

RESOLUTION NO. 2020-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, ORDERING THE SUMMARY VACATION AND ABANDONMENT OF RIGHT-OF-WAY FOR PORTIONS OF RICHMAR AVENUE, MISSION ROAD, AND PLEASANT WAY WITHIN PREVIOUSLY APPROVED TENTATIVE PARCEL MAP TPM 18-0002

EL DORADO II, L.P.

WHEREAS, on February 4, 2020, the City received a request from El Dorado II, LP, in association with previously approved Tentative Parcel Map (TPM18-0002), for the vacation and abandonment of right-of-way for portions of Richmar Avenue, Mission Road, and Pleasant Way within the 4.17-acre project site for a mixed-use development, located on the west side of Pleasant Way, between Mission Road and Richmar Avenue, in the Richland Neighborhood, more particularly described as:

Lot 2, Block 50 of Rancho Los Vallecitos de San Marcos, in the City of San Marcos, County of San Diego, State of California, according to map thereof No. 806, filed in the Office of the County Recorder of San Diego County, December 21, 1895.

Assessor's Parcel Numbers: 220-100-08-00, 220-100-09-00, 220-100-10-00, 220-100-12-00, 220-100-14-00, 220-100-29-00, 220-100-56-00, 220-100-59-00, 220-100-62-00, 220-100-63-00, 220-100-64-00, 220-100-66-00, and 220-100-67-00.

WHEREAS, on January 22, 2019, the City Council approved Tentative Parcel Map (TPM18-0002), in conjunction with Specific Plan Amendment (SP18-0006) and Site Development Plan (SDP18-0002), at a duly advertised public hearing held in the manner prescribed by law; and

WHEREAS, a portion of right-of-way for Richmar Avenue within TPM 18-0002 was dedicated on Document 1964-119388 recorded on July 2, 1964; and

WHEREAS, said portion of right-of-way for Richmar Avenue within TPM 18-0002 was superseded by the subsequent dedication reflected on Document 1966-042248, recorded on March 11, 1966; and

WHEREAS, Document 1966-042248 stipulated that the dedication of right-of-way contained therein was subject to the vacation or relinquishment of all portions of that easement granted by the deed recorded on July 2, 1964 as Document 1964-119388 existing beyond the limits of the superseding easement described in Document 1966-042248; and

WHEREAS, a portion of right-of-way for Mission Road within TPM 18-0002 was dedicated on Document 1984-010658 recorded January 11, 1984; and

WHEREAS, a portion of right-of-way for Pleasant Way within TPM 18-0002 was dedicated on Document 2017-0146329 recorded on April 4, 2017; 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 portion of right-of-way to be vacated has been superseded by the realignment of Richmar Avenue; will not terminate an existing public service easement; and will not cut off all access to any person's property; and

WHEREAS, California Streets and Highways Code (CSHC) Section 8334(a) 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; and staff have determined that the Mission Road and Pleasant Way rights-of-way proposed to be vacated are in excess and will not terminate existing public service easements; and

WHEREAS, vacation and abandonment of the portions of the Richmar Avenue, Mission Road, and Pleasant Way right-of-way would remove the encumbrances from the title, thereby allowing the affected property owner to improve said portions of the property; and

WHEREAS, on March 2, 2020, the Planning Commission held a duly noticed public hearing in the manner prescribed by law and, after making the required findings, approved Resolution 20-4846 Recommending City Council Approval Of The Vacation Of Right-Of-Way For a Portion Of Richmar Avenue Located Within Previously Approved Tentative Parcel Map (TPM18-0002); and

WHEREAS, on May 4, 2020, the Planning Commission held a duly noticed public hearing in the manner prescribed by law and, after making the required findings, approved Resolution 20-4869 Recommending City Council Approval Of The Vacation Of Right-Of-Way For Portions Of Mission Road And Pleasant Way Located Within Previously Approved Tentative Parcel Map (TPM18-0002); and

WHEREAS, on at a regularly-scheduled and duly noticed meeting held on May 12, 2020, the City Council did consider the proposed summary vacation and abandonment of said right-of-way; and

WHEREAS, the City Council desires to vacate and abandon said public street right-of-way pursuant to the authority granted by Streets and Highways Code sections 8300, et seq.;

NOW, THEREFORE, the City Council of the City of San Marcos, California, does hereby resolve and order as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference into this Resolution.

Section 2. The City Council hereby finds that all requirements of the California Environmental Quality Act (CEQA) have been met and the summary vacations and abandonment of rights of way for the portions of Richmar Avenue, Mission Road, and Pleasant Way are categorically exempt from environmental review pursuant to CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations), in that this is a minor realignment of right-of-way.

Section 3. The City Council hereby finds and declares that the portions of Richmar Avenue, Mission Road, and Pleasant Way proposed to be vacated and abandoned as described and delineated in Exhibits A and B are excess right-of-way not required for street or highway purposes; that it is not reasonably foreseeable that the property would be used for future public highway purposes; and that there are no public facilities located within the subject areas.

Section 4. Under the authority vested in it by Streets and Highways Code Sections 8330, 8333, and 8334, the City Council does hereby order the vacation and abandonment of the portions of Richmar Avenue, Mission Road, and Pleasant Way rights-of-way as described and delineated in Exhibits A and B.

Section 5. The City has complied with all statutory requirements for the summary vacation and abandonment of a street, highway, or public service easement.

Section 6. From and after the date this Resolution is recorded, those portions of right-of-way no longer constitute highways for public purposes.

Section 7. The City Clerk is hereby directed to record this Resolution with the San Diego County Recorder's Office.

Section 8. The City Manager is hereby authorized to convey the vacated portion of right-of-way to the adjoining property owners following the date of recordation of this Resolution.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA at a regular meeting held on this 12<sup>th</sup> day of May, 2020, by the following roll call vote:

AYES: COUNCILMEMBERS:  
NOES: COUNCILMEMBERS:  
ABSENT: COUNCILMEMBERS:

\_\_\_\_\_  
Rebecca D. Jones, Mayor  
City of San Marcos

ATTEST:

\_\_\_\_\_  
Phillip Scollick, City Clerk

**ATTACHMENTS:**

Exhibit A – Street Vacation and Abandonment Legal Descriptions  
Exhibit B – Street Vacation and Abandonment Plats

Exhibit A – Street Vacation and Abandonment Legal Descriptions

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Exhibit B –Street Vacation and Abandonment Plats