# RESOLUTION NUMBER R- 300097 ADOPTED ON FEB 0 1 2005

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0901 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of portions of Black Mountain Road and Carmel Valley Road; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the easement either for the purpose for which right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated; and
  - (b) the public will benefit from the vacation through improved utilization of land; and
- (c) the vacation does not adversely affect the General Plan or an approved Community Plan; and
- (d) the public 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 the easement portions of Black Mountain Road and Carmel Valley Road, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No.20262-1-B and 20262-2-B marked as Exhibit "B", and on file in the office of the City Clerk

as Document No. RR-300097, which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

John C. Hemmerling Deputy City Attorney

JCH:als 01/13/05

Or.Dept: Dev.Svcs

PTS: 46796 WO: 423096 DWG: 20262-B R-2005-709 MMS#1243

### **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

STREET VACATION OF A PORTION OF BLACK MOUNTAIN ROAD (O.S. 57)

### PARCEL 'A':

ALL THAT PORTION OF THAT CERTAIN TRAVELED WAY KNOWN AS BLACK MOUNTAIN ROAD PER O.S. 57 DEDICATED PER BOARD OF SUPERVISORS MINUTES FEBRUARY 27, 1886, BOOK 7, PAGE 200, WITHIN PARCEL 4 OF PARCEL MAP NO. 18755 RECORDED JULY 19, 2001 AND WITHIN PARCEL 2 OF PARCEL MAP NO. 18971 RECORDED MAY 23, 2002 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 18971, SAID POINT ALSO BEING THE BEGINNING OF A 250.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°38'52" AN ARC LENGTH OF 46.46 FEET TO A POINT ON A 875.00 FOOT RADIUS CURVE CONCAVE WESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 87°55'36" EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING; THENCE LEAVING THE NORTHERLY LINE OF SAID PARCEL 2 AND IN A NORTHERLY DIRECTION ALONG THE ARC OF SAID 875.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 01°23'11" AN ARC LENGTH OF 21.17 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TRAVELED WAY KNOWN AS BLACK MOUNTAIN ROAD, SAID POINT ALSO BEING ON A 230.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT ON SAID 230.00 FOOT RADIUS CURVE BEARS SOUTH 22°45'15" EAST; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°17'56" AN ARC LENGTH OF 65.43 FEET:

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 50°56'52" EAST A DISTANCE OF 62.25 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 78°36'02" EAST A DISTANCE OF 86.19 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID TRAVELED WAY KNOWN AS BLACK MOUNTAIN ROAD; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, SOUTH 50°56'52" WEST A DISTANCE OF 138.59 FEET TO THE BEGINNING OF A 270.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°28'17" AN ARC LENGTH OF 91.76 FEET TO A POINT ON A NON-TANGENT 875.00 FOOT RADIUS CURVE CONCAVE WESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 89°18'40" EAST; THENCE ALONG THE ARC OF SAID CURVE IN A NORTHERLY DIRECTION THROUGH A CENTRAL ANGLE OF 01°23'05" AN ARC LENGTH OF 21.15 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 0.164 ACRES MORE OR LESS

C/JOHN EARDENSOHN L.S. 5278 EXPIRES 12/31/05

P.T.S. NUMBER: 46796 DRAWING NO. 20262-B

### **EXHIBIT "A"**

## **LEGAL DESCRIPTION**STREET VACATION OF A PORTION OF CARMEL VALLEY ROAD

### PARCEL 'B':

THAT PORTION OF CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED JULY 21, 2000 AS DOC. NO. 2000-0385589 WITHIN A PORTION OF PARCEL 2 OF PARCEL MAP NO. 18971 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER MAY 23, 2002 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 18971, SAID POINT ALSO BEING THE BEGINNING OF A 1289.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°45'08" AN ARC LENGTH OF 16.92 FEET; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID PARCEL 2, SOUTH 78°36'02" WEST A DISTANCE OF 208.75 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SAID CARMEL VALLEY ROAD AND A POINT ON A 1075.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 48°07'41" WEST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE LEAVING THE NORTHERLY LINE OF SAID PARCEL 2 AND IN A SOUTHWESTERLY DIRECTION ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°56'41" AN ARC LENGTH OF 149.06 FEET: THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE, SOUTH 33°55'38" WEST A DISTANCE OF 453.23 FEET TO A POINT ON A NON-TANGENT 662.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 66°13'32" EAST; THENCE LEAVING SAID SOUTHEASTERLY RIGHT-OF-WAY LINE AND IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°33'31" AN ARC LENGTH OF 29.56 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED APRIL 1, 1980 AS FILE NO. 80-111644 OF OFFICIAL RECORD, SAID POINT ALSO BEING ON A NON-TANGENT 520.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 56°16'09" EAST: THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°34'57" AN ARC LENGTH OF 214.03 FEET, A LINE RADIAL TO SAID POINT BEARS SOUTH 79°51'06" EAST, SAID POINT ALSO BEING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED JULY 21, 2000 AS DOC. NO. 2000-0385589 OF OFFICIAL RECORD;

THENCE LEAVING SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD, THE FOLLOWING THREE COURSES: NORTH 33°55′38" EAST A DISTANCE OF 216.37 FEET TO THE BEGINNING OF A 1125.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°21′55" AN ARC LENGTH OF 26.81 FEET TO THE BEGINNING OF A REVERSE CURVE HAVING A RADIUS OF 20.00 FOOT; THENCE IN A NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 80°35′05" AN ARC LENGTH OF 28.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A TRAVELED WAY KNOWN AS BLACK MOUNTAIN ROAD PER O.S. 57 DEDICATED PER BOARD OF SUPERVISORS MINUTES FEBRUARY 27, 1886, BOOK 7, PAGE 200;

THENCE LEAVING SAID NORTHWESTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD AND ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BLACK MOUNTAIN ROAD, NORTH 50°56'52" EAST A DISTANCE OF 37.16 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL 2; THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BLACK MOUNTAIN ROAD AND ALONG THE NORTHERLY LINE OF SAID PARCEL 2, NORTH 78°36'02" EAST A DISTANCE OF 92.98 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND CONTAINS AN AREA OF 0.498 ACRES MORE OR LESS

#### PARCEL 'C':

THAT PORTION OF CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED APRIL 1, 1980 AS FILE/PAGE NO. 111644 WITHIN A PORTION OF PARCEL 2 OF PARCEL MAP NO. 18971 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER MAY 23, 2002 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 2 OF SAID PARCEL MAP NO. 18971, SAID POINT ALSO BEING THE BEGINNING OF A 250.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 10°38'52" AN ARC LENGTH OF 46.46 FEET TO A POINT ON A NON-TANGENT 875.00 FOOT RADIUS CURVE CONCAVE WESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 87°55'36" EAST; THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°23'05" AN ARC LENGTH OF 21.15 FEET TO A POINT ON A NON-TANGENT 270.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY AND THE SOUTHERLY RIGHT-OF-WAY LINE OF A TRAVELED WAY KNOWN AS BLACK MOUNTAIN ROAD PER O.S. 57 DEDICATED PER BOARD OF SUPERVISORS MINUTES FEBRUARY 27, 1886, BOOK 7, PAGE 200, A LINE RADIAL TO SAID POINT BEARS SOUTH 19°34'54" EAST, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING;

THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF BLACK MOUNTAIN ROAD AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°12'32" AN ARC LENGTH OF 33.97 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED APRIL 1, 1980 AS FILE NO. 80-111644 OF OFFICIAL RECORD, SAID POINT ALSO BEING ON A 520.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS NORTH 85°32'02" EAST; THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF BLACK MOUNTAIN ROAD AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 38°11'49" AN ARC LENGTH OF 346.66 FEET TO A POINT ON A NON-TANGENT 662.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 68°47'03" EAST; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 06°57'35" AN ARC LENGTH OF 80.41 FEET; THENCE NORTH 14°15'22" EAST A DISTANCE OF 13.76 FEET TO THE BEGINNING OF A 875.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°56'42" AN ARC LENGTH OF 228.23 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND CONTAINS AN AREA OF 0.182 ACRES MORE OR LESS

### PARCEL 'D':

THAT PORTION OF BLACK MOUNTAIN ROAD DEDICATED PER DOCUMENT RECORDED JULY 21, 2000 AS DOC. NO. 2000-0385589 WITHIN A PORTION OF PARCEL 4 OF PARCEL MAP NO. 18755 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER JULY 19, 2001 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 2 OF PARCEL MAP NO. 18971 RECORDED MAY 23, 2002 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER, SAID POINT ALSO BEING THE BEGINNING OF A 1289.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE IN A SOUTHWESTERLY DIRECTION ALONG THE NORTHERLY LINE OF SAID PARCEL 2 AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°45'08" AN ARC LENGTH OF 16.92 FEET; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID PARCEL 2, SOUTH 78°36'02" WEST A DISTANCE OF 344.82 FEET TO AN ANGLE POINT IN THE NORTHERLY LINE OF SAID PARCEL 2; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 78°36'02" WEST A DISTANCE OF 43.10 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF A TRAVELED WAY KNOWN AS BLACK MOUNTAIN ROAD PER O.S. 57 DEDICATED PER BOARD OF SUPERVISORS MINUTES FEBRUARY 27, 1886, BOOK 7, PAGE 200 AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF BLACK MOUNTAIN ROAD, SOUTH 50°56′52" WEST A DISTANCE OF 11.03 FEET TO A POINT ON A NON-TANGENT 60.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 25°46′02" WEST, SAID POINT ALSO BEING ON A CUL-DE-SAC DEDICATED PER DOCUMENT RECORDED JULY 21, 2000 AS DOC. NO. 2000-0385589 OF OFFICIAL RECORD; THENCE IN A NORTHWESTERLY DIRECTION ALONG SAID CUL-DE-SAC AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 07°28′22" AN ARC LENGTH OF 7.83 FEET; THENCE LEAVING SAID CUL-DE-SAC, NORTH 78°36′02" EAST A DISTANCE OF 15.68 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID LAND CONTAINS AN AREA OF 40.816 SQUARE FEET MORE OR LESS

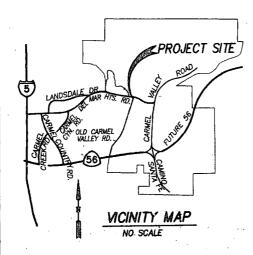
LATITUDE 33

C/JOHN EARDENSOHN

LS. 5278 EXPIRES 12/31/05

DATE

P.T.S. NUMBER: 46796 DRAWING NO. 20262-B



### ASSESSOR'S PARCEL NUMBER: 305-030-36 AND 305-030-30

<u>REFERENCE DRAWING:</u>
0.S. 57, R.O.S. 16399, P.M. 18971
P.M. 18755

BASIS OF BEARINGS: THE BASIS OF BEARING FOR THIS DRAWING IS THE NORTHERLY LINE OF PARCEL 2 OF PARCEL MAP NO. 18971, I.E. NORTH 78°36'02" EAST.

Latitude 33

4888 Puremount Drive, 2nd Floor Snn Diego, CA 23128 858-761-0538 Fer 888-761-0334 LEGEND:

TPOB TRUE POINT OF BEGINNING

POB POINT OF BEGINNING

INDICATES PORTION OF OLD SURVEY NO. 57
(KNOWN AS BLACK MOUNTAIN ROAD) DEDICATED
PER BOARD OF SUPERVISORS MINUTES, FEB.
27, 1886, BOOK 7, PAGE 200, VACATED
PARCEL 'A' AREA= 0.164 ACRES

INDICATES PORTION OF CARMEL VALLEY ROAD
DEDICATED PER DOCUMENT RECORDED JULY 21,
2000 AS DOC. NO 2000-0385589, O.R., VACATED
PARCEL 'B' AREA= 0.498 ACRES
PARCEL 'D' AREA= 40.816 SQ. FT.

INDICATES PORTION OF CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED APRIL 1, 1980 AS AS F/P NO. 111644, O.R., VACATED PARCEL 'C' AREA= 0.182 ACRES

- (A) INDICATES CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED JULY 21, 2000 AS DOC. NO. 2000-0385589 AND 2000-0385599, O.R. (CITY DWG. NO. 00020-C)
- (B) INDICATES 40' WIDE EASEMENT FOR STREET PURPOSES TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 1, 1980 AS FILE NO. 80-111644, O.R. (CITY DWG. NO. 17908-D)
- (C) INDICATES EASEMENT FOR STREET PURPOSES TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED SEPTEMBER 1, 1982 AS FILE NO. 82-271463, O.R.
- (D) INDICATES DEL MAR HEIGHTS ROAD DEDICATED PER DOCUMENT RECORDED AUGUST 4, 2003 AS DOC. NO. 2003-0935868, O.R. (CITY DWG. NO. 00088-C)
- (E) INDICATES CARMEL VALLEY ROAD DEDICATED PER DOCUMENT RECORDED AUGUST 4, 2003 AS DOC. NO. 2003-0935868, O.R. (CITY DWG. NO. 00088-C)
- (F) INDICATES PORTION OF OLD SURVEY NO. 57 (KNOWN AS BLACK MOUNTAIN ROAD) DEDICATED PER BOARD OF SUPERVISORS MINUTES, FEB. 27, 1886, BOOK 7, PAGE 200.
- (G) INDICATES PORTION OF DEL. MAR HEIGHTS ROAD DEDICATED PER PARCEL MAP NO. 18755.

CAJOHN EARDENSOHN L.S. 5278
REGISTRATION EXPIRES 12-31-2005

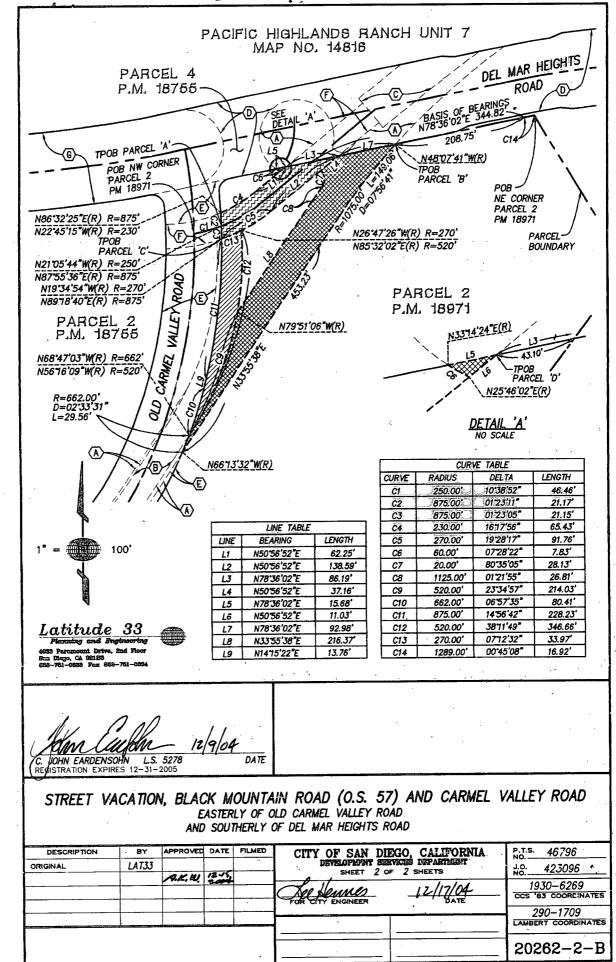
DATE

STREET VACATION, BLACK MOUNTAIN ROAD (O.S. 57) AND CARMEL VALLEY ROAD

EASTERLY OF OLD CARMEL VALLEY ROAD

AND SOUTHERLY OF DEL MAR HEIGHTS ROAD

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 46796
ORIGINAL	LAT33				DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 2 SHEETS	J.O. 423096
		AIKW.	2015			140.
					See Jennes 12/17/04	1930-6269 CCS '83 COORDINATES
					FOR CITY ENGINEER DATE	
						290-1709 LAMBERT COORDINATES
				•		
						20262-1-B
					————   —————————————————————————————	



R-300097