

CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. _____

File No. _____

Ord No. _____

Agenda Item No.: 5

Date: June 8, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services
SUBJECT: Street Vacation: Portion of North Elm Street

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and adopt Resolution 2011-58, vacating portions of North Elm Street.

PREVIOUS ACTION:

On May 25, 2011, City Council adopted Resolution 2011-57 setting the Public Hearing date of June 8, 2011.

BACKGROUND:

Habitat for Humanity, Inc. has requested that the City of Escondido vacate a portion of North Elm Street. The approval of this street vacation will provide parking required for its Elm Street Townhome Development. The remainder of the Elm Street right of way, which is not part of the street vacation, will provide access to the running and bike path that runs along the southerly edge of the project.

A public utility easement has been reserved. Neither the City nor the utility companies require that this area remain as a Public Street.

Respectfully submitted,



Edward N. Domingue, P.E.
Director of Engineering Services

RESOLUTION NO 2011-58

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF ESCONDIDO, CALIFORNIA, TO
VACATE AND ABANDON A PORTION OF A
PUBLIC STREET KNOWN AS NORTH ELM
STREET HEREIN SPECIFICALLY DESCRIBED

(Public Hearing June 8, 2011)

WHEREAS, the City Council of the City of Escondido, California, on May 25, 2011, passed its Resolution No. 2011-57 declaring its intention to order the vacation, abandonment and closing to public use portions of public streets known as North Elm Street, as hereinafter described and located within the City of Escondido; and

WHEREAS, on Wednesday June 8, 2011, the City Council duly heard all evidence offered by all persons interested in or objecting to the proposed vacation, abandonment and closing; and

WHEREAS, all other acts and things required by law, particularly Sec. 8320 *et seq.* of the Streets & Highways Code of the State of California, to confer jurisdiction upon the City Council to order said street vacation have been done; and

WHEREAS, pursuant to the provisions of Sec. 8340 of the Streets & Highways Code of the State of California, existing or proposed utilities do require the reservation of utility easements over a portion of the area to be vacated;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Escondido, California, as follows:

1. That the above recitations are true.

2. That the City Council makes the following findings of fact:

(a) That the portions of North Elm Street, proposed for vacation are not being utilized.

(b) That the portions of vacated streets are unnecessary for present or prospective public street purposes.

(c) That the Director of Engineering Services supports the street vacation as proposed and recommends approval of the street vacation.

(d) That the proposed vacation is recommended because this land is not needed for the ultimate design of any street.

(e) That the vacated portions of rights-of-way are not useful as bikeways.

(f) That the vacation area is needed for public utility purposes.

3. That in view of the above findings and the applicable law, this City Council finds, from all evidence submitted, that the portions of North Elm Street, as described in the attached Exhibit "A" and delineated in the attached Exhibit "B," which are attached and incorporated, meets the requirements for vacation as set forth in Sec. 8320 *et seq.* of the Streets & Highway Code of the State of California.

4. That the City Council does hereby order the portions of public streets described in Exhibit "A" and delineated in Exhibit "B," within the City of Escondido closed and vacated.

5. That a public utility easement shall be reserved from this vacation.

6. That this order shall take effect immediately.

7. That the City Clerk is hereby directed and authorized to record this notice in the office of the County Recorder of San Diego County as required by law.

EXHIBIT 'A'

LEGAL DESCRIPTION – STREET VACATION

THAT PORTION OF NORTH ELM STREET , IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 336, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 10, 1886, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF BLOCK 5 OF SAID MAP NO. 336; THENCE ALONG THE NORTHEASTERLY LINE OF SAID BLOCK 5, NORTH 28°19'31" WEST 44.86 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTH 28°19'31" WEST 56.95 FEET TO A POINT ON THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF PARCEL 3 OF PARCEL MAP NO. 11132, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 24, 1981, SAID LINE BEING A 48.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE FROM SAID POINT BEARS NORTH 28°06'30" EAST; THENCE LEAVING SAID NORTHEASTERLY LINE OF SAID BLOCK 5, AND ALONG THE SOUTHEASTERLY PROLONGATION OF SAID EASTERLY LINE OF SAID PARCEL 3 AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44°24'51", A DISTANCE OF 37.21 FEET, TO A LINE PARALLEL AND 30.00 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE NORTHEASTERLY LINE OF SAID BLOCK 5; THENCE NON-TANGENT TO SAID CURVE AND ALONG SAID PARALLEL LINE, SOUTH 28°19'31" EAST 36.54 FEET; THENCE LEAVING SAID PARALLEL LINE, SOUTH 61°40'29" WEST 30.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 1,315 SQ.FT., MORE OR LESS

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

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.


GARY D. MELLOW, PLS 8537
EXPIRES 12/31/2012

4/4/11
DATE

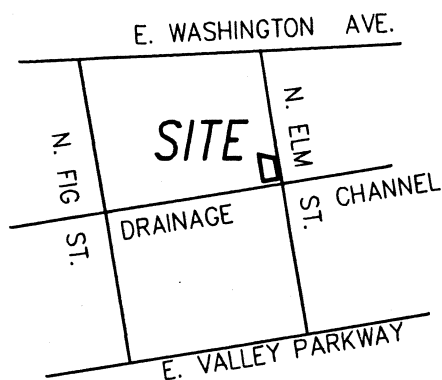


EXHIBIT "B"

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE NAD83 (1992) CALIFORNIA COORDINATE SYSTEM, ZONE 6 (CCS83.92) COORDINATES AND GRID BEARING BETWEEN STATION 1006 AND STATION 1013 (BOTH HAVING A CALIFORNIA COORDINATE VALUE OF FIRST ORDER ACCURACY OR BETTER) AS SAID STATIONS ARE PUBLISHED ON RECORD OF SURVEY 14236, I.E. NORTH 64°04'59" EAST. QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

THE COMBINED SCALE FACTOR AT STATION 1006 IS 0.999929893
GRID DISTANCE = GROUND DISTANCE X COMBINED SCALE FACTOR.
ALL DISTANCES NOT SO NOTED AS "GRID" ARE SHOWN HEREON AS GROUND DISTANCES.



NORTH
VICINITY MAP
NOT TO SCALE

THOMAS GUIDE PG. 1130, A-2

Resolution No. 2011-58
EXHIBIT "B"
Page 1 of 2



\\Engineering\LP-10\10-10476S\DWG\10476-vacate-1.dwg

CONSTRUCTION TESTING & ENGINEERING, INC.
PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
1441 MONTIEL ROAD, SUITE 115 ESCONDIDO CA. 92026, PH: (760) 748-4955

APPROVED BY: _____

DATE: 4/04/11

SHEET NO.

1 OF 2

DRAWN BY: _____

SCALE: NA

PARCEL NO.

STREET VACATION

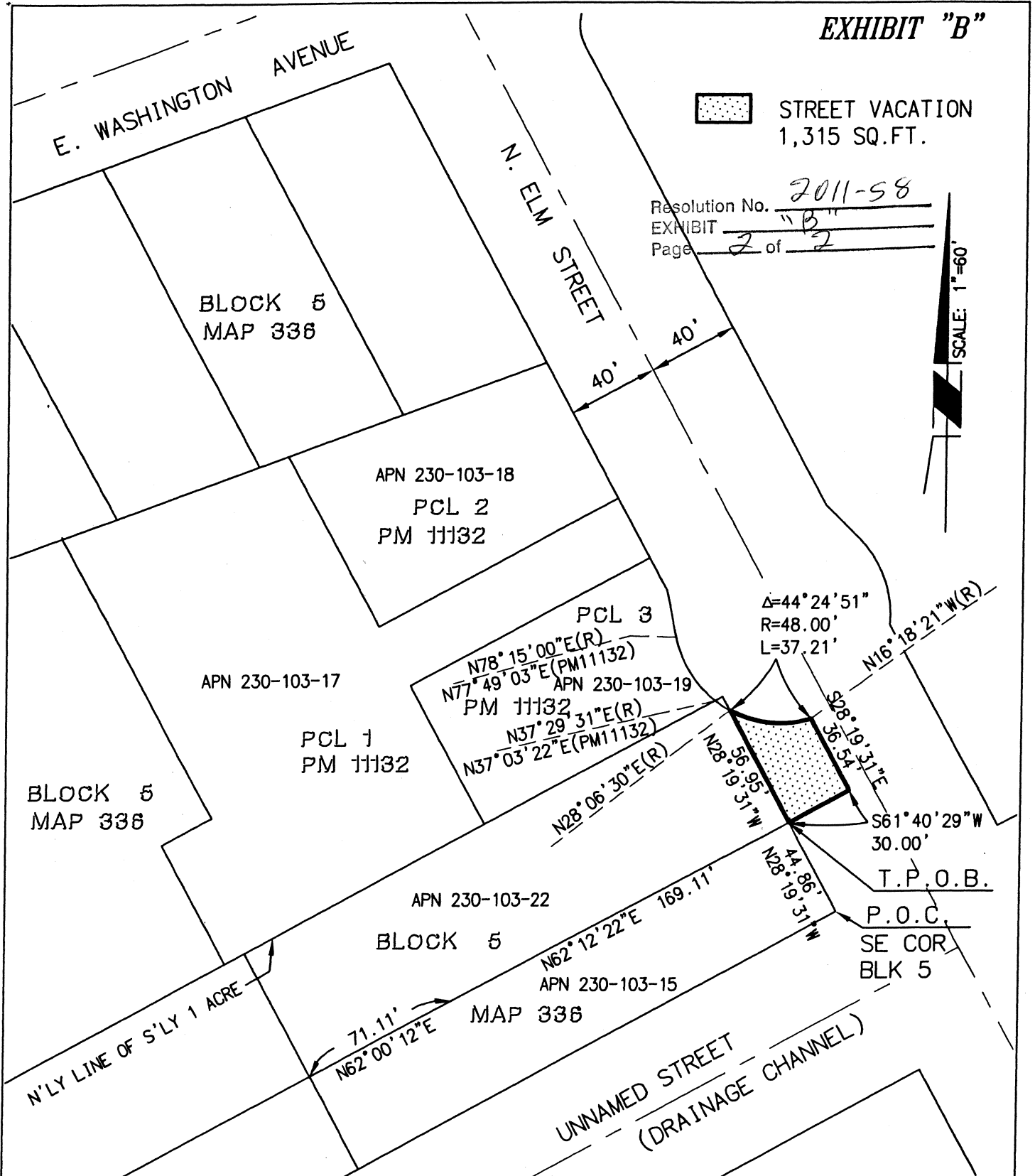
EXHIBIT "B"



STREET VACATION
1,315 SQ.FT.

Resolution No. 2011-58
EXHIBIT "B"
Page 2 of 2

SCALE: 1"=60'



0 60' 120' 180'

SCALE: 1"= 60'



\\Engineering\LP-10\10-10476S\DWG\10476-vacate-1.dwg

CONSTRUCTION TESTING & ENGINEERING, INC.
PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
1441 MONTIEL ROAD, SUITE 115 ESCONDIDO CA. 92026, PH: (760) 746-4955

APPROVED BY: _____

DRAWN BY: _____

DATE: 4/04/11

SCALE: 1"=60'

SHEET NO.

2 OF 2

PARCEL NO.

STREET VACATION