ITEM NO. 18

STAFF REPORT

CITY OF OCEANSIDE

DATE: January 7, 2015

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION ORDERING THE VACATION OF BLACKS BEACH STREET AND A PORTION OF WINDANSEA STREET**

SYNOPSIS

Staff recommends that the City Council adopt a resolution ordering the vacation of Blacks Beach Street and a portion of the Windansea Street, and direct the City Clerk to file a certified copy of the resolution with the County Recorder upon the satisfaction of the conditions.

BACKGROUND

On December 3, 2014, the City Council adopted Resolution No. 14-R0726-1, stating its intent to vacate Blacks Beach Street and a portion of the Windansea Street right-of-way located west of Avenida Del Oro, pursuant to the provisions of Chapter 3 of the Public Streets, Highways and Service Easement Vacation Law.

The Blacks Beach Street and a portion of Windansea Street public right-of-ways were dedicated on Parcel Map 20306 recorded July 24, 2007, as File No. 2007-0494309 of Official Records of San Diego County. The area to be vacated is approximately 2.91 acres and is located west of Avenida Del Oro adjacent to lots 1 through 12 of Parcel Map 20306.

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 in to 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.

The vacation will be conditioned on the removal and relocation or salvaging of all existing facilities and utilities to a new location per approved grading and/or improvement plans to the satisfaction of the City Engineer.

There will be no publicly-owned facilities within the Blacks Beach Street and a portion of Windansea Street right-of-ways to be vacated. The area to be vacated will be considered excess right-of-way and will be not needed for present or prospective public pedestrian or vehicular access. All the City Departments support the vacation upon the satisfaction of the conditions.

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. If there are in-place public utility facilities that are in use, a public entity shall reserve and except from the vacation any easement and right necessary to construct, maintain, operate, replace, remove, or renew the public utility facilities.

Under the proposed resolution, the vacation of Blacks Beach Street and a portion of Windansea Street right-of-ways would be conditioned upon:

a. Removal and/or relocation of all existing utilities to a new location per approved grading and/or improvement plans to the satisfaction of the City Engineer.
b. Salvaging, removing and/or relocating of the street lights and street signs and returning them to the City to the satisfaction of the Public Works Division Manager.

There will be no existing utilities remaining in the vacation area that will require reserving an easement.

In order to adopt the resolution ordering the vacation, the City Council must conduct a public hearing to give all interested persons an opportunity to be heard regarding the proposed vacation.

FISCAL IMPACT

There is no fiscal impact as a result 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

Staff recommends that the City Council adopt a resolution ordering the vacation of Blacks Beach Street and a portion of the Windansea Street, and direct the City Clerk to file a certified copy of the resolution with the County Recorder upon the satisfaction of the conditions.

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

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ORDERING THE VACATION OF A PUBLIC STREET RIGHT-OF-WAY

(Blacks Beach Street and a portion of Windansea Street)

WHEREAS, the City Council of the City of Oceanside did, on December 3, 2014, by Resolution No. 14-R0726-1, declared its intention to vacate Blacks Beach street and a portion of Windansea Street located west of Avenida Del Oro, located adjacent to lots 1-12 of Parcel Map No. 20306, in accordance with the procedures contained in Chapter 3 of the Public Streets, Highways and Service Easements Vacation Law (California Streets and Highways Code Section 8320 et seq.);

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

WHEREAS, the proposed vacation has been considered in relation to the General Plan of the City of Oceanside;

WHEREAS, the vacation procedure prescribed in Section 65402 of the Government Code is not applicable since the public street proposed to be vacated does not conflict with the Circulation Element of the General Plan of the City of Oceanside;

WHEREAS, notice of the intended vacation was duly-published in *The San Diego Union Tribune North County edition* and posted in accordance with Sections 8322 and 8323 of the California Streets and Highways Code;

WHEREAS, on January 7, 2015, the City Council duly held a public hearing on the proposed vacation and considered all evidence submitted by all persons interested in said vacation;

WHEREAS, after consideration of all evidence submitted, the City Council finds the hereinbelow described public street right-of-ways unnecessary for present or prospective public use; and

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

Section 1. The public street right-of-ways described in said Exhibit "A" and as shown on said Exhibit "B" shall be and are hereby vacated upon the satisfaction of the conditions that the owner of the adjacent property:

a. Remove and/or relocate all existing utilities to a new location per approved grading and/or improvement plans to the satisfaction of the City Engineer.
b. Remove and/or relocate the existing street lights and street signs to a new location per approved grading and/or improvement plans, or salvage and return them to the City to the satisfaction of the Public Works Division manager.

Section 2. Upon the satisfaction of the conditions set forth hereinabove as attested by the Office of the City Engineer and Public Works Department, the City Clerk shall cause a certified copy of this resolution to be recorded in the Office of the County Recorder of San Diego County in accordance with Sections 8324 and 8325 of the Streets and Highways Code. Upon such recordation, vacation is complete.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California this _____ day of _____ , 2015, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

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

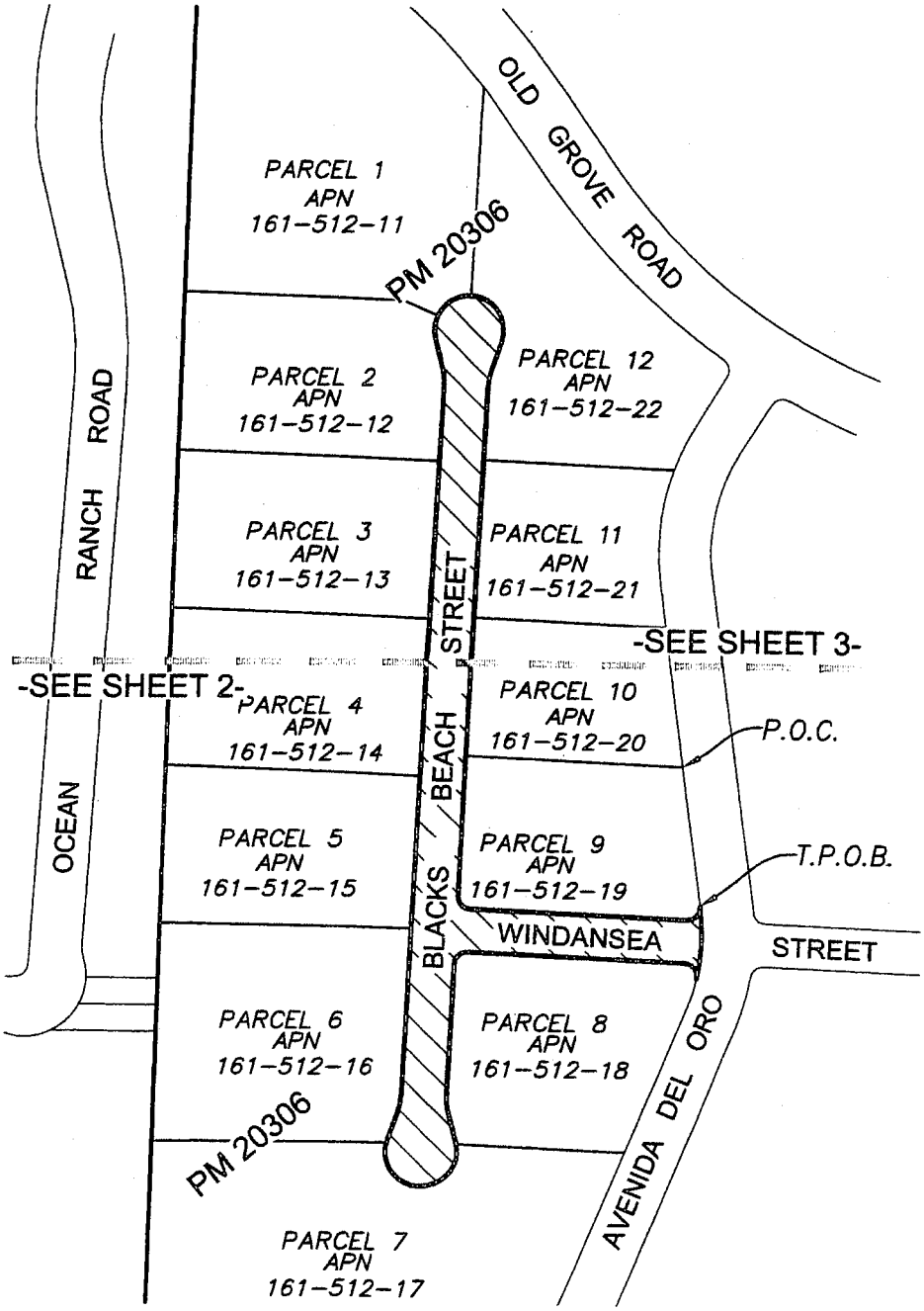
11-17-14
DATE

REGISTERED PROFESSIONAL ENGINEER
RONALD L. HOLLOWAY
NO. 29271
CIVIL
STATE OF CALIFORNIA

EXHIBIT "B"

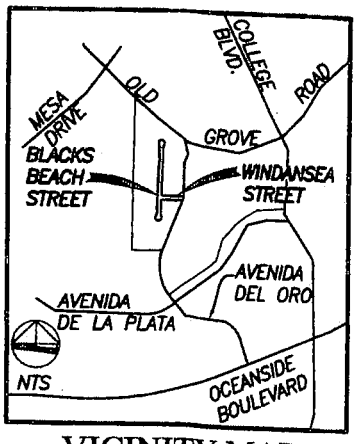
PACIFIC COAST BUSINESS PARK
STREET VACATION FOR
BLACKS BEACH STREET AND A PORTION OF
WINDANSEA STREET

SCALE 1"=300'



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

AREA TO BE VACATED



VICINITY MAP

REGISTERED PROFESSIONAL ENGINEER
RONALD L. HOLLOWAY
NO. 29271
CIVIL
STATE OF CALIFORNIA

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

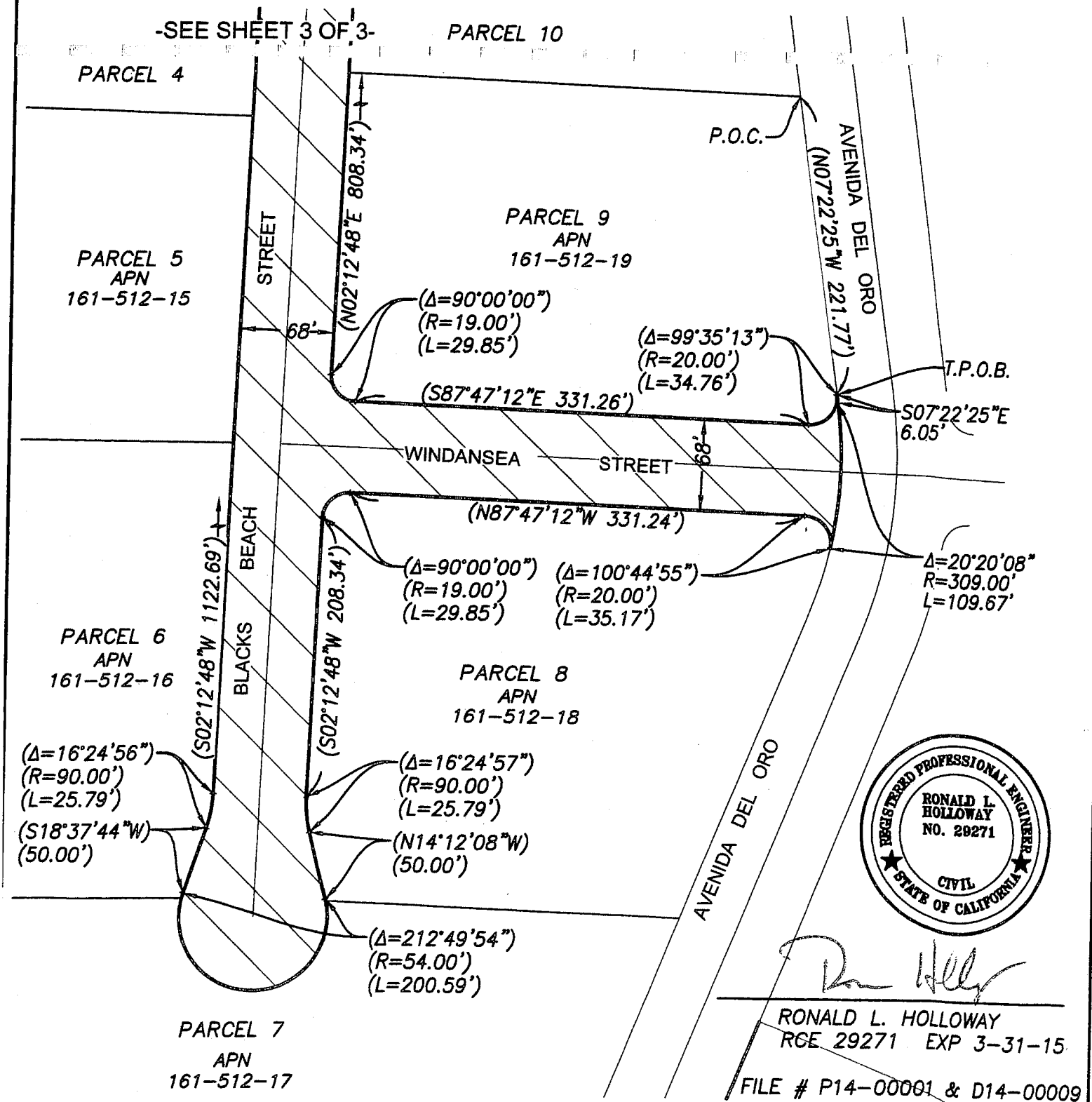
ENGINEERING DIVISION
RIGHT-OF-WAY
VACATION PLAT

EXHIBIT "B"

SCALE 1"=100'

AREA TO BE VACATED

( ) DATA PER PM 20306



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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
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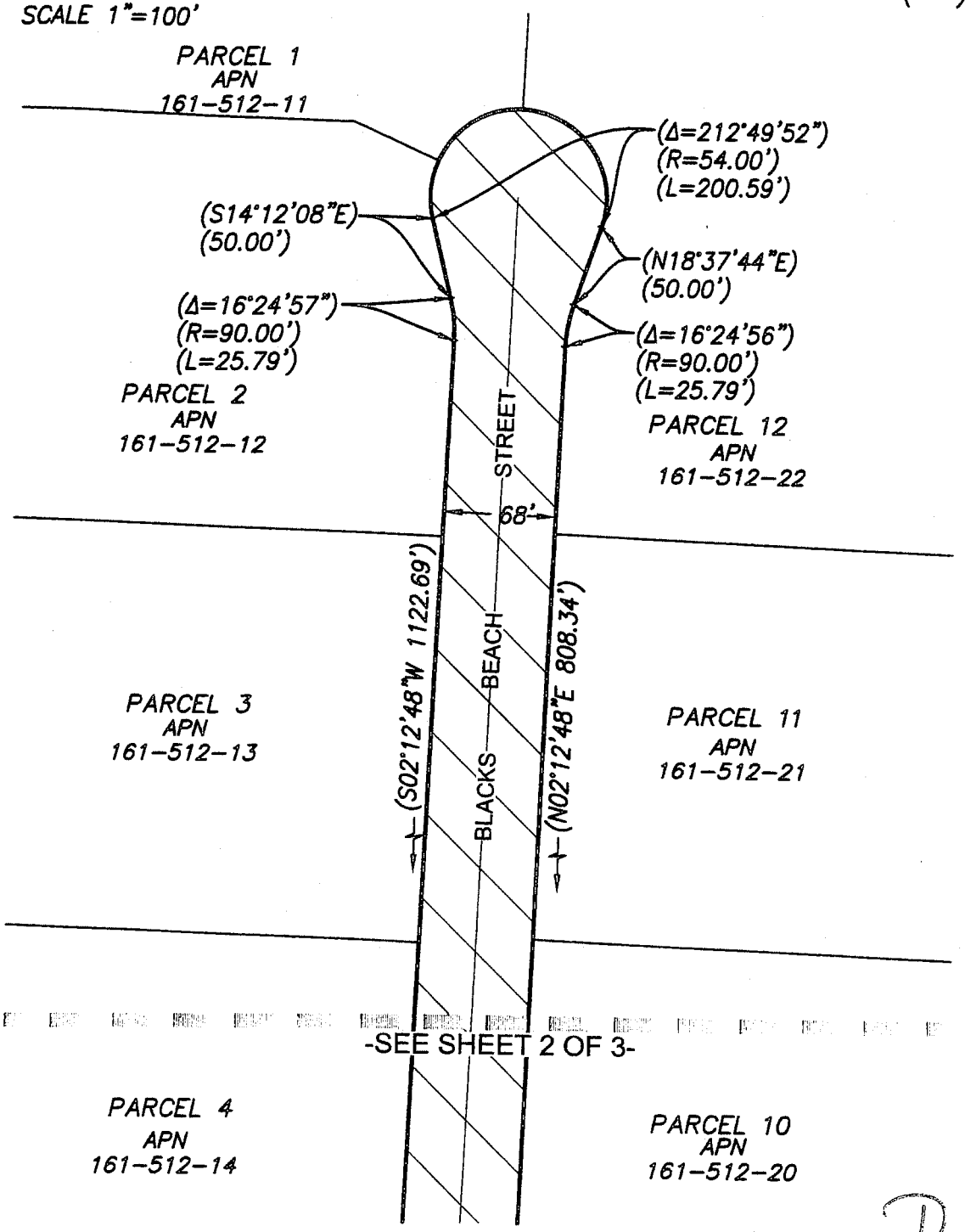
VACATION PLAT

EXHIBIT "B"

SCALE 1"=100'

AREA TO BE VACATED

( ) DATA PER PM 20306



REGISTERED PROFESSIONAL ENGINEER
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