

RESOLUTION NO. 2026-AAAA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ORDERING THE SUMMARY VACATION AND ABANDONMENT OF THE DRAINAGE EASEMENT GRANTED ON JULY 30, 2015 BY DOCUMENT 2015-0403598, WITHIN THE BOUNDARIES OF SITE DEVELOPMENT PLAN SDP24-0001 FOR THE STUDENT HOUSING BLOCK F PROJECT

VAC 26-0001

WHEREAS, staff considered a request for the vacation and abandonment of the Drainage Easement along Redel Road within the boundary of Site Development Plan SDP24-0001, the Student Housing Block F project; the public service easement to be vacated more particularly described and depicted in Exhibits A and B; and

WHEREAS, the drainage easement was granted by Document 2015-0403598 recorded July 30, 2015 in the Office of the County Recorder of San Diego County; and

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

WHEREAS, the portion of public service easement to be vacated and abandoned is excess; and

WHEREAS, the proposed summary vacation of the public service easement would have no effect on existing improvements or easements; and

WHEREAS, summary vacation and abandonment of the public service easement as proposed would remove the encumbrances from the title, thereby allowing the affected property owner to improve the affected portions of the property; and

WHEREAS, 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; and

WHEREAS, at a regularly-scheduled and duly noticed meeting held on April 20, 2026, the Planning Commission did consider the proposed summary vacation of the public service easement, and after making the required findings, approved Resolution PC26-5198 recommending to City Council the summary vacation and abandonment of the public service easement; and

WHEREAS, the City Council did review and consider the previously adopted 2022 addendum to the Final Environmental Impact Report (FEIR) (SCH No. 2008101083) and it is determined that no new environmental information or documentation was presented revealing any new unidentified environmental impacts which had not been previously mitigated and the proposed vacation is within the scope of the impacts identified in FEIR; and

WHEREAS, the City Council desires to summarily vacate and abandon said public service easement, 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 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 and declares that the public service easement proposed to be summarily vacated and abandoned as described and depicted in Exhibits A and B is in excess.
 2. The proposed public service easement summary vacation would have no effect on existing improvements or easements.
 3. The proposed public service easement summary vacation will not be detrimental to public health, safety, and welfare.

4. All requirements of California Environmental Quality Act (CEQA) have been met in that the proposed public service easement summary vacation will not have a significant effect on the environment, as reviewed and analyzed previously in the 2022 addendum to the Final Environmental Impact Report (FEIR) for the University District Specific Plan (State Clearinghouse No. 2008101083).
- C. The proposed public service easement summary vacation is within the scope of the previously adopted Final Environmental Impact Report (FEIR) (SCH No. 2008101083) and no new environmental information or documentation was presented revealing any new unidentified environmental impacts which had not been previously mitigated.
 - 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. The City has complied with all statutory requirements for the summary vacation and abandonment of a street, highway, or public service easement.
 - F. Under the authority vested in it by Streets and Highways Code Sections 8330, 8333, and 8334, the City Council does hereby order the summary vacation and abandonment of the public service easement, as described and depicted in Exhibits A and B.

- G. From and after the date this Resolution is recorded, the public service easement shall no longer constitute public service easement for public purposes.
- H. The City Clerk is directed to record this Resolution with the San Diego County Recorder's Office.

PASSED, APPROVED AND ADOPTED by the City Council of the City of San Marcos, California, at a regular meeting held on the 26th day of May, 2026, 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 – Legal Description of Easement Summary Vacation

Exhibit B – Plat of Easement Summary Vacation