

RESOLUTION NUMBER R-299051

ADOPTED ON MARCH 30, 2004

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easement by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of portions of Carmel Mountain Road and Via Panacea to facilitate the development of the site as conditioned in Tentative Map No. 7938; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the easement either for the public street system, for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated in that the right-of-way is not needed for public street, bikeway, or open space purposes; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That portions of Carmel Mountain Road and Via Panacea in connection with Tentative Map No. 7938, as more particularly described in the legal description Carmel Mountain Road – Via Panacea Parcel A marked as Exhibit “A,” Carmel Mountain Road – Via

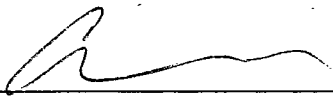
Panacea Parcel B marked as Exhibit "A", and shown on Drawing No. 20043-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-299051-1 and RR-299051-2, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the street vacations are conditioned upon the construction of the realigned Carmel Mountain Road and Via Panacea as shown on Vesting Tentative Map No. 7938, satisfactorily to the City Engineer.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition, and the City Clerk shall then cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
6/3/2014
Or.Dept: DSD
Doc. No. 798699

EXHIBIT 'A'

STREET VACATION
CARMEL MOUNTAIN ROAD - VIA PANACEA PARCEL A

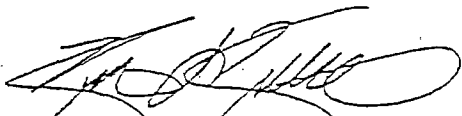
THAT PORTION OF CARMEL MOUNTAIN ROAD, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DEDICATED BY THE CITY COUNCIL OF SAID CITY, DECEMBER 10, 1996, PER COUNCIL RESOLUTION NO. 288204, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JANUARY 3, 1997, AS FILE NO. 1997-0003692, AS SHOWN ON CITY OF SAN DIEGO ENGINEERING DRAWING 25848-D, DATED 4-17-98, ALONG WITH THAT PORTION OF VIA PANACEA, AS SHOWN ON VILLA PANACEA, ACCORDING TO MAP THEREOF NO. 13381, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DECEMBER 13, 1996, AS DOCUMENT NO. 1996-624937, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID MAP 13381; THENCE ALONG THE NORTHERLY LINE OF SAID MAP 13381 NORTH 88°39'42" EAST 49.25 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE NORTH 88°39'42" EAST 36.12 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID CARMEL MOUNTAIN ROAD; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID CARMEL MOUNTAIN ROAD

1. SOUTH 32°28'10" WEST 67.64 FEET TO THE BEGINNING OF A 20 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, SAID CURVE BEING THE NORTHERLY LINE OF VIA PANACEA PER MAP 13381; THENCE ALONG THE ARC OF SAID CURVE LEAVING SAID SOUTHEASTERLY LINE
2. SOUTHEASTERLY 31.53 FEET THROUGH A CENTRAL ANGLE OF 90°18'47" TO A POINT OF CUSP WITH A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 270 FEET, A RADIAL LINE OF BOTH CURVES BEARS SOUTH 32°09'23" WEST TO SAID POINT; THENCE ALONG THE ARC OF SAID 270.00 FOOT RADIUS CURVE

- 3. NORTHWESTERLY 3.72 FEET THROUGH A CENTRAL ANGLE OF 00°47'20" TO THE BEGINNING OF A 50 FOOT RADIUS COMPOUND CURVE, A RADIAL LINE TO SAID POINT BEARS SOUTH 32°56'44" WEST; THENCE ALONG THE ARC OF SAID 50.00 FOOT RADIUS CURVE
- 4. NORTHWESTERLY 16.73 FEET THROUGH A CENTRAL OF 19°10'02" TO A POINT ON THE SOUTHEASTERLY LINE OF SAID CARMEL MOUNTAIN ROAD; THENCE CONTINUING ALONG SAID CURVE
- 5. NORTHERLY 79.32 FEET THROUGH A CENTRAL ANGLE OF 90°53'25" TO THE POINT OF BEGINNING

CONTAINS 2,074 SQUARE FEET MORE OR LESS.



KEITH L. KEETER, R.C.E. 31138
 EXP. 06-30-04

W.O. 98-0559
 DWG 20043-B



EXHIBIT 'A'

STREET VACATION
CARMEL MOUNTAIN ROAD -VIA PANACEA PARCEL B


THAT PORTION OF CARMEL MOUNTAIN ROAD, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DEDICATED BY THE CITY COUNCIL OF SAID CITY, DECEMBER 10, 1996, PER COUNCIL RESOLUTION NO. 288204, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON JANUARY 3, 1997, AS FILE NO. 1997-0003692, AS SHOWN ON CITY OF SAN DIEGO ENGINEERING DRAWING 25848-D, DATED 4-17-98, ALONG WITH THAT PORTION OF VIA PANACEA, AS SHOWN ON VILLA PANACEA, ACCORDING TO MAP THEREOF NO. 13381, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DECEMBER 13, 1996, AS DOCUMENT NO. 1996-624937, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE WESTERLY LINE OF SAID MAP 13381, SAID POINT BEING THE INTERSECTION OF SAID WESTERLY LINE WITH THE SOUTHERLY LINE OF SAID VIA PANACEA; THENCE ALONG SAID WESTERLY LINE

1. NORTH 01°29'24" EAST 0.17 FEET TO A POINT ON THE
SOUTHEASTERLY LINE OF
CARMEL MOUNTAIN ROAD;
THENCE CONTINUING ALONG
SAID WESTERLY LINE OF MAP
13381
2. NORTH 01°29'24" EAST 25.92 FEET TO THE BEGINNING OF A 110
FOOT NON-TANGENT CURVE
CONCAVE NORTHEASTERLY, A
RADIAL LINE TO SAID POINT
BEARS SOUTH 48°22'38" WEST;
THENCE ALONG THE ARC OF SAID
CURVE, LEAVING SAID
WESTERLY LINE OF MAP 13381
3. SOUTHEASTERLY 13.67 FEET THROUGH A CENTRAL ANGLE OF
07°07'07" TO THE
SOUTHEASTERLY LINE OF SAID
CARMEL MOUNTAIN ROAD;
THENCE CONTINUING ALONG
SAID 110 FOOT RADIUS CURVE

4. SOUTHEASTERLY 15.96 FEET THROUGH A CENTRAL ANGLE OF 08°18'47" TO THE BEGINNING OF A 330 FOOT RADIUS COMPOUND CURVE, A RADIAL LINE OF BOTH CURVES BEARS SOUTH 32°56'44" WEST TO SAID POINT; THENCE ALONG THE ARC OF SAID 330 FOOT RADIUS CURVE
5. SOUTHEASTERLY 4.03 FEET THROUGH A CENTRAL ANGLE OF 00°41'59" TO THE SOUTHERLY LINE OF VIA PANACEA AS SHOWN ON SAID MAP 13381, SAID POINT BEING THE POINT OF CUSP WITH A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 20.00 FEET, A RADIAL LINE OF BOTH CURVES BEARS SOUTH 32°14'45" WEST TO SAID POINT; THENCE ALONG THE ARC OF SAID 20.00 FOOT RADIUS CURVE
6. WESTERLY 29.49 FEET THROUGH A CENTRAL ANGLE OF 84°28'15" TO THE POINT OF BEGINNING

CONTAINS 220 SQUARE FEET MORE OR LESS.


 KEITH L. KEETER, R.C.E. 31138
 EXP. 06-30-04

W.O. 98-0559
 DWG 20043-B



EXHIBIT 'B'

NO.	DELTA OR BRG.	RADIUS	LENGTH
C1	84°28'15"	20.00'	29.49'
C2	00°41'59"	330.00'	4.03'
C3	08°18'47"	110.00'	15.96'
C4	19°10'02"	50.00'	16.73'
C5	00°47'20"	270.00'	3.72'
C6	90°18'47"	20.00'	31.53'
C7	07°07'07"	110.00'	13.67'
L1	N32°28'10"E		19.30'

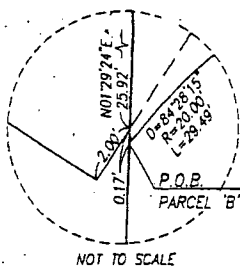
NW 1/4, SW 1/4
SECTION 13
T14S, R3W

NE 1/4, SW 1/4
SECTION 13
T14S, R3W

P.O.C.
NW CORNER OF THE SE
1/4 OF THE SW 1/4
SECTION 13
T 14 S, R 3 W

T.P.O.B.
PARCEL A
N37°02'38"W(R)

BASIS OF BEARINGS:



NOT TO SCALE

LEGEND:



INDICATES STREET VACATION OF A PORTION OF VIA PANACEA AS DEDICATED PER MAP 13381.



INDICATES STREET VACATION OF A PORTION OF CARMEL MOUNTAIN ROAD DEDICATED PER CITY COUNCIL RESOLUTION NO. 288204 ADOPTED 12-10-96 (CITY DRAWING NO. 25484-D)



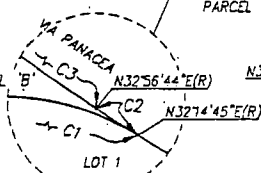
CARMEL MOUNTAIN ROAD SHOWN HEREON IS PROPOSED TO BE REALIGNED AND THE PORTION WITHIN RHODES CROSSING, SHOWN HEREON, WILL BE VACATED "BY OMISSION" ON THE FINAL SUBDIVISION MAP OF RHODES CROSSING VTM 98-0559, W.O. 98-0559

SW 1/4, SW 1/4
SECTION 13
T14S, R3W

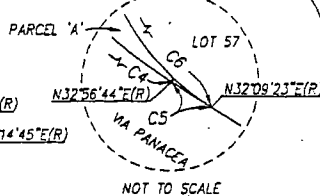
LOT 1

VIA PANACEA

VIA PANACEA PER MAP 13381



NOT TO SCALE



NOT TO SCALE

1" = 40'

ASSESSOR'S PARCEL NUMBER:

306-042-02, 05, 07 AND 09
309-581-02 AND 03

REFERENCE DRAWING:

25484-D, ROS 6204

BASIS OF BEARINGS:

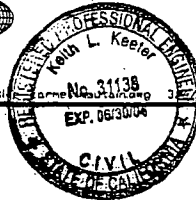
THE BASIS OF BEARING FOR THIS DRAWING IS THE NORTHERN LINE OF THE VILLA PANACEA PROJECT BOUNDARY AS SHOWN ON MAP 13381 (IE N88°39'42"E)

Latitude 33

Planning and Engineering

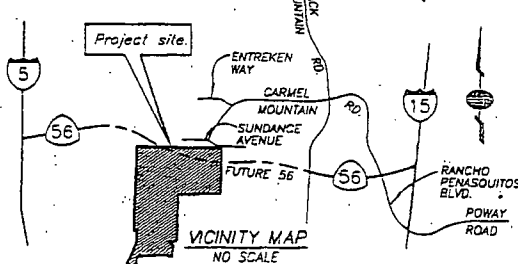
4933 Paramount Drive, 2nd. Floor
San Diego, CA 92123
858-750-0833 Fax 858-751-0834

H:\300\352-3\exhibits\vacations\352-offsite_carmel_mountain.dwg 3/14/2004 8:09:41 AM PST



Keith L. Keefer
3-8-04
KEITH L. KEEFER R.C.E. 31138
REGISTRATION EXPIRES 06-30-04

DATE



VICINITY MAP NO SCALE

STREET VACATION, PORTION OF CARMEL MOUNTAIN ROAD AND VIA PANACEA

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	LAT33			

CITY OF SAN DIEGO, CALIFORNIA PLANNING & DEVELOPMENT REVIEW DEPARTMENT SHEET 1 OF 1 SHEET	PIS 3230 SA 01-514 W.O. NO. 98-0559
<i>See Keefer</i> FOR CITY ENGINEER	1927-5285 CCS '83 COORDINATES
3-18-04 DATE	287-1725 LAMBERT COORDINATES
	20043-B

Passed and adopted by the Council of The City of San Diego on MAR 30 2004,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michael Zucchet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Charles L. Lewis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ralph Inzunza	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

DICK MURPHY
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 299051 Adopted MAR 30 2004