

RESOLUTION NO. 2020-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, DECLARING ITS INTENTION TO VACATE PORTIONS OF PUBLIC STREET RIGHT-OF-WAY FOR ECHO LANE AND FORMER DISCOVERY STREET LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE SUBDIVISION MAP TSM 16-001 AND SETTING A PUBLIC HEARING DATE OF JUNE 23, 2020

WHEREAS, previously approved Tentative Subdivision Map (TSM) 16-001 proposes the vacation and abandonment of right-of-way for the portions of Echo Lane and former Discovery Street, located west of S. Twin Oaks Valley Road, east of Craven Road, and north of the future alignment of Discovery Street and more particularly described as:

0 Echo Lane and 0 Discovery Street

PORTIONS OF LOTS 1, 2, 3, AND 4 OF BLOCK 67, TOGETHER WITH THE PORTION OF UNNAMED STREET (ECHO LANE) LYING BETWEEN BLOCKS 63 AND 67, OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 21, 1895 AND PARCEL A OF MAP NO. 16595, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 22, 1991.

Assessor's Parcel Numbers: 221-142-19-00, 221-142-20-00, 221-142-22-00, 221-080-18-00

WHEREAS, on March 13, 2018, the City Council approved Tentative Subdivision Map TSM 16-001, in conjunction with Conditional Use Permit 17-004 and Grading Variance 17-005 for the H.G. Fenton Development Co., LLC development at a duly advertised public hearing held in the manner prescribed by law; and

WHEREAS, portions of right-of-way for former Discovery Street within TSM 16-001 were dedicated on Map 806 recorded on December 21, 1895; Map 16595 recorded on August 22, 1991; File/Page No. 32002 of official records recorded

February 26, 1968; File/Page No. 32003 of official records recorded February 26, 1968; and Document 111928 recorded June 26, 1970; and

WHEREAS, portions of right-of-way for Echo Lane were dedicated on Map 806 recorded on December 21, 1895 and on Document 32003 recorded February 26, 1968; and

WHEREAS, Section 8324 of the Streets and Highways Code states that a legislative body may vacate a street found unnecessary for present or prospective public use; and

WHEREAS, the Planning Commission reviewed the vacation request at its regular meeting on May 4, 2020 in accordance with the procedures contained in the Streets and Highways Code Section 8313(a) and Government Code Section 65404, and, after making the required findings, approved Resolution 2020-4867 recommending that the City Council consider the proposed street vacation; and

WHEREAS, the City Council has reviewed the street vacation request in accordance with the general vacation procedures contained in the Streets and Highways Code Section 8330, et seq.

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

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference into this Resolution.

Section 2. The City Council hereby finds that the project is categorically exempt from the California Environmental Quality Act (CEQA) (EX20-062) pursuant to Section 15305 Class 5 (Minor Alterations in Land Use Limitations), in that this is a minor realignment of right-of-way.

Section 3. The City Council hereby declares its intention to vacate the subject right-of-way as described and delineated in Exhibits A and B while reserving rights for existing utilities, pursuant to the authority granted by Streets and Highways Code sections 8300, et seq.,

Section 4. The City Council hereby sets a public hearing in accordance with the vacation procedures contained in California Streets and Highway Code Section 8300, et seq., to be held on Tuesday, June 23, 2020 at 6:00 p.m. at the Council Chambers of the San Marcos Civic Center located at 1 Civic Center Drive. At this hearing, all interested parties may introduce evidence and testimony pertaining to the proposed vacations. At the conclusion of the hearing, the City Council shall determine, from all evidence submitted, whether the existing rights-of-way are unnecessary for present or prospective public use.

Section 5. The description and maps attached hereto as Exhibits "A" and "B", respectively, describe and delineate the area to be vacated and shall be on file in the office of the City Clerk located at 1 Civic Center Drive, San Marcos, California.

Section 6. The City Clerk is hereby directed to publish notice of the above hearing in accordance with the provisions of Streets and Highways Code Section 8322.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA at a regular meeting held on this 26th day of May, 2020, 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

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ATTACHMENTS:

Exhibit A – Street Vacation Legal Description

Exhibit B – Street Vacation Plat