing utilities remaining in the vacation area that will require reserving easement. The vacation will be conditioned on the salvaging, removal and/or relocation of all existing utilities to the satisfaction of the City Engineer.

There is not a present or prospective public need for the right-of-way area that is proposed to be vacated.

ANALYSIS

The State of California Public Streets, Highways, and Service Easements Vacation Law Chapter 3, Section 8300, et seq., of the California Streets and Highways Code (the "Vacation Law") provides the City Council with the authority to vacate public street right-of-way based on the determination that there is not a present or prospective public need for the rights being vacated. The City Council may vacate the public's interest in the right-of-way with the stipulation that certain conditions are met prior to the recordation with the County Recorder of the resolution ordering the vacation. The vacation of the right-of-way is conditioned upon the removal of the roadway and relocating the existing utilities to a new location to the satisfaction of the City Engineer.

FISCAL IMPACT

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

COMMISSION OR COMMITTEE REVIEW

Does not apply.

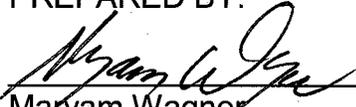
CITY ATTORNEY'S ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

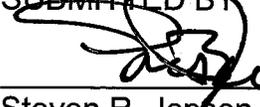
Staff recommends that the City Council adopt a resolution declaring its intention to vacate Blacks Beach Street and a portion of Windansea Street and set a public hearing for January 7, 2015, at 6:00 p.m. in the City Council Chambers to consider ordering the vacation.

PREPARED BY:



Maryam Wagner
Senior Engineering Assistant

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant City Manager



Scott O. Smith, City Engineer



Hans K. Koger, Public Works Division Manager



Doug Eddow, Real Estate Manager



1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE DECLARING ITS INTENTION TO VACATE
4 PUBLIC STREET RIGHT-OF-WAYS, AND SETTING A PUBLIC
5 HEARING THEREON

6 (Blacks Beach Street and a portion of Windansea Street)

7 WHEREAS, the City Council of the City of Oceanside does declare its intention to
8 vacate Blacks Beach Street and a portion of Windansea Street located west of Avenida
9 Del Oro (hereinafter collectively referred to as "THE STREETS") in accordance with the
10 procedures contained in Chapter 3 of the Public Streets, Highways and Service Easements
11 Vacation Law (California Streets and Highways Code Sections 8320 et seq.);

12 WHEREAS, the public street right-of-ways intended to be vacated are described in
13 Exhibit "A" and shown on Exhibit "B" both attached hereto and made a part hereof by
14 reference;

15 WHEREAS, THE STREETS are not needed for present or prospective vehicular
16 purposes and there are public facilities within THE STREETS that would be affected by
17 the proposed vacation; and

18 WHEREAS, existing public improvements and facilities are located in
19 THE STREETS and should be salvaged or relocated to the satisfaction of the City
20 Engineer as a condition of vacation.

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

23 Section 1. That this City Council does intend to vacate, pursuant to its authority
24 under Chapter 3, Sections 8320 et seq. of the California Streets and Highways Code,
25 "THE STREETS" as described in Exhibit "A" and as shown on Exhibit "B", as filed in the
26 Office of the City Clerk located at 300 North Coast Highway, Oceanside, California.

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1 Section 2. That a public hearing regarding said vacation is set for Wednesday,
2 January 7, 2015, at 6:00 p.m., or as soon as possible thereafter, in the Council Chambers of
3 the City of Oceanside located at 300 North Coast Highway, Oceanside, California. At this
4 hearing, all interested persons may introduce evidence and testimony pertaining to the
5 proposed vacation. At the conclusion of the hearing, the City Council shall determine, from
6 all evidence submitted, whether or not THE STREETS are necessary for present or
7 prospective public use.

8 Section 3. The City Engineer is directed to cause the notice of this vacation to be
9 posted in accordance with Section 8323 of the Streets and Highways Code.

10 Section 4. The City Clerk is directed to publish this resolution of intention in
11 *The San Diego Union Tribune North County edition* for two successive weeks before the
12 public hearing, in accordance with Section 8322 of the Streets and Highways Code.

13 PASSED AND ADOPTED by the City Council of the City of Oceanside,
14 California this 3rd day of December, 2014, by the following vote:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 _____
MAYOR OF THE CITY OF OCEANSIDE

20 ATTEST:

21 _____
22 City Clerk

APPROVED AS TO FORM:

23 _____
24 *Antonio Samelton, A.S.T.*
25 City Attorney
26
27
28

EXHIBIT "A"

STREET VACATION LEGAL DESCRIPTION

THAT PORTION OF BLACKS BEACH STREET AND WINDANSEA STREET, LOCATED WITHIN PARCEL MAP NO. 20603, FILED JULY 24, 2007 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY CORNER OF PARCEL 9 AS SHOWN ON SAID PARCEL MAP NO. 20603, THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 9, SOUTH 07°22'25" EAST, 221.77 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE SOUTH 07° 22' 25" EAST, 6.05 FEET TO THE BEGINNING OF A TANGENT 309.00 FOOT RADIUS CURVE, CONCAVE WESTERLY;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20° 20' 08", AN ARC LENGTH OF 109.67 FEET TO THE BEGINNING OF A NON-TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 100° 44' 55", AN ARC LENGTH OF 35.17 FEET;

THENCE NORTH 87° 47' 12" WEST, 331.24 FEET TO THE BEGINNING OF A TANGENT 19.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00", AN ARC LENGTH OF 29.85 FEET;

THENCE SOUTH 02° 12' 48" WEST, 208.34 FEET TO THE BEGINNING OF A TANGENT 90.00 FOOT RADIUS CURVE, CONCAVE EASTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16° 24' 57", AN ARC LENGTH OF 25.79 FEET;

THENCE SOUTH 14° 12' 08" EAST, 50.00 FEET TO THE BEGINNING OF A TANGENT 54.00 FOOT RADIUS CURVE, CONCAVE NORTHERLY;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 212° 49' 54", AN ARC LENGTH OF 200.59 FEET;

THENCE NORTH 18° 37' 44" EAST, 50.00 FEET TO THE BEGINNING OF A TANGENT 90.00 FOOT RADIUS CURVE, CONCAVE WESTERLY;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16° 24' 56", AN ARC LENGTH OF 25.79 FEET.

THENCE NORTH 02° 12' 48" EAST, 1122.69 FEET TO THE BEGINNING OF A TANGENT 90.00 FOOT RADIUS CURVE, CONCAVE WESTERLY;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16° 24' 57", AN ARC LENGTH OF 25.79 FEET.

THENCE NORTH 14° 12' 08" WEST, 50.00 FEET TO THE BEGINNING OF A TANGENT 54.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 212° 49' 52", AN ARC LENGTH OF 200.59 FEET;

THENCE SOUTH 18° 37' 44" WEST, 50.00 FEET TO THE BEGINNING OF A TANGENT 90.00 FOOT RADIUS CURVE, CONCAVE EASTERLY;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 16° 24' 56", AN ARC LENGTH OF 25.79 FEET;

THENCE SOUTH 02° 12' 48" WEST, 808.34 FEET TO THE BEGINNING OF A TANGENT 19.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00", AN ARC LENGTH OF 29.85 FEET;

THENCE SOUTH 87° 47' 12" EAST, 331.26 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 99° 35' 13", AN ARC LENGTH OF 34.76 FEET TO THE **TRUE POINT OF BEGINNING**.

AREA OF SAID VACATION IS 126,804 SQUARE FEET, MORE OR LESS.

AS MORE PARTICULARLY SHOWN ON EXHIBT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS STREET VACATION DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT.

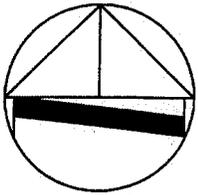


RONALD L. HOLLOWAY
RCE 29271

11-14-14

DATE

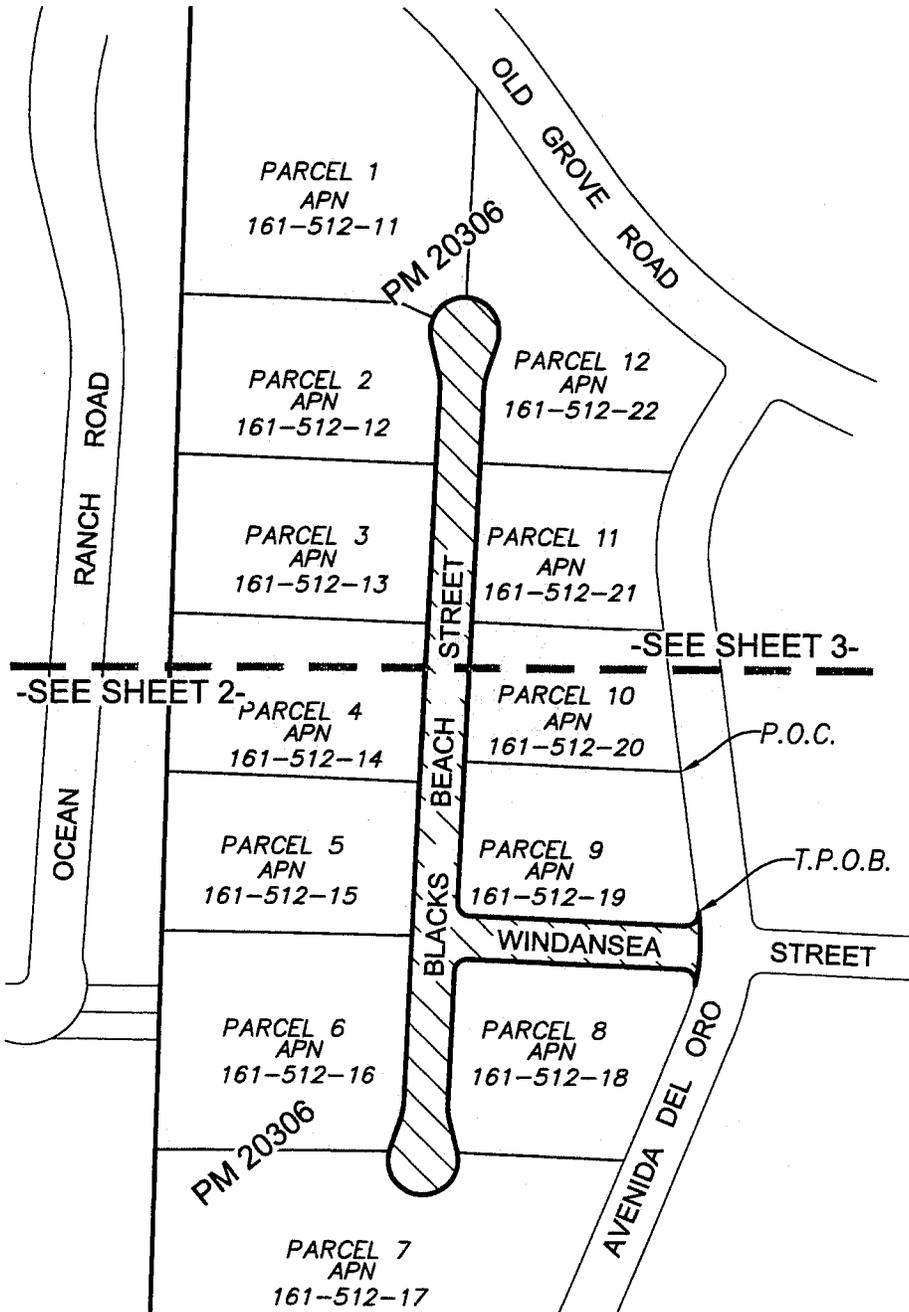




SCALE 1"=300'

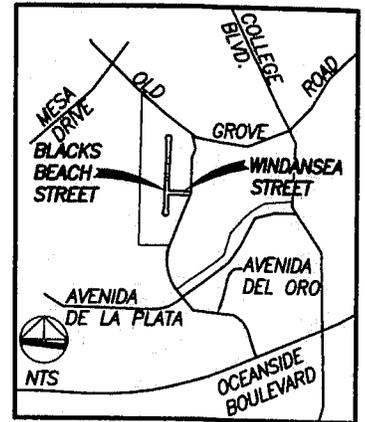
EXHIBIT "B"

PACIFIC COAST BUSINESS PARK STREET VACATION FOR BLACKS BEACH STREET AND A PORTION OF WINDANSEA STREET

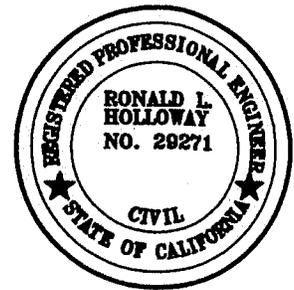


TOTAL AREA TO BE VACATED =
126, 804 SF
2.911 AC.

AREA TO BE VACATED



VICINITY MAP



bha, inc

land planning, civil engineering, surveying

5115 Avenida Encinas
Suite L
Carlsbad, California 92008-4387
(760) 931-8700

RONALD L. HOLLOWAY
RCE 29271 EXP. 3-31-15

FILE # P14-00001 & D14-00009

OWNER: CITY OF OCEANSIDE

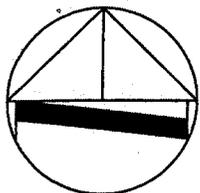
SITE ADDRESS: BLACKS BEACH ST. & WINDANSEA ST.

ENGINEER: BHA, INC. 5115 AVENIDA ENCINAS, SUITE L
CARLSBAD, CA 92008

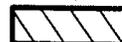
CITY OF OCEANSIDE

ENGINEERING DIVISION
RIGHT-OF-WAY
VACATION PLAT

EXHIBIT "B"



SCALE 1"=100'



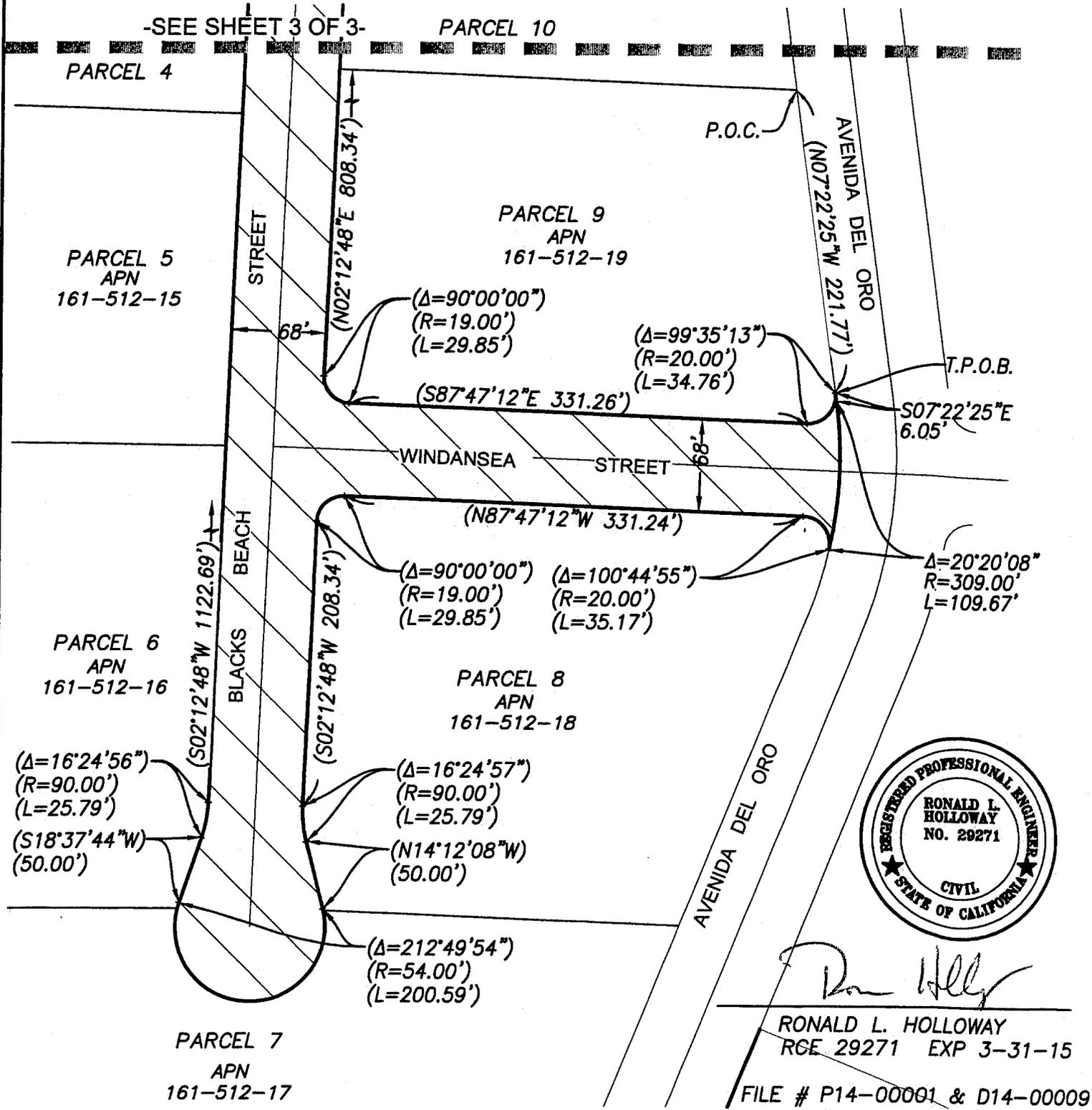
AREA TO BE VACATED



DATA PER PM 20306

-SEE SHEET 3 OF 3-

PARCEL 10



Ron Holloway

RONALD L. HOLLOWAY
RGE 29271 EXP 3-31-15

FILE # P14-00001 & D14-00009

OWNER: CITY OF OCEANSIDE

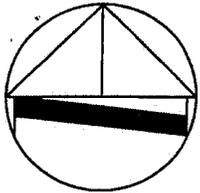
SITE ADDRESS: BLACKS BEACH ST. & WINDANSEA ST.

ENGINEER: BHA, INC. 5115 AVENIDA ENCINAS, SUITE L
CARLSBAD, CA 92008

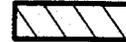
CITY OF OCEANSIDE

ENGINEERING DIVISION
RIGHT-OF-WAY
VACATION PLAT

EXHIBIT "B"

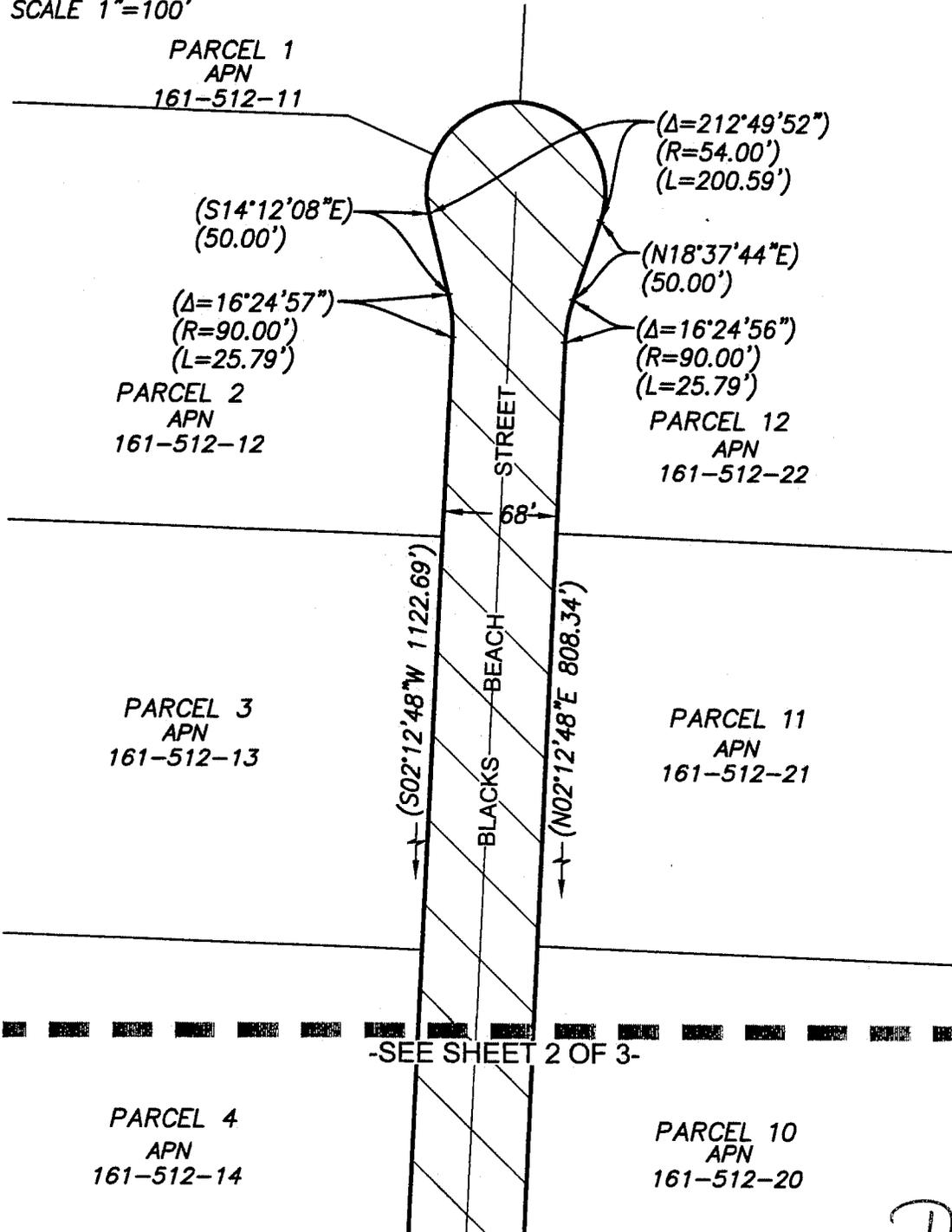


SCALE 1"=100'



AREA TO BE VACATED

() DATA PER PM 20306



R. L. Holloway

RONALD L. HOLLOWAY
 RCE 29271 EXP 3-31-15

FILE # P14-00001 & D14-00009

OWNER: CITY OF OCEANSIDE
SITE ADDRESS: BLACKS BEACH ST. & WINDANSEA ST.
ENGINEER: BHA, INC. 5115 AVENIDA ENCINAS, SUITE L CARLSBAD, CA 92008

CITY OF OCEANSIDE
ENGINEERING DIVISION RIGHT-OF-WAY VACATION PLAT