

# STAFF REPORT

## PLANNING COMMISSION MEETING

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MEETING DATE:	December 2, 2019
SUBJECT:	Resolution 19-4829 Recommending City Council Order the Summary Vacation of Right-of-Way and a General Utility Easement for Portions of June Way and North City Drive
CASE NUMBER:	PA 19-0004
APN:	N/A

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### Recommendation

1. APPROVE Resolution 19-4829 Recommending City Council Order the Summary Vacation of Right-of-Way and a General Utility Easement for Portions of June Way and North City Drive.

### Introduction

The subject property is located at the southeast quadrant of the roundabout at the intersection of June Way with North City Drive. Project applicant Urban Villages San Marcos, LLC requests the vacation of the unused portion of street right-of-way together with a portion of the General Utility Easement existing over lots 12 and 13 of Map 16246 (Assessor Parcel Numbers 220-020-61 and -62). The realignment of June Way and construction of the intersection roundabout in its ultimate location have superseded the need for the right-of-way and General Utility Easement proposed for vacation. A vicinity map is included as Attachment A.

### Discussion

Project applicant Urban Villages San Marcos, LLC, dedicated the subject portion of June Way on Map 16246, recorded on December 27, 2017. Similarly, a General Utility Easement was granted by Document 2017-0283684, recorded on June 22, 2017. Subsequently, the ultimate alignment of June Way and the configuration of the roundabout at the intersection of June Way with North City Drive were finalized. The portion of right-of-way and General Utility Easement to be vacated are in excess and are inconsistent with the final alignment of June Way and the configuration of the intersection as constructed. An aerial exhibit is included in Attachment B.

California Streets and Highways Code (CSHC) Section 8330(a) states that the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation. Further, CSHC Section 8334 provides that the legislative body of a local agency may summarily vacate an excess right-

of-way or highway not required for street or highway purposes. Staff have determined that the right-of-way proposed to be vacated has been superseded by the relocation of June Way and the June Way/North City Drive intersection; will not terminate an existing public service easement; and will not cut off all access any person's property.

CSHC 8333(c) permits the legislative body of a local agency to summarily vacate a public service easement if the easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities within the easement. Staff have determined that the portions of the General Utility Easement to be vacated are excess and have found no other public facilities within the easement.

In accordance with Streets and Highways Code Section 8313 and Government Code Section 65402, the local planning agency is required to consider the proposed vacation action and to report on the conformity with the adopted general plan. After reviewing the limits of the proposed right-of-way vacation, the existing road infrastructure, and the General Plan, staff concluded that a public road is not needed along the portion of June Way to be vacated.

Resolution PC 19-4829 recommending City Council order the summary vacation of right-of-way and a General Utility Easement for a Portion of June Way is provided in Attachment 1.

#### **Environmental Review**

The project is categorically exempt from the California Environmental Quality Act (CEQA) as per Section 15378 of the CEQA Guidelines because there is no potential to result in a physical change in the environment and as per Section 15061(b)(3) because it can be seen with certainty that there is no possibility it would have a significant effect on the environment.

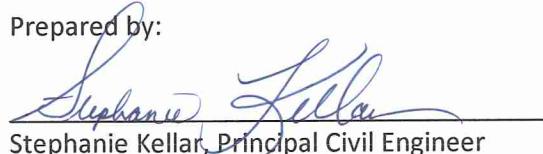
#### **Attachments:**

1. RESOLUTION PC 19-4829 RECOMMENDING CITY COUNCIL ORDER THE SUMMARY VACATION OF  
RIGHT-OF-WAY AND A GENERAL UTILITY EASEMENT FOR PORTIONS OF JUNE WAY AND NORTH CITY  
DRIVE.

A. Vicinity Map

B. Aerial Exhibit

Prepared by:

  
Stephanie Kellar, Principal Civil Engineer



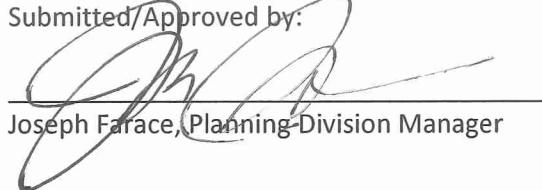
City of San Marcos  
1 Civic Center Drive  
San Marcos, CA 92069

Reviewed by:



Matt Little, City Engineer

Submitted/Approved by:



Joseph Farace, Planning Division Manager



**City of San Marcos**  
1 Civic Center Drive  
San Marcos, CA 92069

**ATTACHMENT 1**

**RESOLUTION PC 19-4829**

**RECOMMENDING CITY COUNCIL ORDER THE SUMMARY VACATION OF RIGHT-OF-WAY AND A GENERAL  
UTILITY EASEMENT FOR PORTIONS OF JUNE WAY AND NORTH CITY DRIVE**

RESOLUTION PC 19-4829

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF SAN MARCOS RECOMMENDING THAT THE CITY  
COUNCIL ORDER THE SUMMARY VACATION OF PUBLIC  
STREET RIGHT-OF-WAY AND A GENERAL UTILITY  
EASEMENT OVER PORTIONS OF JUNE WAY AND NORTH  
CITY DRIVE

PA19-0004  
Urban Villages San Marcos LLC

Brief Legal Description: Lots 12 and 13 of Map 16246

Assessor's Parcel Number(s): 220-020-61 and -62

WHEREAS, the right-of-way was dedicated on Map 16246, recorded with the San Diego County Recorder's Office on December 27, 2017 as Document Number 2017-7000532; and

WHEREAS, Streets and Highways Code section 8330(a) expressly permits the legislative body of a local agency to summarily vacate a street or highway that has been superseded by relocation, and City staff has determined that the need for the portion of right-of-way proposed to be vacated has been superseded by the realignment of June Way and the intersection with North City Drive, and that the proposed vacation neither cuts off all access to a person's property nor terminates an existing public service easement; and

WHEREAS, the General Utility Easement was recorded with the San Diego County Recorder's Office on June 22, 2017 as Document Number 2017-0283684; and

WHEREAS, Streets and Highways Code Section 8333(c) expressly permits the legislative body of a local agency to summarily vacate a public service easement if the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities within the easement; and

WHEREAS, City staff has determined that there are no other public utility facilities within the portions of the easement affected by the proposed vacation; and

WHEREAS, vacation of the portions of the public street right-of-way and General Utility Easement as proposed would remove the encumbrances from the title, thereby allowing the affected property owner to improve said portions of the property; and

WHEREAS, City staff has determined that those portions of real property that are the subject of the vacation have not been used for public highway purposes for at least five consecutive years immediately preceding the date of this Resolution, and it is not reasonably foreseeable that such property would be used for future public highway purposes; and

WHEREAS, City staff has further determined that the proposed vacation of the subject General Utility easement would have no effect on existing improvements or easements; and

WHEREAS, on December 2, 2019, the Planning Commission held a duly noticed public hearing in the manner prescribed by law to consider said request;

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby recommends that the City Council order the summary vacation of this public street right-of-way and General Utility Easement, as described and shown on the attached Exhibits A and B, incorporated by reference and made a part of this Resolution as though fully set forth herein.
- C. The Planning Commission's decision is based on the following findings and determinations:
  1. The proposed right-of-way and easement vacations are consistent with the City's General Plan.
  2. The proposed right-of-way and easement vacations comply with the objectives of the adopted City-wide Land Use Policy Plan, in that the resulting public street right-of-way will conform to the existing street configuration.
  3. The affected right-of-way is hereby determined to be excess and not required for street or highway purposes, and there are no public service easements within the affected area.
  4. The public service easement in question has been superseded by relocation, is hereby determined to be excess, and there are no other public facilities located within the affected area.
  5. The proposed right-of-way and easement vacations will not be detrimental to the public health, safety, morals, and welfare, in that the resulting public street right-of-way will conform to the existing street configuration.
  6. All requirements of CEQA have been met, in that this action brings the resulting public street right-of-way into conformance with the existing street configuration.
- D. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's

approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 2nd day of December, 2019 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

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Kevin Norris, Chairman

ATTEST:

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Gina Henderson, Senior Office Specialist

**Attachment(s):**

Exhibit A - Legal Description, Public Street and Public Utility Easement (Portions of June Way and North City Drive)

Exhibit B – Plat, Public Street and Public Utility Easement (Portions of June Way and North City Drive)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**PUBLIC STREET AND PUBLIC UTILITY EASEMENT VACATION  
(PORTIONS OF JUNE WAY & NORTH CITY DRIVE)**

Those portions of June Way and North City Drive dedicated per City of San Marcos Tract No. 14-002-2, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 16246, filed in the Office of the County Recorder of San Diego County December 27, 2017 as File No. 2017-7000532 of Official Records, more particularly described as follows:

**COMMENCING** at the Southwest corner of Lot 12 of said Map No. 16246, thence along the Westerly line of said Lot 12 the following two (2) courses; North 17°25'10" West, 24.71 feet to the beginning of a 32.00 foot radius curve, concave Easterly; thence Northeasterly along said curve through a central angle of 42°00'26" an arc distance of 23.46 feet to the **TRUE POINT OF BEGINNING**, said point being the beginning of a non-tangent 187.00 foot radius curve, concave Easterly, a radial line to said point bears South 89°38'02" West; thence Northerly along said curve through a central angle of 14°42'47" an arc distance of 48.02 feet to the beginning of a compound 17.00 foot radius curve, concave Southeasterly, a radial line to said point bears North 75°39'11" West; thence Northeasterly along said curve through a central angle of 42°02'37" an arc distance of 12.47 feet to the beginning of a compound 232.00 foot radius curve, concave Southeasterly, a radial bearing to said point bears North 33°36'34" West; thence Northeasterly along said curve through a central angle of 04°20'01" an arc distance of 17.55 feet to the beginning of a compound 100.00 foot radius curve, concave Southeasterly, a radial line to said point bears North 29°16'33" West; thence Northeasterly along said curve through a central angle of 12°14'20" an arc distance of 21.36 feet to a point of tangency with the Southwesterly prolongation of the Northerly line of said Lot 12; thence along said prolongation North 72°57'47" East, 17.53 feet to a point of cusp on said Northerly line of Lot 12, said point of cusp being the beginning of a 30.00 foot radius curve, concave Southeasterly, a radial line to said point bears North 17°02'13" West; thence along the Northwesterly line of said Lot 12 the following three (3) courses; Southwesterly along said curve through a central angle of 53°49'59" an arc distance of 28.19 feet to the beginning of a reverse 107.50 foot curve, concave Northwesterly, a radial line to said point bears South 70°52'12" East; thence along said curve through a central angle of 32°48'45" an arc distance of 61.56

feet to the beginning of a reverse 32.00 foot radius curve, concave Southeasterly, a radial line to said point bears North 38°03'27" West; thence along said curve through a central angle of 27°21'17" an arc distance of 15.28 feet to the **TRUE POINT OF BEGINNING**.

Contains 1,574 Square Feet, more or less.

**GENERAL UTILITY EASEMENT ABANDONMENT  
(PORTIONS OF LOTS 12 AND 13 OF MAP NO. 16246)**

That portion of General Utility Easement granted per Document No. 2017-02836874, recorded June 22, 2017 filed in the Office of the County Recorder of San Diego Official Records lying within Lots 12 and 13 of City of San Marcos Tract No. 14-002-2, in the City of San Marcos, County of San Diego, State of California, according to Map thereof No. 16246, filed in the Office of the County Recorder of San Diego County December 27, 2017 as File No. 2017-7000532 of Official Records.

Contains 948 Square Feet, more or less.

  
Joseph G. Cresto  
PLS 8050

  
Date



END OF LEGAL DESCRIPTION

# EXHIBIT "B"

SHEET 1 OF 2

PUBLIC ROAD AND UTILITY EASEMENT  
FOR NORTH CITY DRIVE GRANTED PER  
DOC. 2018-0391390, O.R.  
REC. SEP. 19, 2018

RANCHO LOS VALLECITOS  
DE SAN MARCOS  
BLOCK 58 MAP 806

220-202-65

220-202-50



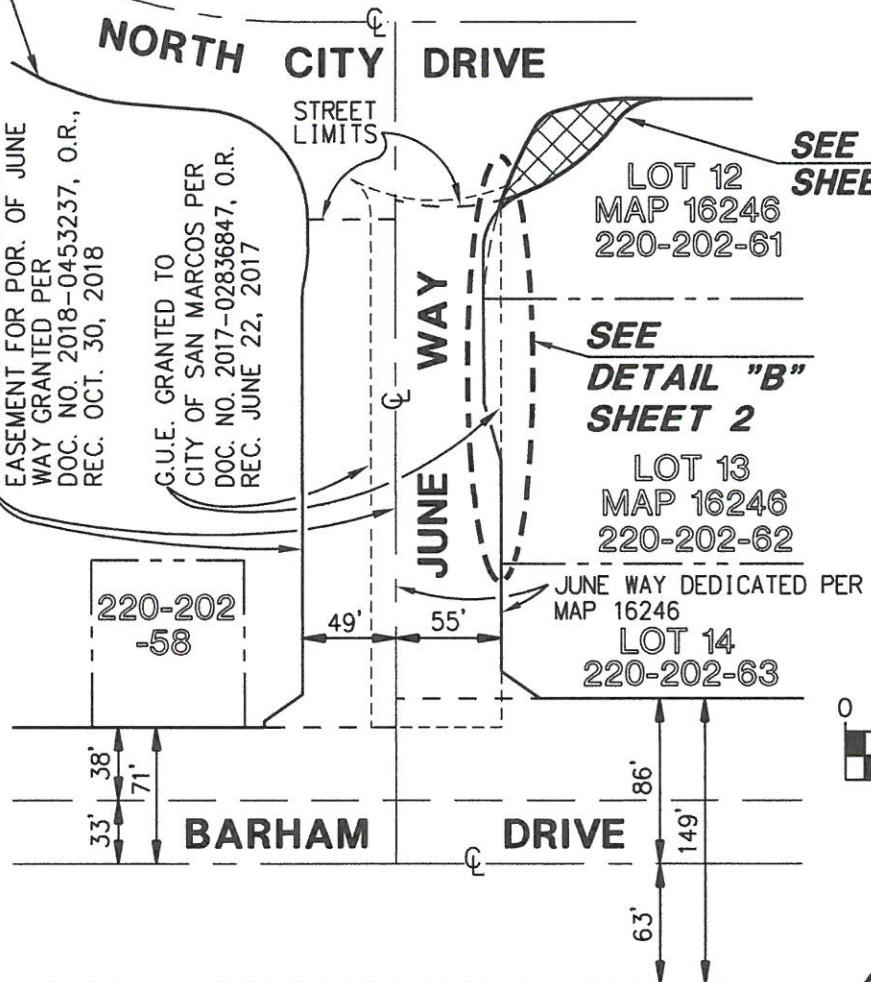
VICINITY MAP

NOT TO SCALE

220-202-66  
POR LOT 13  
BLOCK 58 MAP 806

PUBLIC ROAD AND UTILITY  
EASEMENT FOR POR. OF JUNE  
WAY GRANTED PER  
DOC. NO. 2018-0453237, O.R.  
REC. OCT. 30, 2018

G.U.E. GRANTED TO  
CITY OF SAN MARCOS PER  
DOC. NO. 2017-02836847, O.R.  
REC. JUNE 22, 2017



0 50 100 200  
SCALE: 1" = 100'

JOSEPH G. CRESTO  
PLS 8050

11/4/19

DATE



REVISED		CITY OF SAN MARCOS	SCALE: 1"=100'
DRAWN BY: SCS		STREET VACATION & EASEMENT ABANDONMENT	REF.
CHECKED BY: JGC		POR. OF JUNE WAY & NORTH CITY DRIVE	TRACING NO.
APPROVED		G.U.E. ESMT IN LOTS 12 & 13 OF MAP 16246	

# EXHIBIT "B"

SHEET 2 OF 2

## LEGEND



INDICATES POR. OF GENERAL  
UTILITY EASEMENT ABANDONED.  
CONTAINS 948 SF, MORE OR LESS



PUBLIC STREET AND PUBLIC  
UTILITY EASEMENT VACATED HEREON  
CONTAINS 1,574 SF, MORE OR LESS

(R)

RADIAL BEARING

(GUE)

GENERAL UTILITY EASEMENT

(VAC)

STREET VACATION

P.O.C. POINT OF COMMENCEMENT

T.P.O.B. TRUE POINT OF BEGINNING

N62°46'00"W(R) N80°13'22"E(R)  
C1 C2  
S72°57'47"W(R)

## DETAIL "C"

NOT TO SCALE  
EXAGGERATED FOR CLARITY

SEE  
DETAIL "C"  
ABOVE

## NORTH CITY DRIVE

N62°46'00"W(R), 32.00'  
N80°13'22"E(R), 20.00'

NW'L LINE  
LOT 12  
EX. ROW  
S72°57'47"W(R)

N72°34'50"E(R)  
W'L LINE LOT 12  
LOT 12  
MAP 16246  
220-202-61

W'L LINE LOT 13  
WAY  
L3  
L4  
E'L LINE G.U.E.  
LOT 13  
MAP 16246  
220-202-62

JUNE  
T.P.O.B.  
(GUE)  
P.O.C. (GUE)  
SW COR  
LOT 13  
L1  
L2  
L3  
L4

## DETAIL "B"

SCALE: 1"=50'

0 25 50 100

SCALE: 1" = 50'

## G.U.E. ABANDONMENT DATA TABLE

NO.	BEARING/DELTA	LENGTH	RADIUS
L1	N17°02'13"W	54.02'	--
L2	N32°55'35"W	30.67'	--
L3	N17°25'10"W	79.20'	--
L4	S17°02'13"E	128.72'	--
C1	44°39'10"	24.94'	32.00'
C2	07°15'35"	2.53'	20.00'

## CITY OF SAN MARCOS

SCALE: 1"=50'

STREET VACATION & EASEMENT ABANDONMENT

REF.

POR. OF JUNE WAY & NORTH CITY DRIVE  
G.U.E. ESMT IN LOTS 12 & 13 OF MAP 16246

TRACING NO.

REVISED

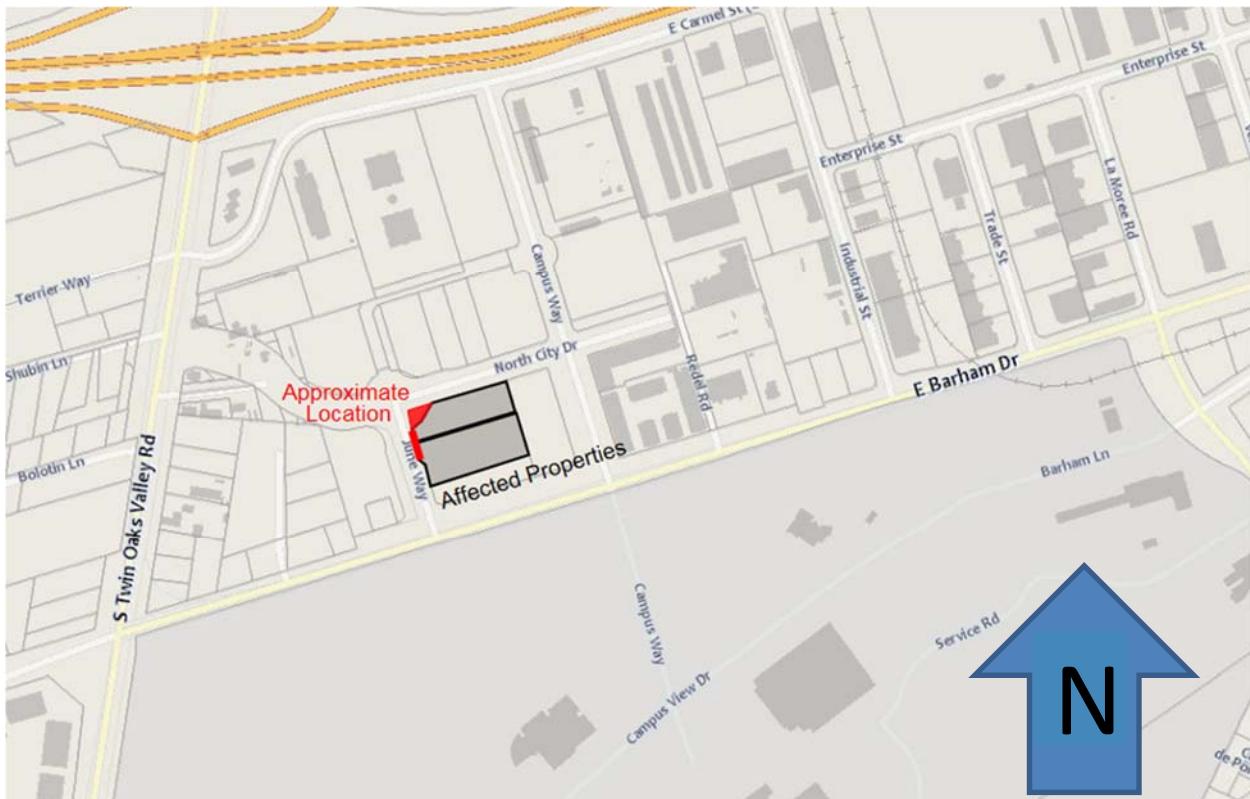
DRAWN BY: BEM

CHECKED BY: JGC

APPROVED

## ATTACHMENT A

### Vicinity Map



## ATTACHMENT B

### Aerial Exhibit

