

RESOLUTION NUMBER R- 299113

ADOPTED ON APR 26 2004

WHEREAS, on December 7, 2000, the City of San Diego acquired title to an approximately 35-foot-wide by 900-foot-long parcel located immediately west of and adjacent to Camino de la Luna in the Black Mountain Ranch Community [the Property] from Santaluz, LLC, as a condition of development in that area; and

WHEREAS, the Property consists entirely of manufactured slopes that have not been landscaped and there are no plans by the City to landscape and irrigate the Property; and

WHEREAS, the deed granting title to the City restricts use of the Property to open space purposes, and provides that "use of the property for other than open space purposes is not allowed unless and until the City Council . . . has first conducted a public hearing in accordance with Streets and Highways Code Section 8300 et seq., and after such public hearing has abandoned all or a portion of such easement restrictions"; and

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

WHEREAS, Pardee Homes requires a driveway and utility easement over a small portion of the Property for utilities and access to a planned affordable housing project to the west; and

WHEREAS, this action would vacate the open space dedication over the 44-foot driveway portion, impose a general utility and access easement over the 44-foot driveway, retain the open space easement over the balance of the Property, relinquish ownership of the entire parcel to Pardee Homes in exchange for its agreement to landscape, irrigate, and maintain the

Property and construct and maintain a public trail system on the west side of Camino de la Luna;
and

WHEREAS, the City Council finds that:

(a) the 44-foot wide portion of the Property that is proposed for use as a driveway and for utility purposes is not needed for present or prospective open space purposes for which the easement was originally acquired and is needed for access and utilities to benefit the public; and

(b) the public will benefit from the vacation of a portion of the open space easement and imposition of a general utilities and access easement that will result in improved utilization of land; and

(c) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(d) the purpose for which the easement was originally acquired will not be detrimentally affected by this vacation, and the balance of the existing open space easement on the Property will be enhanced through landscaping, irrigation, and maintenance; NOW, THEREFORE,

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

1. That a 44-foot wide portion of the open space easement located on Lot C of Black Mountain Ranch Unit No. 12 of Map No. 14097, as more particularly described in the legal description marked Exhibit A and shown on the attached Drawing No. 19898-1-B, on file in the office of the City Clerk as Document No. RR- 299113-1, is ordered vacated.

2. Reserving a general utility and access easement over the same 44-foot wide portion of property located on Lot C of Black Mountain Ranch Unit No. 12 of Map No. 14097, as more particularly described in the legal description marked Exhibit A and shown on the attached

Drawing No. 19898-1-B, on file in the office of the City Clerk as Document No.

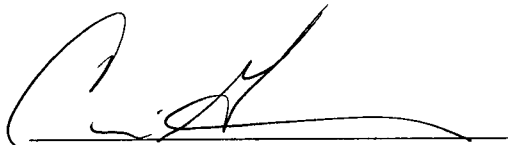
RR- 299113-1.

3. Authorizing the City Manager to enter into an agreement with Pardee Homes to convey to Pardee Homes an approximately 35-foot-wide by 900-foot-long parcel located immediately west of and adjacent to Camino de la Luna in Lot C of Black Mountain Ranch Unit No. 12 of Map No. 14097, as more particularly described in the legal description marked Exhibit B and shown on the attached Drawing No. 19898-2-B, on file in the office of the City Clerk as Document No. RR- 299113-2, in exchange for the agreement of Pardee Homes to landscape, irrigate, and maintain the property as open space, and construct and maintain a public trail system on the west side of Camino de la Luna.

4. That the City Clerk shall then cause a certified copy of this resolution, with Exhibits "A" and "B," attested by him under seal, to be recorded in the Office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By



Carrie Gleeson
Deputy City Attorney

CG:dm
03/17/04
Or.Dept:READ
R-2004-985

EXHIBIT 'A'

**PARCEL 'B'-OPEN SPACE EASEMENT VACATION WITH GENERAL UTILITY AND
ACCESS EASEMENT RESERVED**

BEING A PORTION OF LOT 'C' OF BLACK MOUNTAIN RANCH UNIT NO. 12
ACCORDING TO MAP THEREOF NO. 14097 FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAN DIEGO COUNTY ON DECEMBER 7, 2000, AS FILE NO. 2000-
0667262 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF
CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHWESTERLY CORNER OF LOT 'C', THENCE
ALONG THE WESTERLY LOT LINE OF SAID LOT 'C'

1. NORTH 00°45'20" EAST 371.23 FEET TO THE **TRUE POINT OF
BEGINNING**; THENCE
CONTINUING ALONG SAID
WESTERLY LOT LINE
2. NORTH 00°45'20" EAST 44.00 FEET; THENCE LEAVING SAID
WESTERLY LOT LINE
3. SOUTH 89°14'40" EAST 36.00 FEET TO THE EASTERLY LINE OF
LOT 'C'; THENCE ALONG
SAID EASTERLY LINE
4. SOUTH 00°45'20" WEST 44.00 FEET; THENCE
5. NORTH 89°14'40" WEST 36.00 FEET TO THE **TRUE POINT OF
BEGINNING**.

TOGETHER WITH A GENERAL UTILITY AND ACCESS EASEMENT RESERVED FROM
SAID OPEN SPACE EASEMENT IN THE ABOVE PARAGRAPH

CONTAINS 0.036 ACRES MORE OR LESS.



KEITH L. KEETER, R.C.E. 31138
My Registration Expires 06-30-2004

W.O. 420711
DWG 19898-B

1 OF 1



Parcel name: PAR-B

North: 1938714.3701 East : 6280919.5246
Line Course: N 00-45-20 E Length: 44.00
North: 1938758.3663 East : 6280920.1048
Line Course: S 89-14-40 E Length: 36.00
North: 1938757.8916 East : 6280956.1017
Line Course: S 00-45-20 W Length: 44.00
North: 1938713.8954 East : 6280955.5215
Line Course: N 89-14-40 W Length: 36.00
North: 1938714.3701 East : 6280919.5246

Perimeter: 159.99 Area: 1,584 sq.ft. 0.036 acres

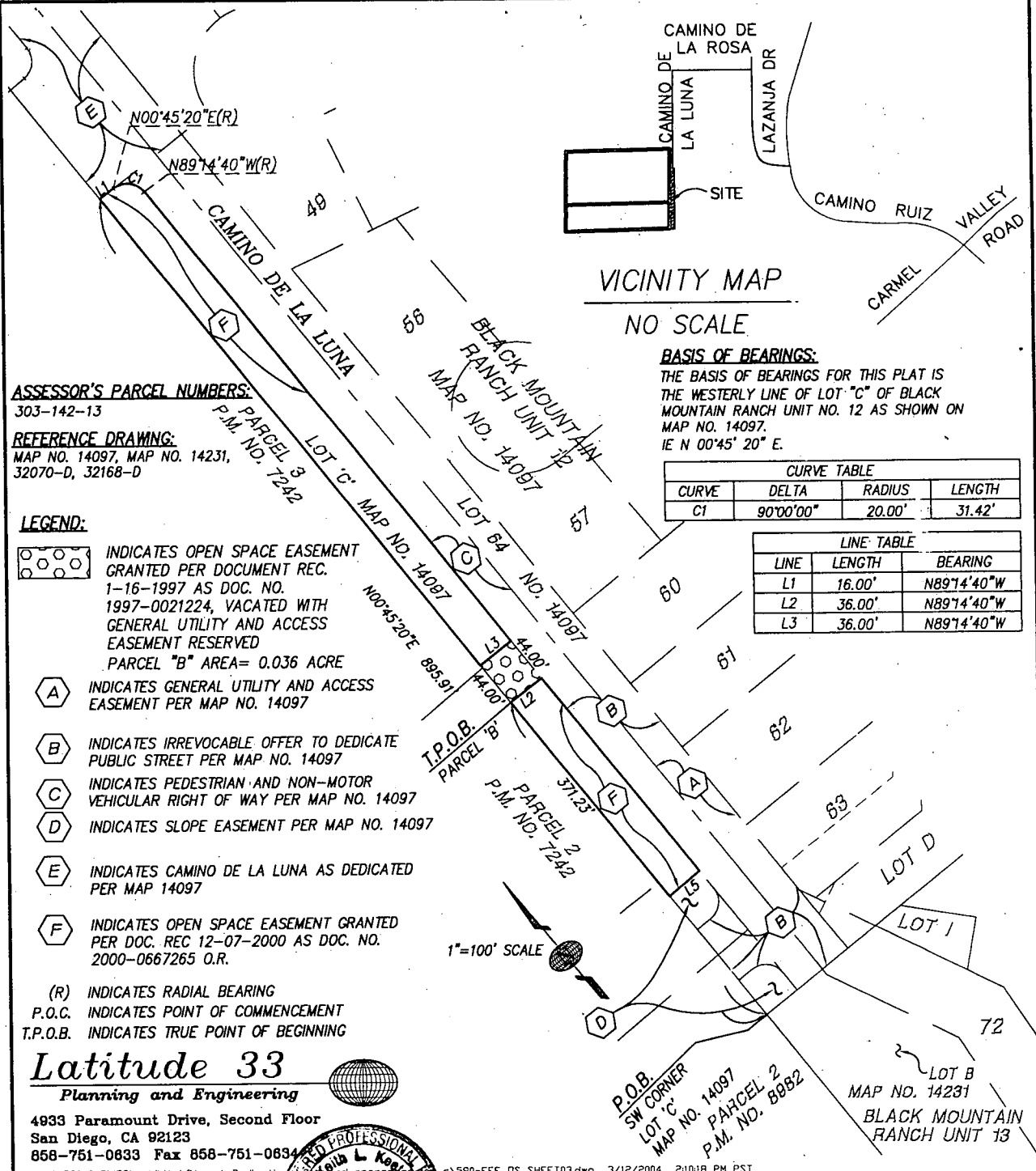
Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0000 Course: S 90-00-00 E

Error North: 0.00000 East : 0.00000

Precision 1: 160,000,000.00

R-299113



VICINITY MAP

NO SCALE

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS PLAT IS THE WESTERLY LINE OF LOT "C" OF BLACK MOUNTAIN RANCH UNIT NO. 12 AS SHOWN ON MAP NO. 14097. IE N 00°45' 20" E.

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	20.00'	31.42'

LINE TABLE		
LINE	LENGTH	BEARING
L1	16.00'	N89°14'40"W
L2	36.00'	N89°14'40"W
L3	36.00'	N89°14'40"W

ASSESSOR'S PARCEL NUMBERS:
303-142-13

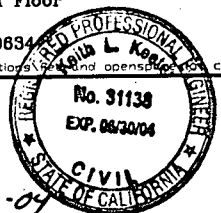
REFERENCE DRAWING:
MAP NO. 14097, MAP NO. 14231,
32070-D, 32168-D

LEGEND:

- INDICATES OPEN SPACE EASEMENT GRANTED PER DOCUMENT REC. 1-16-1997 AS DOC. NO. 1997-0021224, VACATED WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED. PARCEL "B" AREA= 0.036 ACRE
- INDICATES GENERAL UTILITY AND ACCESS EASEMENT PER MAP NO. 14097
- INDICATES IRREVOCABLE OFFER TO DEDICATE PUBLIC STREET PER MAP NO. 14097
- INDICATES PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT OF WAY PER MAP NO. 14097
- INDICATES SLOPE EASEMENT PER MAP NO. 14097
- INDICATES CAMINO DE LA LUNA AS DEDICATED PER MAP 14097
- INDICATES OPEN SPACE EASEMENT GRANTED PER DOC. REC 12-07-2000 AS DOC. NO. 2000-0667265 O.R.
- (R) INDICATES RADIAL BEARING
- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING

Latitude 33
Planning and Engineering

4933 Paramount Drive, Second Floor
San Diego, CA 92123
858-751-0833 Fax 858-751-0834



Keith L. Keeter 3-12-04
KEITH L. KEETER R.C.E. 31138 DATE
REGISTRATION EXPIRES 6-30-2004

OPEN SPACE EASEMENT VACATION, WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED OVER A PORTION OF LOT 'C' OF BLACK MOUNTAIN RANCH, UNIT 12 OF MAP NO. 14097.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 3 SHEETS		T.M. NO. 41-0480
ORIGINAL	LAT33				<i>Keith L. Keeter</i> FOR CITY ENGINEER	3-15-04 DATE	1938-6279 CCS '83 COORDINATES
							298-1719 LAMBERT COORDINATES
							19898-1-B

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EXHIBIT 'B'


**LAND ACQUISITION
PARCEL 'A'**

BEING A PORTION OF LOT 'C' OF BLACK MOUNTAIN RANCH UNIT NO. 12,
ACCORDING TO MAP THEREOF NO. 14097 FILED IN THE OFFICE OF THE COUNTY
RECORDER OF SAN DIEGO COUNTY ON DECEMBER 7, 2000, AS FILE NO. 2000-
0667262 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF
CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 'C', THENCE ALONG THE
WESTERLY LOT LINE OF SAID LOT 'C'

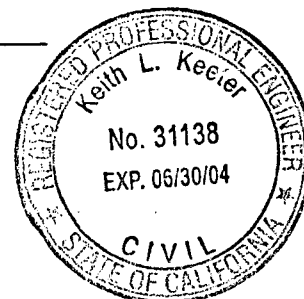
1. NORTH 00°45'20" EAST 70.67' FEET TO THE **TRUE POINT OF
BEGINNING**; THENCE CONTINUING
ALONG SAID WESTERLY LOT LINE
2. NORTH 00°45'20 EAST 895.91 FEET TO THE NORTHWEST CORNER OF
SAID LOT 'C'; THENCE ALONG THE
NORTHERLY LINE OF SAID LOT 'C'
3. SOUTH 89°14'40" EAST 16.00 FEET TO THE BEGINNING OF A TANGENT
20.00 FOOT RADIUS CURVE
CONCAVE SOUTHWESTERLY, A
RADIAL LINE TO SAID POINT BEARS
NORTH 00°45'20" EAST; THENCE
ALONG THE ARC OF SAID CURVE
4. SOUTHEASTERLY 31.42 FEET THROUGH A CENTRAL ANGLE OF
90°00'00" TO A POINT TO WHICH A
RADIAL LINE BEARS SOUTH
89°14'40" EAST; THENCE ALONG THE
EASTERLY LINE OF SAID LOT 'C'
5. SOUTH 00°45'20" WEST 874.59 FEET; THENCE DEPARTING FROM SAID
EASTERLY LINE
6. SOUTH 88°38'38" WEST 36.02 FEET TO THE **TRUE POINT OF
BEGINNING**.

CONTAINS 0.74 ACRES MORE OR LESS.



KEITH L. KEETER, R.C.E. 31138
My Registration Expires 06-30-2004

1 OF 1



Parcel name: FEE-PAR-A

North: 1938413.8757 East : 6280915.5618
Line Course: N 88-38-38 E Length: 36.02
North: 1938414.7281 East : 6280951.5717
Line Course: N 00-45-20 E Length: 874.59
North: 1939289.2421 East : 6280963.1045
Curve Length: 31.42 Radius: 20.00
Delta: 90-00-00 Tangent: 20.00
Chord: 28.28 Course: N 44-14-40 W
Course In: N 89-14-40 W Course Out: N 00-45-20 E
RP North: 1939289.5058 East : 6280943.1063
End North: 1939309.5041 East : 6280943.3700
Line Course: N 89-14-40 W Length: 16.00
North: 1939309.7151 East : 6280927.3714
Line Course: S 00-45-20 W Length: 895.91
North: 1938413.8830 East : 6280915.5574

Perimeter: 1853.93 Area: 32,140 sq.ft. 0.74 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0085 Course: N 30-53-50 W
Error North: 0.00729 East : -0.00436
Precision 1: 218,110.59

R- 299113

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	90°00'00"	20.00'	31.42'

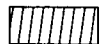
LINE TABLE		
LINE	LENGTH	BEARING
L1	16.00'	N89°14'40"W
L2	36.02'	N88°38'38"E

ASSESSOR'S PARCEL NUMBER:
303-142-13

REFERENCE DRAWING:
MAP NO. 14097, MAP NO. 14231,
32070-D, 32168-D

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS PLAT IS
THE WESTERLY LINE OF LOT "C" OF BLACK
MOUNTAIN RANCH UNIT NO. 12 AS SHOWN ON
MAP NO. 14097.
IE N 00°45' 20" E.

LEGEND:



PARCEL 'A'
INDICATES LAND ACQUISITION
AREA= 0.74 ACRE



INDICATES GENERAL UTILITY AND ACCESS
EASEMENT PER MAP NO. 14097



INDICATES IRREVOCABLE OFFER TO DEDICATE
PUBLIC STREET PER MAP NO. 14097



INDICATES PEDESTRIAN AND NON-MOTOR
VEHICULAR RIGHT OF WAY PER MAP NO. 14097



INDICATES SLOPE EASEMENT PER MAP NO. 14097



INDICATES CAMINO DE LA LUNA AS DEDICATED
PER MAP 14097



INDICATES OPEN SPACE EASEMENT GRANTED
PER DOC. REC. 12-07-2000 AS DOC. NO.
2000-0667265 O.R.

(R) INDICATES RADIAL BEARING

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING

1"=100' SCALE

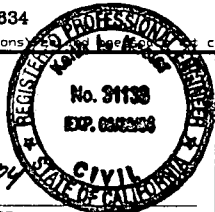
Latitude 33

Planning and Engineering



4933 Paramount Drive, Second Floor
San Diego, CA 92123
858-751-0833 Fax 858-751-0834

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Keith L. Keeter
3-12-04

KEITH L. KEETER R.C.E. 31138 DATE
REGISTRATION EXPIRES 6-30-2004

LAND ACQUISITION
PORTION OF LOT 'C' OF BLACK MOUNTAIN RANCH
UNIT 12 OF MAP NO. 14097

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 3 SHEETS	T.M. NO. 41-0480
ORIGINAL	LAT33				<i>Keeter</i> 3/15/04 FOR CITY ENGINEER DATE	W.O. NO. 420711
						1938-6279 CCS '83 COORDINATES
						298-1719 LAMBERT COORDINATES
					R-299113	19898-2-B