

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City of San Marcos
Attn: City Clerk
1 Civic Center Drive
San Marcos, CA 92069-2949

No recording fees pursuant to Streets
& Highways Code § 8336 and Government
Code § 27383

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RESOLUTION NO. 2025-AAAA

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN
MARCOS ORDERING THE SUMMARY VACATION AND
ABANDONMENT OF PUBLIC RIGHT-OF-WAY FOR PORTION
OF LA CIENEGA ROAD, RESERVING THEREFROM UTILITY
RIGHTS, SAID PORTION OF LA CIENEGA ROAD BEING
ADJACENT TO 1829 ELENA DRIVE

VAC25-0002

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

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VAC 25-0002

WHEREAS, staff considered the vacation and abandonment of public street for a portion of La Cienega Road located west of North Twin Oaks Valley Road and more particularly described and depicted in Exhibits A and B, which portion of the public street is located adjacent to 1829 Elena Drive also known as Assessor's Parcel Number 182-081-17-00; and

WHEREAS, said portion of La Cienega Road was dedicated in-fee title for public street purposes by Map 806 recorded December 21, 1895 in the Office of the County Recorder of San Diego County; and

WHEREAS, California Streets & 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 street proposed to be vacated is in excess; and

WHEREAS, CSHC Section 8340(c) provides that if there are in-place public utility facilities that are in use, a public entity shall, unless the legislative body determines the convenience and necessity otherwise require, reserve and except from vacation any easement and right necessary to maintain, operate, replace, remove, or renew the public utility facilities; and

WHEREAS, utility rights are to be reserved from the public street vacation, and the existing utilities in place will remain unaffected by the vacation of public street; 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 October 20th, 2025 the Planning Commission did consider the proposed summary vacation of street right-of-way, and after making the required findings, approved Resolution PC25-5179 recommending to City Council the summary vacation and abandonment of the easement for public right-of-way for a portion of La Cienega Road, and reserving therefrom utility rights; and

WHEREAS, at a regularly scheduled and duly noticed meeting held on December 9, 2025, the City Council did consider the proposed summary vacation and abandonment of said right-of-way together while reserving therefrom utility rights; and

WHEREAS, the City Council did review and consider a Categorical Exemption (EX24-010) pursuant to California Environmental Quality Act (CEQA) Section 15305 Class 5 (Minor Alterations in Land Use Limitations) with respect to such proposed summary vacation; and

WHEREAS, the City Council desires to vacate and abandon said public right-of-way, reserving therefrom utility rights, 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 portion of public right-of-way proposed to be vacated and abandoned as described and depicted in Exhibits A and B is in excess and not required for street or highway purposes, and that it is not reasonably foreseeable that the property would be used for future public street or highway purposes.

2. The street vacation will reserve and except from the vacation utility rights as necessary to maintain, operate, replace, remove, or renew the public utility facilities on the subject portion of La Cienega Road.
 3. The proposed right-of-way 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 street vacation will not have a significant effect on the environment and is Categorically Exempt pursuant to CEQA Section 15305 Class 5.
- C. The proposed right-of-way vacation is Categorically Exempt (EX24-010) from environmental review pursuant to Section 15305, Class 5 (Minor Alterations in Land Use Limitations).
- D. Consistent with Streets and Highways Code Section 8340(c), the City Council requires, reserves, and excepts from the public right-of-way vacation the utility easement and rights as necessary to maintain, operate, replace, remove, or renew the public utility facilities on the subject portion of La Cienega Road.
- 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 8334, the City Council does hereby order the vacation and abandonment of the portion of right-of-way, excepting therefrom utility rights, as described and depicted in Exhibits A and B.
- G. From and after the date this Resolution is recorded, the portion of public street right-of-way shall no longer constitute highways for public purposes; utility rights are hereby required, reserved, and excepted therefrom.
- H. The City Clerk is directed to record this Resolution with the San Diego County Recorder's Office, which recordation shall be at no cost to the City pursuant to Streets & Highways Code section 8336 and Government Code section 27383.

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 – Legal Description of Street Vacation
Exhibit B – Plat of Street Vacation