

CITY COUNCIL

For City Clerk's Use:

APPROVED **DENIED**

Reso No. _____ File No. _____

Ord No. _____

Agenda Item No.: 18
Date: December 7, 2011

TO: Honorable Mayor and Members of the City Council
FROM: Edward N. Domingue, Director of Engineering Services
Debra Lundy, Real Property Manager
SUBJECT: Street Vacation: Portions of North Broadway

RECOMMENDATION:

It is recommended that the City Council conduct a public hearing and adopt Resolution 2011-148 vacating portions of North Broadway.

PREVIOUS ACTION:

On November 2, 2011, City Council adopted Resolution 2011-134 setting the Public Hearing date of December 7, 2011.

FISCAL ANALYSIS:

The \$1,200 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. An exhibit and legal description of the proposed vacation area is attached to Resolution 2011-148.

Respectfully submitted,


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


Debra Lundy
Real Property Manager

RESOLUTION NO 2011-148

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

(Public Hearing December 7, 2011)

WHEREAS, the City Council of the City of Escondido, California, on November 2, 2011, passed its Resolution No. 2011-134 declaring its intention to order the vacation, abandonment and closing to public use portions of a public street known as North Broadway, as hereinafter described, located within the City of Escondido; and

WHEREAS, on Wednesday December 7, 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 portions 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 Broadway 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 Broadway, as described and depicted on Exhibit "A," which is attached to this Resolution and incorporated by this reference, 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 and delineated on the attached Exhibit "A," 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 OF A PORTION OF
NORTH BROADWAY

Resolution No. 2011-148
EXHIBIT A
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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

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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.



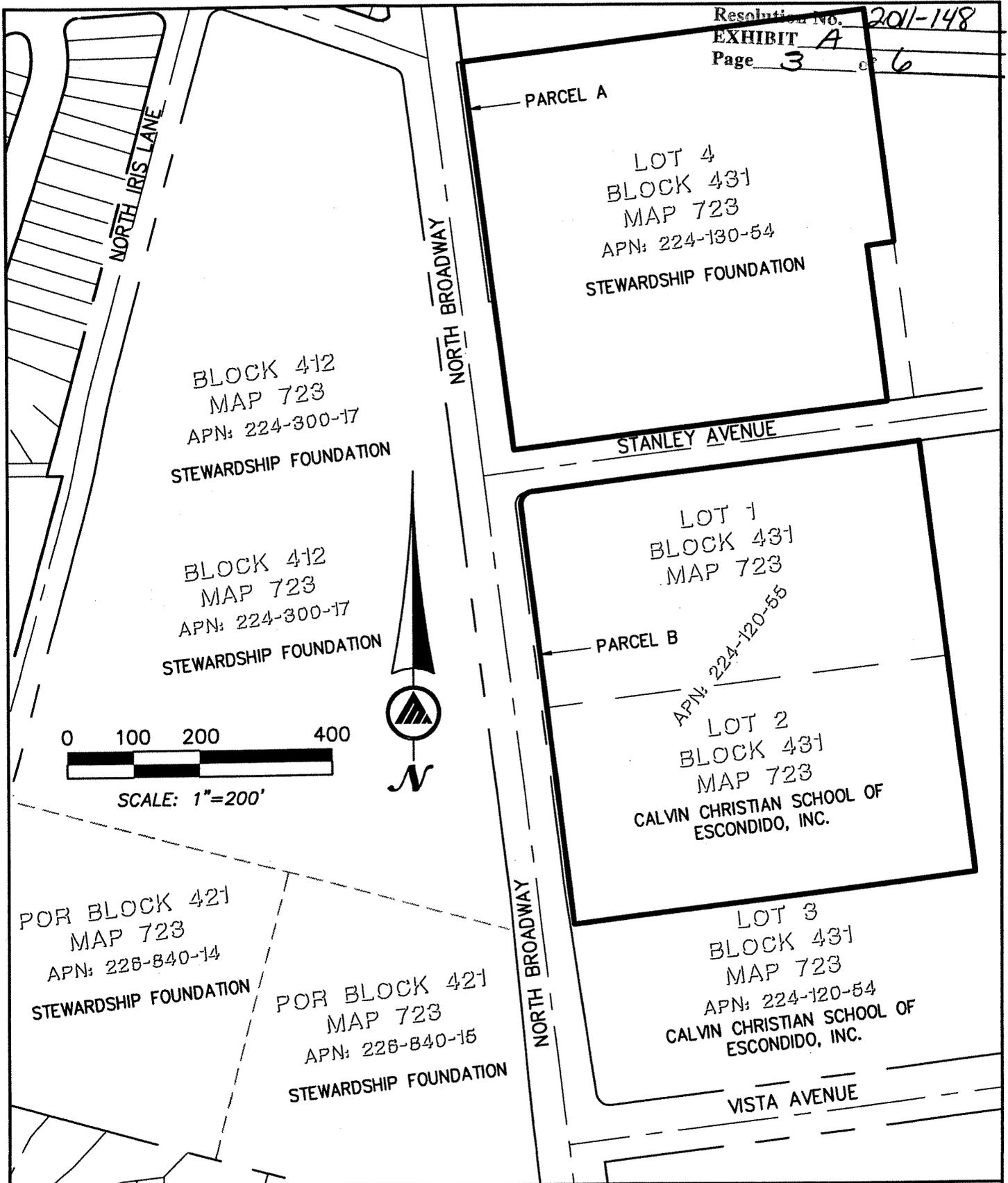
John P. Gervais 11-17-10
JOHN P. GERVAIS DATE
P.L.S. 8674
EXPIRES: 12-31-2011

EXHIBIT 'A'

Resolution No. 2011-148

EXHIBIT A

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

MASSON & ASSOCIATES, INC.

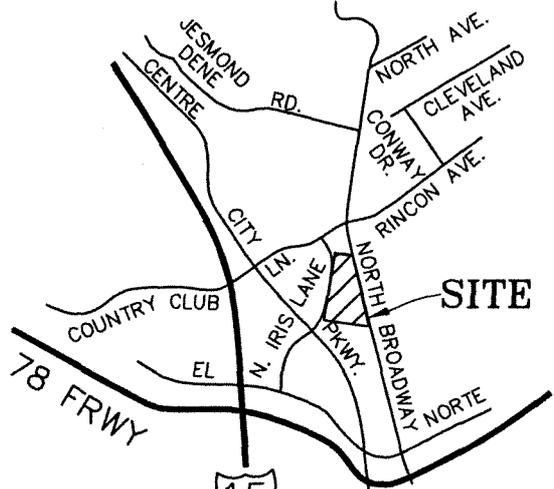
Date 11/10/10
 ESCONDIDO MURRIETA

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

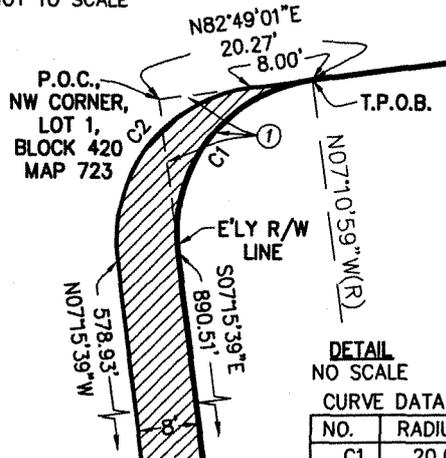
STREET VACATION OF A PORTION OF NORTH BROADWAY

ESCONDIDO
 City of Choice

DOC NO:
 SHEET: 3 OF 4



VICINITY MAP
NOT TO SCALE



DETAIL
NO SCALE
CURVE DATA

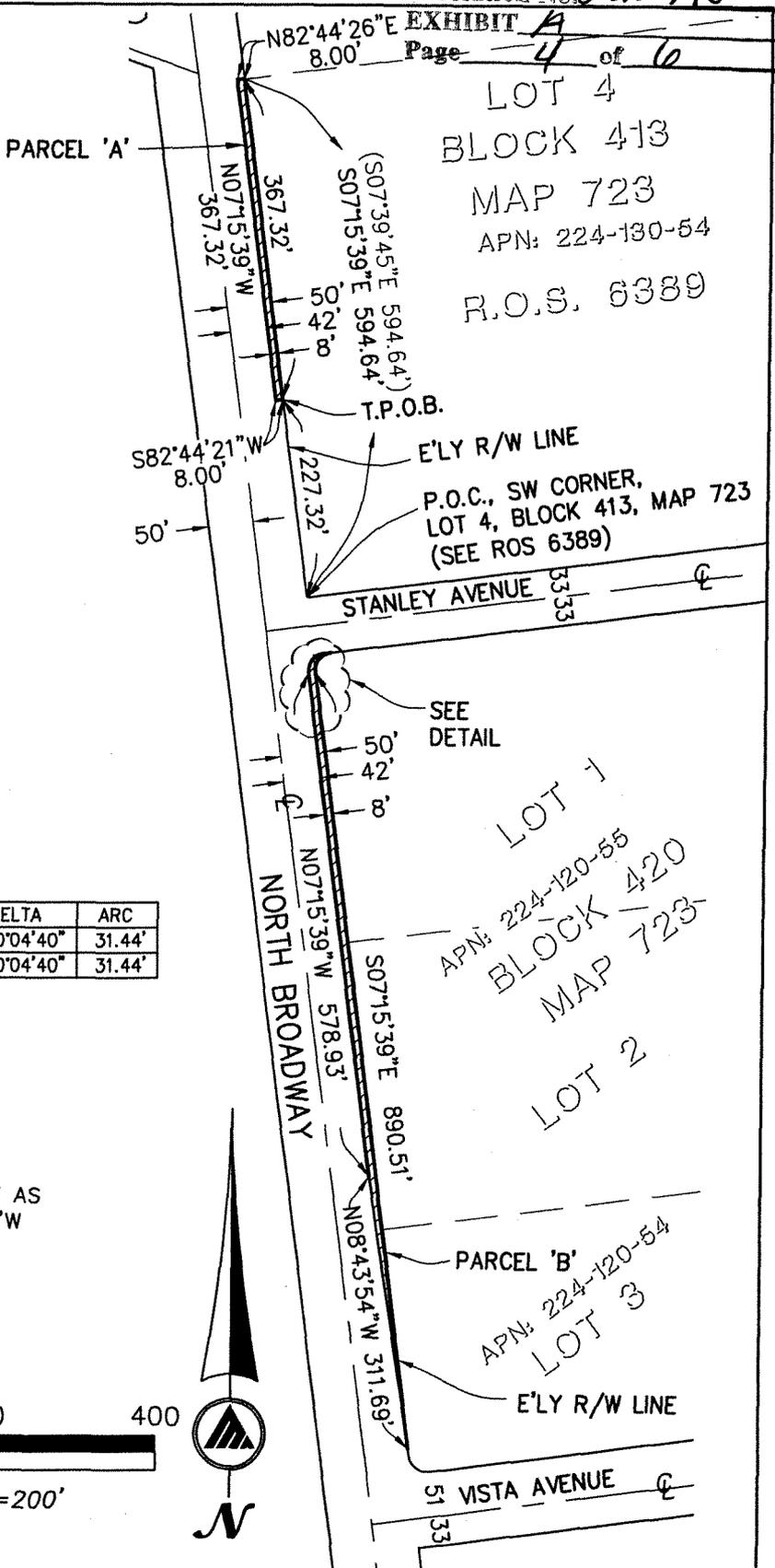
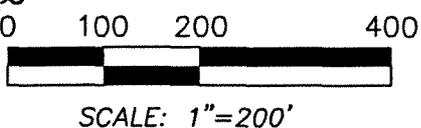
NO.	RADIUS	DELTA	ARC
C1	20.00'	90°04'40"	31.44'
C2	20.00'	90°04'40"	31.44'

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



Berard



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: 4 OF 4

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

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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.

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



John P. Gervais 11-17-10
JOHN P. GERVAIS DATE
P.L.S. 8674
EXPIRES: 12-31-2011

EXHIBIT 'A'

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EXHIBIT A

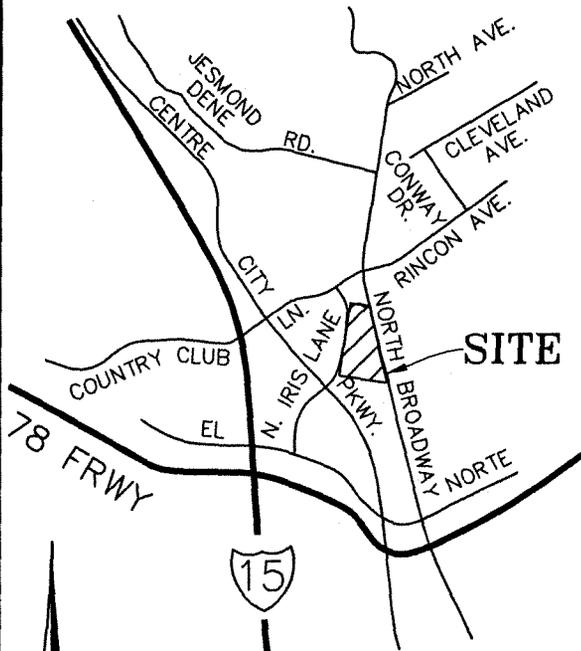
LEGEND:

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

ALL BEARING AND DISTANCES SHOWN HEREON PER ROS 20331

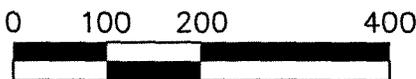
CURVE DATA

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



VICINITY MAP

NOT TO SCALE



GRAPHIC SCALE
SCALE: 1"=200'



S'LY R/W LINE

VILLAGE ROAD

P.O.C.

S07°15'39"E
21.65'

N29°36'33"E(R)
T.P.O.B.

NORTH IRIS LANE

224-300-17

W'LY R/W LINE

MAP 723
BLOCK 412

STANLEY

S07°15'39"E 1246.54'

N07°15'39"W 1575.84'

NORTH BROADWAY

S05°47'53"E
313.41'

ROS 20331

BLOCK 421

226-840-14

226-840-15

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: 2 OF 2