

RESOLUTION NO. 2025-BBBB

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ACCEPTING AN IRREVOCABLE OFFER OF DEDICATION FOR THE GENERAL UTILITY AND PUBLIC PEDESTRIAN ACCESS EASEMENT AS OFFERED BY DOCUMENT 2025-0093203

MAP25-00002

WHEREAS, the former legal owner of that certain real property located at 1100 West San Marcos Boulevard (Assessor's Parcel Number 219-200-47-00), San Marcos Development Group, LLC, irrevocably offered to dedicate to the City of San Marcos an easement for general utility and public pedestrian access purposes in Document 2025-0093203 recorded April 11, 2025 in the Office of the County Recorder of San Diego County (IOD); and

WHEREAS, staff considered the acceptance of said IOD, which is more particularly described and depicted in Exhibit A attached hereto and made a part hereof; and

WHEREAS, California Government Code Section 7050 provides that an irrevocable offer of dedication of real property for any public purposes including, but not limited to streets, utility, drainage, and access rights, when recorded in the office of the county recorder, may be accepted at any time by the city council; and

WHEREAS, California Government Code Section 66477.1 provides that the acceptance of said irrevocable offer of dedication of real property is effectuated by the filing of the Final Map with the Office of the San Diego County Recorder; and

WHEREAS, the City Council did review and consider the previously determined Categorical Exemption for compliance with the California Environmental Quality Act and found the proposed action is in conformance with the previously determined exemption; and

WHEREAS, the City Council desires to accept the Irrevocable Offer of Dedication for General Utility and Public Pedestrian Access Easement as offered by Document 2025-0093203 recorded April 11, 2025.

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

- A. The foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.
- B. The City Council's decision is based on the following findings and determinations:
 - 1. The City Council hereby finds that the proposed acceptance of the Irrevocable Offer to Dedicate is in conformance with the previously determined Categorical Exemption EX24-022.
 - 2. The proposed acceptance of the Irrevocable Offer to Dedicate will not be detrimental to public health, safety, and welfare.
- C. The proposed acceptance of the Irrevocable Offer to Dedicate is in conformance with the previously determined Categorical Exemption EX24-022 identifying an In-Fill Development Project pursuant to California Environmental Quality Act Section 15332, Class 32.
- 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.

- E. Under the authority vested in it by Government Code Section 7050, the City Council does hereby accept the Irrevocable Offer to Dedicate General Utility and Public Pedestrian Access easement offered by Document 2025-0093203, as described and depicted in Exhibit A.
- F. The Final Map for Tentative Subdivision Map TSM 24-0002 shall effectuate the acceptance of the Irrevocable Offer to Dedicate General Utility and Public Pedestrian Access Easement.
- G. From and after the date this Resolution is passed, approved, and adopted and the Final Map for TSM 24-0002 is recorded in the Office of the San Diego County Recorder, the affected portion of real property shall be burdened and benefitted by an easement for general utility and public pedestrian access purposes.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting held on the 9th day of December, 2025, 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
City of San Marcos

Exhibit(s):

Exhibit A – Irrevocable Offer to Dedicate General Utility and Public Pedestrian Access purposes