

RESOLUTION NUMBER R- 300174

ADOPTED ON MAR 01 2005

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

WHEREAS, the affected property owner has requested the vacation of a portion of John Street to facilitate development of the site as conditioned in approved Coastal Development Permit No. 40627; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Public Rights-of-Way Vacation Permit No. 40630:

Section 125.0941 Findings for Public Right-of-Way Vacation Approval:

1. **There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.** John Street at the project location is an unimproved paper street 60 feet in width which gains access from the west, off Albion Street, and terminates 125 feet to the east, at the top edge of a 40' drop into a residential along Gage Drive. John Street currently dead ends along the frontage of the subject site and is not a through street. A portion of John Street at Gage Drive has previously been vacated through Resolution 153470. The Transportation Element of the Peninsula Community Plan does not identify John Street as a pedestrian path, or as a key component of access and circulation in the community. The end of John Street is not used as a view corridor or important community gathering place. The terminus of John Street is sometimes used for non-designated parking. The proposed vacation would not eliminate this informal, non-designated street parking area. There is no through access for pedestrians or vehicular traffic due to the abutting steep drop and the street is limited to serving the three existing residences at 885 Albion (the subject project property), 905 Albion, and 3544 John Street. The existing driveable width of John Street is 21'-0" at its widest point and would not require relocation. Properties that currently take access from John Street would not be affected by the partial vacation of the right-of-way. The portion of John Street to remain would provide a 45'-0" sub-standard right-of-way remaining for adequate and reasonable access to 3544 John Street and 905 Albion Street. The vacation would not precipitate a name change for the street, and would not adversely affect access for fire or other emergency services. There is no

present or prospective public use for the portion of John Street public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

2. The public will benefit from the action through improvised use of the land made available by vacation. The project street vacation element includes public improvements to John Street. John Street is currently not continuously paved and is configured such that drainage flowing north downhill along Albion can enter into John Street and adversely affect the existing slope and the downhill properties on Gage Drive. Per Coastal Development Permit No. 40627, the project will be required to pave John Street and change the grade at the entrance of John Street at Albion in order to preclude normal stormwater runoff from Albion from entering John Street. The public will benefit from the vacation through improved utilization of the vacated land and the implementation of corrective measures to improve street drainage in the project vicinity. The drainage improvements will protect the existing slope from erosion resulting in increased protection to the downhill residents on Gage Drive.

3. The vacation does not adversely affect any applicable land use plan. John Street currently dead ends along the frontage of the project site and is not a through street. A portion of John Street at Gage Drive has previously been vacated through Resolution 153470. The vacation would not adversely affect the existing character of the project vicinity within the Wooded Area residential neighborhood of the Peninsula Community Plan. The Transportation Element of the Peninsula Community Plan does not identify John Street as a pedestrian path, or as a key component of access and circulation in the community. The end of John Street is not used as a view corridor or important community gathering place. The terminus of John Street is sometimes used for non-designated parking. The proposed vacation would not eliminate this informal, non-designated street parking area. Albion Street is identified as part of a proposed Class III bikeway system and the proposed vacation of a portion of John Street would not adversely affect this bikeway plan

The proposed vacation would not adversely affect the certified Peninsula Community Plan and Local Coastal Program plan or any other applicable land use plan.

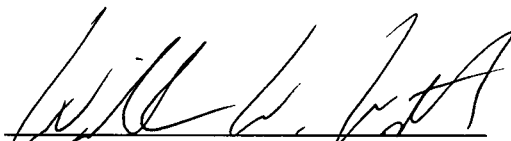
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. John Street at the project location is an unimproved paper street 60 feet in width which gains access from the west, off Albion Street, and terminates 125 feet to the east, at the top edge of a 40' drop into a residential along Gage Drive. A portion of John Street at Gage Drive has previously been vacated through Resolution 153470. There is no through access for pedestrians or vehicular traffic due to the abutting steep drop and the street is limited to serving the three existing residences at 885 Albion (the subject project property), 905 Albion, and 3544 John Street. The existing driveable width of John Street is only 21'-0" at its widest point and would not require relocation. Properties that currently take access from John Street would not be affected by the partial vacation of the right-of-way. The portion of John Street to remain would provide a 45'-0" sub-standard right-of-way remaining for adequate and reasonable access to 3544 John Street and 905 Albion Street. The vacation would not precipitate a name change for the street, and would not adversely affect access for fire or other emergency services. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the proposed vacation.

BE IT FURTHER RESOLVED, as follows:

1. That the portion of John Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20295-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 300174-1, and RR- 300174-2 which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom an easement for general utility and emergency access together with ingress and egress for that purpose.

2. That the City Clerk shall 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: MICHAEL J. AGUIRRE, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:pev
01/14/05
Or.Dept:DSD
R-2005-843
MMS #1423

EXHIBIT 'A'

STREET VACATION
APN: 531-592-01

THAT PORTION OF JOHN STREET DEDICATED ON PARCEL MAP No. 423, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON NOVEMBER 9, 1914, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTHERLY MOST 15 FEET OF JOHN STREET ADJOINING THE NORTHERLY PROPERTY LINE OF PARCELS 9 THROUGH 13, INCLUSIVE, OF BLOCK 14 OF SAID MAP NO. 423.

CONTAINING 1,874 SF

0.04 ACRES MORE OR LESS

RESERVING THEREFROM, A GENERAL UTILITY AND ACCESS EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHERLY MOST CORNER OF LOT 13, OF SAID BLOCK 14, OF SAID MAP 423, THENCE ALONG THE NORTHERLY LOT LINE OF SAID LOT 13 SOUTH 76°45'02" EAST A DISTANCE OF 0.66 FEET TO THE **TRUE POINT OF BEGINNING**. THENCE LEAVING SAID LOT LINE NORTH 67°15'32" EAST A DISTANCE OF 25.53 FEET TO A LINE 15.00 FEET NORTHERLY OF AND PARALLEL TO SAID NORTHERLY LOT LINE OF SAID LOT 13; THENCE ALONG SAID LINE SOUTH 76°45'02" EAST A DISTANCE OF 10.21 FEET; THENCE LEAVING SAID LINE SOUTH 67°15'32" WEST, A DISTANCE OF 25.53 FEET TO THE NORTHERLY LOT LINE OF SAID LOT 13; THENCE ALONG SAID LOT LINE NORTH 76°45'02" WEST A DISTANCE OF 10.21 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 261 SF

0.006 ACRES MORE OR LESS



2/7/05

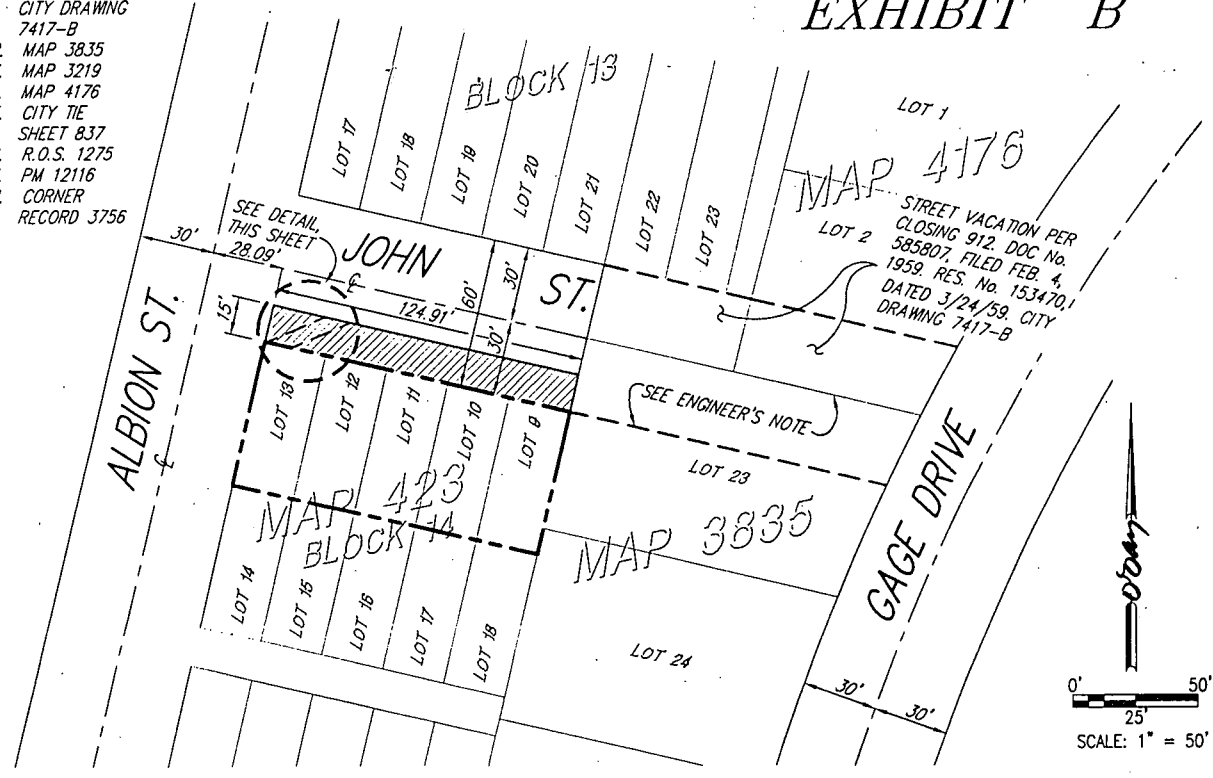
FILE: PTS. 49172
REFERENCE: 20295-B

DOCUMENT NO. RL-300174-1
FILED MAR 01 2005
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

G:\Accts\031068\JohnStVacation3.doc

R 300174

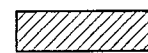
- REFERENCE:
 1. CITY DRAWING 7417-B
 2. MAP 3835
 3. MAP 3219
 4. MAP 4176
 5. CITY TIE SHEET 837
 6. R.O.S. 1275
 7. PM 12116
 8. CORNER RECORD 3756



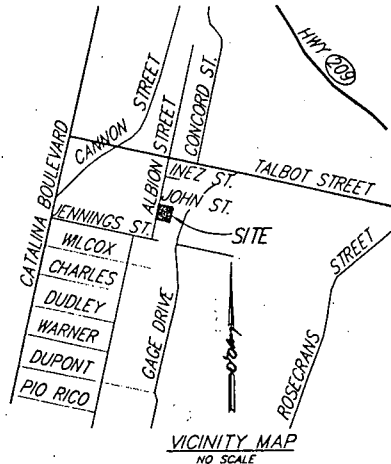
LEGEND:

ENGINEER'S NOTE:
 THE PORTION OF JOHN STREET UNDERLYING LOT 23 OF MAP 3835 HAS NO VACATION OR STREET CLOSING OF RECORD. THE PUBLIC STREETS LEFT IN EFFECT AS DELINEATED ON MAP 3835 DID NOT INCLUDE THE SOUTHERLY PORTION OF JOHN STREET. A WRITTEN NOTIFICATION OF THE ABANDONMENT OF JOHN STREET WAS NOT LISTED ON THE MAP.

VACATED PORTION OF JOHN STREET



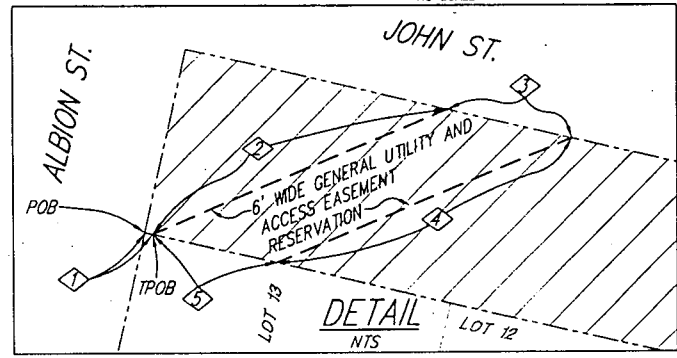
EASEMENT DATA			
NO	DELTA/BEARING	RADIUS	LENGTH
1	S76°45'02"E	-	0.66'
2	N67°15'32"E	-	25.53'
3	S76°45'02"E	-	10.21'
4	S67°15'32"W	-	25.53'
5	N76°45'02"W	-	10.21'



[Signature] 2/7/05
 PATRICK N. O'DAY RCE 27214 EXPIRES 3/31/05

O'Day
 CONSULTANTS
 2730 Laker Ave West
 Suite 100
 Carlsbad, California 92008
 (760) 431-7000
 Fax: (760) 431-9999
 www.oday-consultants.com

Civil Engineering
 Planning
 Processing
 Surveying



DOCUMENT NO. **44-300174-2**
 FILED **MAR 01 2005**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

STREET VACATION - PORTION OF JOHN STREET
 EASTERLY OF ALBION STREET WITH GENERAL UTILITY AND ACCESS
 EASEMENT RESERVATION

©2005 O'Day Consultants, Inc.

CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET				W.O.: PTS 49172
DESCRIPTION				NO.: 423339
BY	APPROVED	DATE	FILMED	1842-6255
	<i>[Signature]</i>	2/9/05		NAD 83 COORDINATES
				202-1695
				LAMBERT COORDINATES
				20295-B
DIVISION HEAD				
SECTION HEAD				
STATUS				

R- 300174