

RESOLUTION NO. 2025-CCCC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS ACCEPTING AN IRREVOCABLE OFFER OF DEDICATION FOR GENERAL UTILITY AND PUBLIC PEDESTRIAN ACCESS EASEMENT AS OFFERED BY DOCUMENT 2025-0093169

MAP24-00004

WHEREAS, staff considered the acceptance of irrevocable offer of dedication for general utility and public pedestrian access easement for a portion of West San Marcos Boulevard located at 1020 West San Marcos Boulevard, Assessor's Parcel Number 219-200-53-00; the acceptance for the irrevocable offer of dedication for general utility and public pedestrian access easement is more particularly described and depicted in Exhibit A; and

WHEREAS, the legal owner SB-HS Lot Option Pool 02, L.P. irrevocably offered to dedicate to the City of San Marcos an easement for general utility and public pedestrian access purposes recorded April 11, 2025 as Document 2025-0093169 in the Office of the County Recorder of San Diego County; 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, the City Council did review and consider the previously certified environmental document, Mitigated Negative Declaration ND23-011 (SCH No. 2023080476) for compliance with the California Environmental Quality Act and found the proposed action is in conformance with the previously certified environmental document; 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 2025-0093169 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 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 certified environmental document, Mitigated Negative Declaration ND23-011 (SCH No. 2023080476).
 - 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 within the scope of and in conformance with the previously certified environmental document, Mitigated Negative Declaration ND23-011 (SCH No. 2023080476).
- 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 for General Utility and Public

Pedestrian Access easement by Document 2025-0093169, as described and depicted in Exhibit A.

- F. From and after the date this Resolution is approved and the Certificate of Acceptance is recorded, the portions of real property shall be burdened and benefitted by an easement for public street, utility, and drainage purposes.
- G. The City Clerk is directed to record the Certificate of Acceptance 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 14th day of October, 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 – Certificate of Acceptance