

RESOLUTION PC 26-5198

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING THAT CITY COUNCIL APPROVE THE SUMMARY VACATION AND ABANDONMENT OF THE DRAINAGE EASEMENT LOCATED ALONG REDEL ROAD GRANTED BY DOCUMENT 2015-0403598 ON JULY 30, 2015, WITHIN THE BOUNDARIES OF SITE DEVELOPMENT PLAN SDP24-0001 FOR THE STUDENT HOUSING BLOCK F PROJECT

VAC 26-0001
Student Housing Block F

Brief Legal Description: Refer to Exhibits A and B

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 Drainage 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, 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 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 vacation of the subject public service easement would have no effect on existing improvements or easements; and

WHEREAS, 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 public service easement; and

WHEREAS, the Planning Commission did review and consider the University District Specific Plan 2022 Addendum to the Final Environmental Impact Report (FEIR) (SCH No. 2008101083) for said request pursuant to the California Environmental Quality Act (CEQA).

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

- A. The foregoing recitals are true and correct, and they are hereby incorporated by reference into this Resolution.
- B. The Planning Commission hereby recommends that the City Council approve the summary vacation of this public service easement as described and depicted 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 public service easement vacation is consistent with the City's General Plan.
 2. The proposed public service easement vacation complies with the objectives of the adopted City-wide Land Use Policy Plan.
 3. The affected public service easement is hereby determined to be excess.
 4. The proposed public service easement vacation would have no effect on existing improvements or easements.
 5. The proposed public service easement vacation will not be detrimental to public health, safety, and welfare.
 6. All requirements of California Environmental Quality Act (CEQA) have been met in that the proposed vacation will not have a significant effect on the environment, as reviewed and analyzed in the 2022 Addendum to the Final Environmental Impact Report (FEIR) (SCH No. 2008101083).
- 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 20th day of April, 2026 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Lionel Saulsberry, Chairperson

ATTEST:

Song LeBaron, Sr. Management Analyst

Exhibit(s):

Exhibit A –Legal Description of Drainage Easement Summary Vacation

Exhibit B – Plat of Drainage Easement Summary Vacation