

## CITY COUNCIL

For City Clerk's Use:

☐

APPROVED

☐

DENIED

Reso No. \_\_\_\_\_

File No. \_\_\_\_\_

Ord No. \_\_\_\_\_

**Agenda Item No.:** 8

**Date:** November 2, 2011

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Edward N. Domingue, P.E., Director of Engineering Services  
Debra Lundy, Real Property Manager

**SUBJECT:** Street Vacation: Portion of North Broadway

**RECOMMENDATION:**

It is requested that Council adopt Resolution No. 2011-134 to set December 7, 2011 as the date to conduct a hearing to consider authorizing the vacation of a portion of North Broadway.

**FISCAL ANALYSIS:**

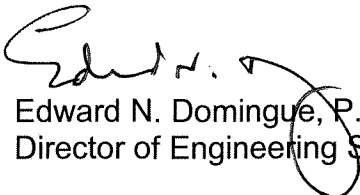
The \$1,200.00 processing fee has been paid into the General Fund.

**BACKGROUND:**

As a condition for approval of a Conditional Use Permit Modification for the Meadowbrook Village Retirement Community, the Engineering Services Department required that the developer construct North Broadway to a full-width collector road between Village Road and Vista Avenue, dedicate same for public right-of-way, and vacate any excess right of way. The dedications have been made and this street vacation will serve to fulfill the developer's requirement to vacate excess right-of-way.

A public utility easement will be reserved in the event that utilities are identified which must remain in place. 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



Debra Lundy  
Real Property Manager

RESOLUTION NO 2011-134

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF ESCONDIDO, CALIFORNIA, TO VACATE AND ABANDON A PORTION OF A PUBLIC STREET, SPECIFICALLY DESCRIBED HEREIN, LOCATED IN THE CITY OF ESCONDIDO, AND SETTING A PUBLIC HEARING TO RECEIVE PROTESTS

(A portion of North Broadway)

(December 7, 2011)

WHEREAS, the City Council of the City of Escondido, California, having received the recommendations of the Director of Engineering Services and staff, and being fully advised in the premises, finds that it is in the public interest and convenience to order portions of the hereinafter described street 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 it is the intention of the City Council to order a portion of the public street known as North Broadway be vacated, abandoned, and closed to public use.
3. That the portions of the public street proposed to be vacated are legally described in the legal description and depicted on plats in Exhibit "A", which is attached to this resolution and incorporated by this reference.
4. That this street vacation shall be conducted pursuant to the provisions of the Public Streets, Highways and Service Easements Vacation Law, which act is now incorporated in Part 3, Division 9, commencing at Section 8300, of the Streets and Highways Code of the State of California.

5. That notice is hereby given that the City Council will hear protests made by any person interested in or objecting to the said proposed street vacation at 4:30 p.m. on Wednesday, December 7, 2011, at the City Council Chambers, 201 North Broadway, Escondido, California. Such protests must be in writing and may be filed at any time prior to the hour set for hearing objections to the proposed vacation, and shall state the name or names of persons objecting and the objection in general terms.

6. That the City Clerk shall cause a copy of this resolution to be published at least once prior to the scheduled hearing on the street vacation in a newspaper of general circulation printed and published in the City of Escondido. Sections 5 and 6 of this resolution need not be published.

7. That the Superintendent of Streets of the City of Escondido shall post notices of said proposed street vacation.

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**STREET VACATION OF A PORTION OF**  
**NORTH BROADWAY**

Resolution No. 2011-134  
EXHIBIT A  
Page 1 of 12

**PARCEL A:**

THAT PORTION OF NORTH BROADWAY (100 FEET WIDE) IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 723 FILED AUGUST 13, 1892 IN THE OFFICE OF THE COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 OF BLOCK 413 OF SAID MAP 723; THENCE ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID NORTH BROADWAY NORTH 07°15'39" WEST 227.32 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 82°44'21" WEST 8.00 FEET TO A LINE LYING 8.00 FEET WESTERLY OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID PARALLEL LINE NORTH 07°15'39" WEST 367.32 FEET TO THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 4; THENCE ALONG SAID WESTERLY PROLONGATION NORTH 82°44'26" EAST 8.00 FEET TO SAID EASTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH 07°15'39" EAST 367.32 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 2,938 SQUARE FEET, MORE OR LESS.

**PARCEL B:**

THAT PORTION OF NORTH BROADWAY (100 FEET WIDE) IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 723 FILED AUGUST 13, 1892 IN THE OFFICE OF THE COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 420 OF SAID MAP 723; THENCE ALONG THE NORTH LINE OF SAID LOT 1 NORTH 82°49'01" EAST 20.27 FEET TO A POINT OF CUSP WITH A 20.00 FOOT RADIUS CURVE, CONCAVE

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**STREET VACATION OF A PORTION OF**  
**NORTH BROADWAY**

Resolution No. 2011-134  
EXHIBIT A  
Page 2 of 6

SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 07°10'59" WEST;  
AND THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID NORTH LINE  
SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°04'40"  
AN ARC DISTANCE OF 31.44 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID  
NORTH BROADWAY; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE SOUTH  
07°15'39" EAST 890.51 FEET; THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE  
NORTH 08°43'54" WEST 311.69 FEET TO A LINE A LYING 8.00 FEET WESTERLY OF,  
MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID EASTERLY RIGHT-OF-  
WAY LINE; THENCE ALONG SAID PARALLEL LINE NORTH 07°15'39" WEST 578.93  
FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS CURVE, CONCAVE  
SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A  
CENTRAL ANGLE OF 90°04'40" AN ARC DISTANCE OF 31.44 FEET TO SAID NORTH  
LINE; THENCE ALONG SAID NORTH LINE NORTH 82°49'01" EAST 8.00 FEET TO THE  
**TRUE POINT OF BEGINNING.**

CONTAINING 6,038 SQUARE FEET, MORE OR LESS.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

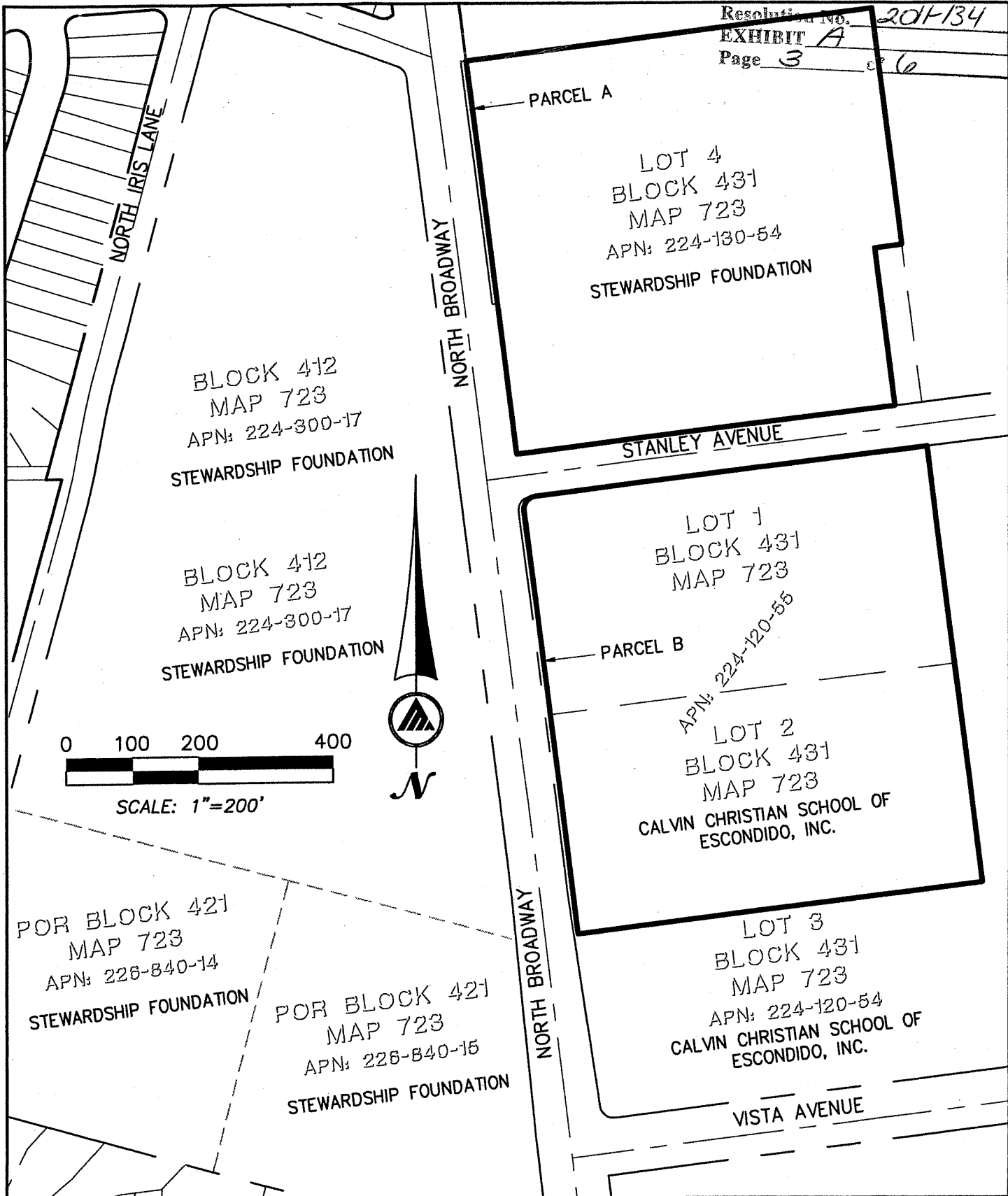


John P. Gervais  
JOHN P. GERV AIS  
P.L.S. 8674  
EXPIRES: 12-31-2011

11-17-10  
DATE

# EXHIBIT 'A'

Resolution No. 201134  
EXHIBIT A  
Page 3 of 6



Prepared by: 200 East Washington Ave.  
Escondido, CA 92025  
(760) 741-3570  
www.masson-assoc.com



11/10/10  
Date

ESCONDIDO  
MURRIETA

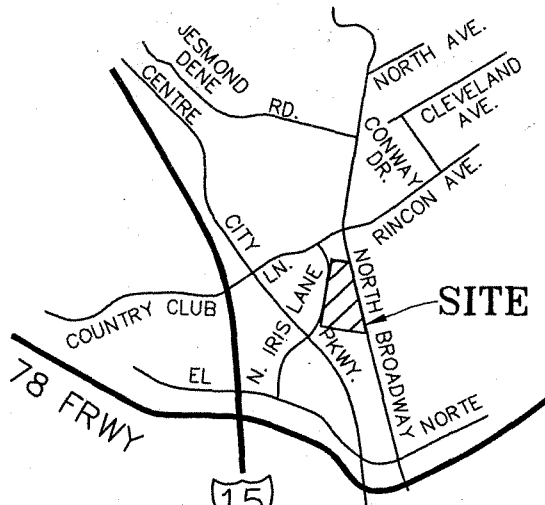
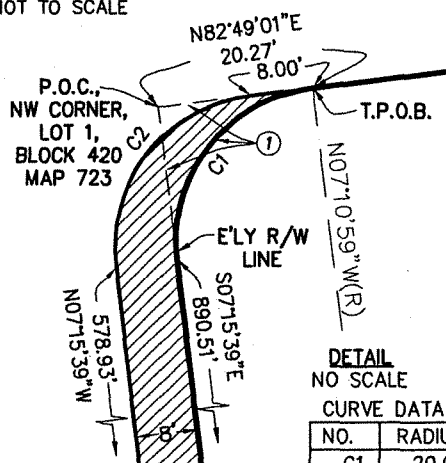
Engineering Services  
201 North Broadway, CA 92025 (760) 839-4651

STREET VACATION OF A PORTION OF  
NORTH BROADWAY



DOC NO:

SHEET: 3 OF 4

VICINITY MAP  
NOT TO SCALE

## LEGEND:

INDICATES PROPOSED STREET VACATION

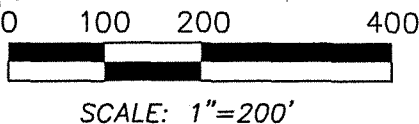
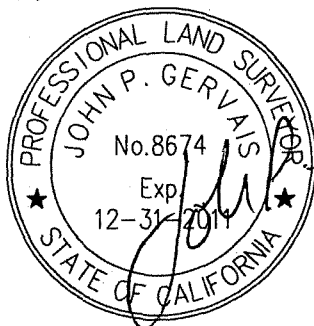
PARCEL 'A' AREA = 2,938 S.F.

PARCEL 'B' AREA = 6,038 S.F.

- ① INDICATES PORTION OF NORTH BROADWAY DEDICATED PER DOC NO. 88-495528 RECORDED SEPTEMBER 29, 1988

BASIS OF BEARINGS IS THE WESTERLY RIGHT-OF-WAY LINE OF NORTH BROADWAY AS SHOWN ON PER ROS 20331, I.E. N07°15'39"W

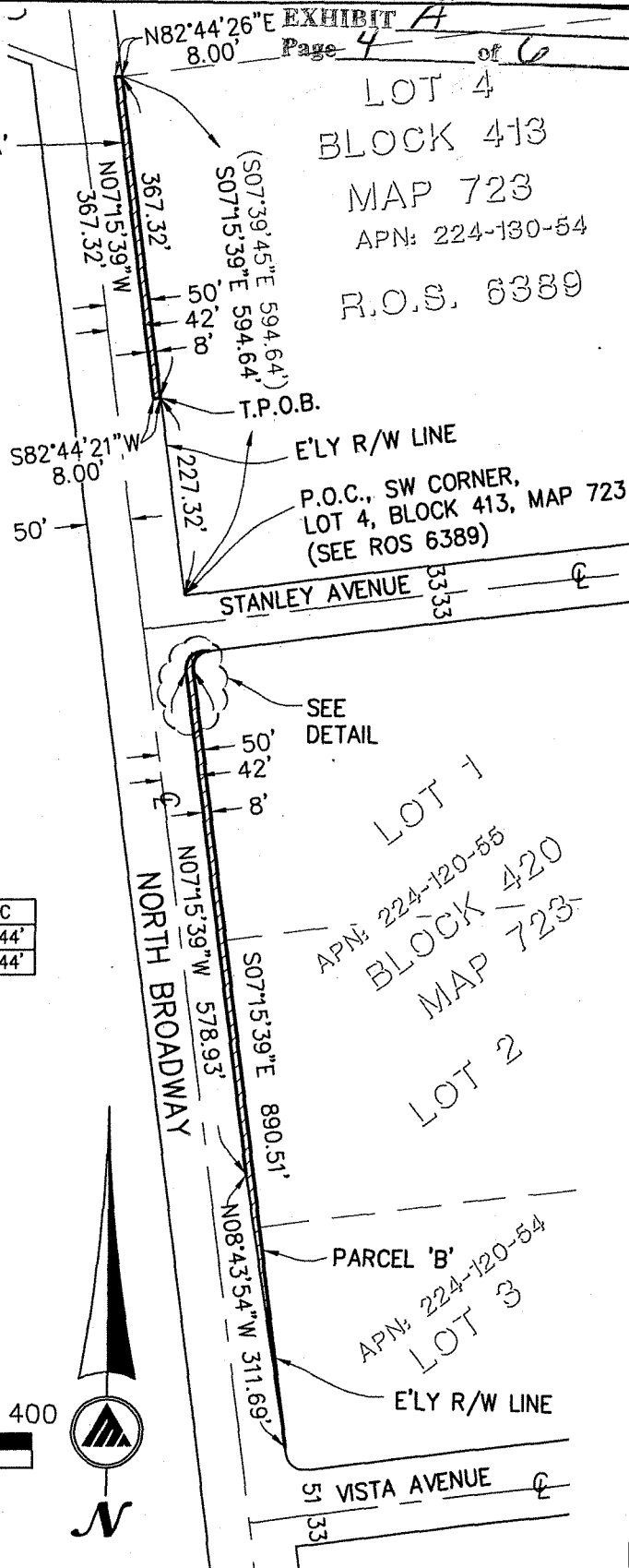
( ) INDICATES RECORD DATA PER ROS 6389



SCALE: 1"=200'



PARCEL 'A'



LOT 4  
BLOCK 413  
MAP 723  
APN: 224-130-54  
R.O.S. 6389

LOT 1  
APN: 224-120-55  
BLOCK 420  
MAP 723  
LOT 2

PARCEL 'B'  
APN: 224-120-54  
LOT 3

Prepared by: 200 East Washington Ave.  
Escondido, CA 92025  
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MASSON  
& ASSOCIATES, INC.

11/10/10

Date

ESCONDIDO  
MURRIETA

Engineering Services  
201 North Broadway, CA 92025 (760) 839-4651

STREET VACATION OF A PORTION OF  
NORTH BROADWAY

ESCONDIDO  
City of Choice

DOC NO:

SHEET: 4 OF 4

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
STREET VACATION OF A PORTION OF  
NORTH BROADWAY

Resolution No. 2011-134  
EXHIBIT A  
Page 5 of 10

THAT PORTION OF NORTH BROADWAY (100 FEET WIDE) IN THE CITY OF ESCONDIDO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 723 FILED AUGUST 13, 1892 IN THE OFFICE OF THE COUNTY RECORDER, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF VILLAGE ROAD (40 FEET WIDE) AND THE WESTERLY RIGHT-OF-WAY LINE OF NORTH BROADWAY (100 FEET WIDE) AS SHOWN ON RECORD OF SURVEY 20331 RECORDED OCTOBER 20, 2008 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 07°15'39" EAST 21.65 FEET TO A POINT ON A NON-TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 29°36'33" EAST AND THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 53°07'48" AN ARC DISTANCE OF 18.55 FEET TO A LINE LYING 8.00 FEET EASTERLY OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH SAID WESTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID PARALLEL LINE SOUTH 07°15'39" EAST 1246.54 FEET; THENCE LEAVING SAID PARALLEL LINE SOUTH 05°47'53" EAST 313.41 FEET TO SAID WESTERLY RIGHT-OF-WAY LINE; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE NORTH 07°15'39" WEST 1575.84 FEET MORE OR LESS TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 11,315 SQUARE FEET, MORE OR LESS.

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
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EXPIRES: 12-31-2011

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# EXHIBIT 'A'

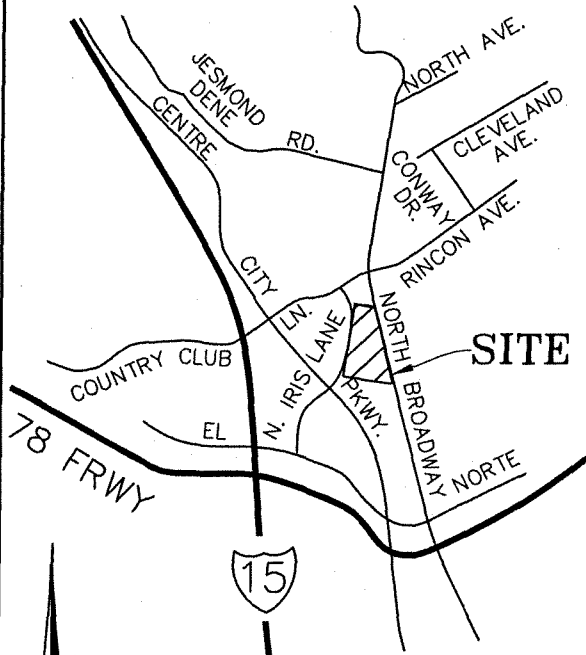
## LEGEND:

 INDICATES PROPOSED STREET VACATION  
AREA = 11,315 S.F. ±

ALL BEARING AND DISTANCES  
SHOWN HEREON PER ROS 20331

### CURVE DATA

NO.	RADIUS	DELTA	ARC
C1	20.00'	53°07'48"	18.55'

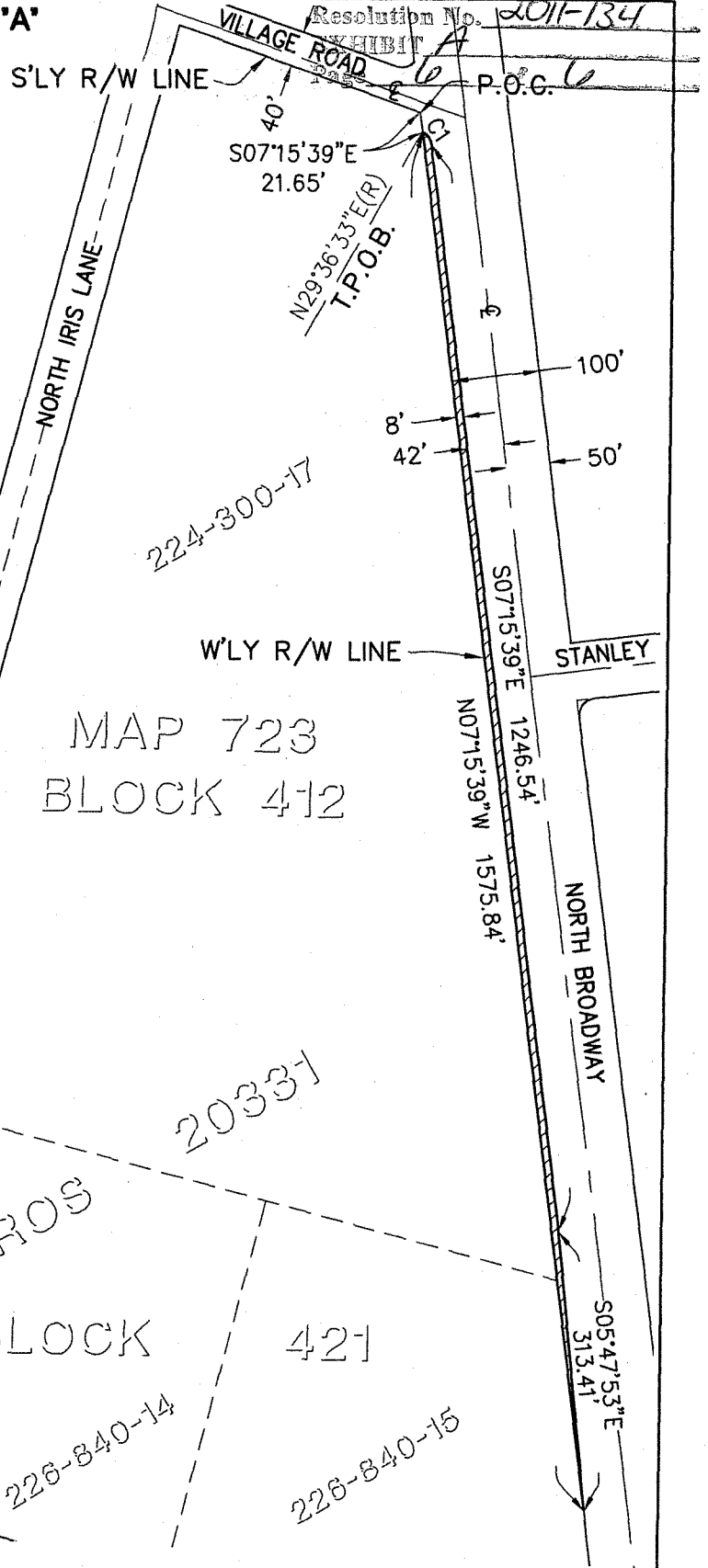


### VICINITY MAP

NOT TO SCALE

0 100 200 400

GRAPHIC SCALE  
SCALE: 1"=200'



MAP 723  
BLOCK 412

BLOCK 421

ROS 20331

226-840-14

226-840-15

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**MASSON**  
& ASSOCIATES, INC.

11/10/10

Date

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MURRIETA

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STREET VACATION OF A PORTION OF  
NORTH BROADWAY

  
**ESCONDIDO**  
City of Choice

DOC NO:

SHEET: 2 OF 2