

CORRECTED COPY

RESOLUTION NUMBER R- 301618

DATE OF FINAL PASSAGE JUN 27 2006

WHEREAS, San Diego Municipal Code section 125.0910 provides that a public right of way may be summarily vacated provided that the public right of way is excess and is not required for street or highway purposes; and

WHEREAS, the portion of "B" Street between 32nd and 33rd Streets and the portion of the unnamed alley between "C" and "A" streets west of 33rd Street are excess right of way and are not required for street or highway purposes; and

WHEREAS, San Diego Municipal Code Section 125.1010 provides that a public service easement or other easement may be summarily abandoned if it does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment and the easement has been superseded by relocation and there are no other public facilities located within the easement.

WHEREAS, the three 3-foot wide sewer easements, the two 10-foot wide sewer easements, and the slope maintenance easement, identified on Street and Alley Vacation Exhibit, L.C. 200-1731, CCS 83 1840-6291, do not contain active public utilities that would be affected by the relocation and the easements have been superseded by relocation.

WHEREAS, Subdivision Map Act Section 66445(j) provides a procedure for abandonment of public easements, such that the filing of a parcel map shall constitute as an abandonment of all public streets and public easements not shown on the map; and

WHEREAS, the affected property owner has requested the vacation of the public street easement to unencumber this property; and

WHEREAS, the City Council finds that:

(a) there are no present or prospective uses for the public right-of- ways, public service easements, and other easements either for a public facility or the purposes for which they were 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 any applicable land use plan and is consistent with the General Plan and approved Community Plan; and

(d) the public street system and the other public purposes for which the public service easements and the right-of-way were originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds that certain map surveyed by Thomas A. Jones, licensed Land Surveyor, titled "Parcel Map W.O. No. 421734" [MAP], being a lot consolidation of portions of Lots 1 to 12 inclusive and Lots 38 to 48 and portions of Lots 13, 36 and 37 in Block 122 and Lots 1 to 9 and Lots 40 to 48, inclusive and portions of Lots 10, 11, and 39 in Block 123 of Choates Addition to Portion PL 1151 according

to map thereof No. 167 filed in the Office of the County Recorder of San Diego County November 20, 1886, and together with portions of "A" Street, "B Street, C Street, 33rd Street and unnamed alleys as dedicated to public use.

BE IT FURTHER RESOLVED, that those portions of "B" Street and portions of the unnamed alleys in blocks 122 and 123 as dedicated to public use per Map No. 167 recorded November 20, 1886, of official records; the sewer easement granted to the City of San Diego per Document No. 26458, in Book 1005, Page 171, recorded June 18, 1924, of deeds; the sewer easement granted to the City of San Diego per Document No. 154015, in Book 5046. Page 318, recorded November 13, 1953, of official records; the sewer easement granted to the City of San Diego per Book 5805, Page 97, and accepted by Resolution No. 128557 in Book 5805, Page 96, recorded September 23, 1955, of official records; the slope and maintenance easement granted to the State of California per Document No. 114969, in Book 6689, Page 257, recorded August 1, 1957, and relinquished to the City of San Diego per Document No. 267478, in Book 8068, Page 199, recorded December 29, 1959, of official records are not shown within this map because they have been vacated pursuant to Section 66445(j) of the Subdivision Map Act.

BE IT FURTHER RESOLVED, that a portion of "A" Street, a portion of "C" Street, and a portion of 33rd Street are dedicated to public use as public street and appurtenances thereto, all as shown on this map.

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

1. 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.

R. 301618

2. That prior to the recordation of the street vacation or the approval of any parcel map, and issuance of any building permit the applicant shall cut, plug and abandon all unused water services affected by the vacated portion of Alley public right-of-way between "A" Street and "B" Street, between 33rd Street and Wabash Freeway. The cut, plug and abandonment shall be within "A" Street public right-of-way and must be in a manner which will receive operational acceptance by the Water Department, satisfactory to the Water Department Director.

3. That prior to the recordation of the street vacation or the approval of any parcel map, and issuance of any building permit the applicant shall cut, plug and abandon all unused water services and water main affected by the vacated portion of the "B" Street public right-of-way, between 32nd Street and 33rd Street. The cut, plug and abandonment of all unused water services and water main shall be within the vacated portion of the "B" Street public right-of-way and must be in a manner which will receive operational acceptance by the Water Department, satisfactory to the Water Department Director.

4. That the applicant shall assure by permit and bond the installation of all public improvements as shown more particularly on Drawing No.'s 32719-D (J.O. 421734) and 32938-D (J.O. 422325) respectively in a manner satisfactory to the City Engineer.

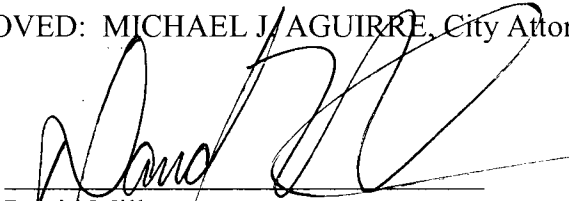
BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit the map to the County Recorder of the County of San Diego, California, for recordation.

BE IT FURTHER RESOLVED, This activity is covered under Brooklyn/Kimbrough Area Elementary School Environmental Impact Report SCH No. 1999101113 dated September 2001, certified by Board of Education on September 25, 2001, and Addendum dated June 2002 and Certified by Board of Education, June 11, 2002. The activity is adequately addressed in the environmental documents and there is no change in circumstance, additional information, or

project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA review per CEQA Guidelines Section §15060(c)(3) and 15378(c).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



David Miller
Deputy City Attorney

DM:cfq
11/02/05
08/04/06 **COR.COPY**
Or.Dept:DSD
R-2006-448
MMS#2720

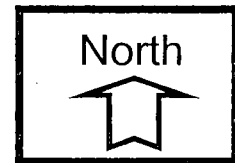
R- 301618

R- 301618

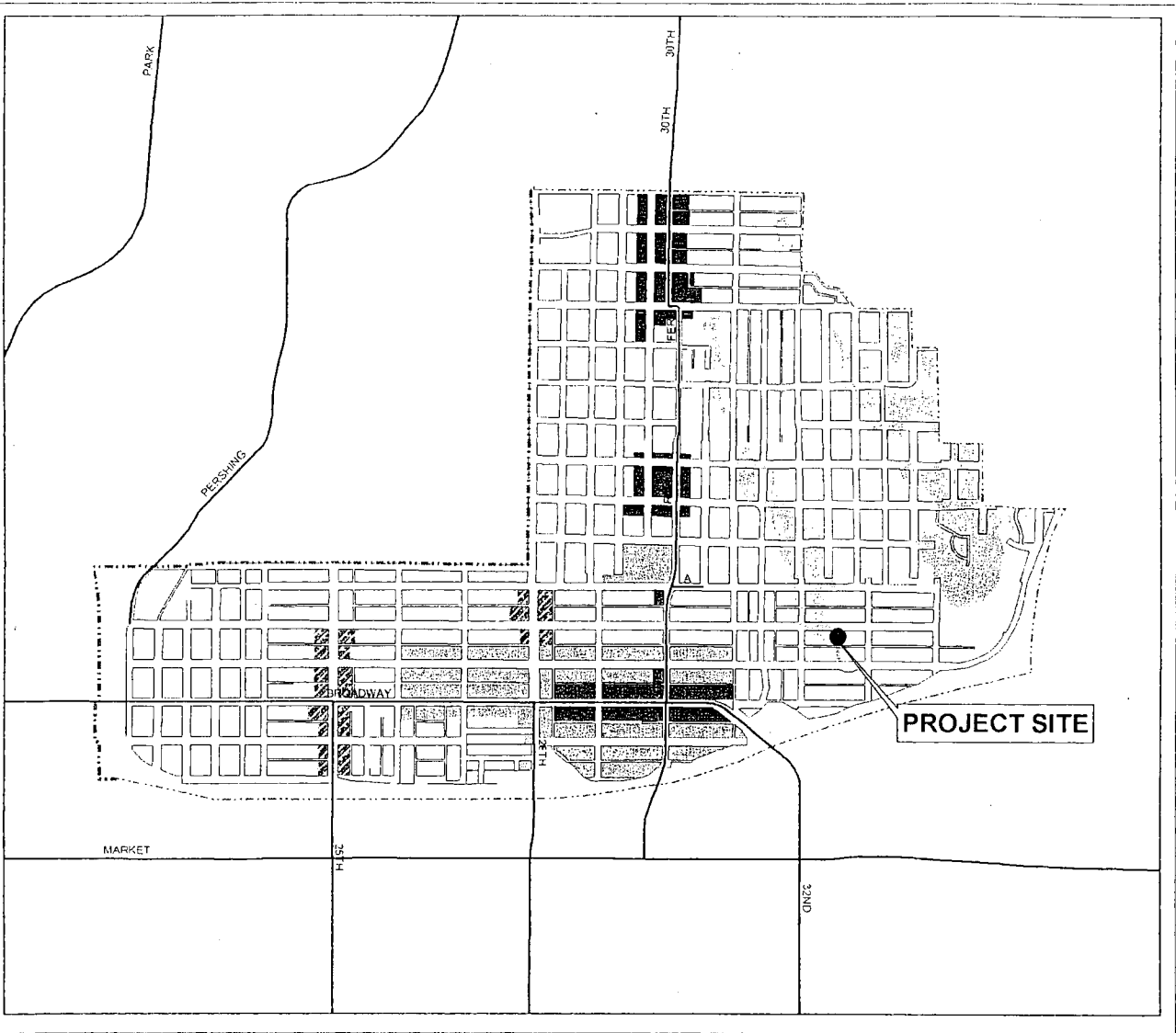


Aerial Photo

Golden Hill Street Vacation - 3261 B Street in Golden Hill



R-301618



City of San Diego
Planning Department

**Greater Golden Hill
Community Plan Land Use**

- Low (1-9 DU/AC)
- Low Medium (10-15 DU/AC)
- Medium (15-19 DU/AC)
- Medium High (29-44 DU/AC)
- High (44-73 DU/AC)
- Community Commercial/PDO
- Institutional
- Neighborhood Commercial/PDO
- Open Space
- Commercial PDO



1 inch equals 1,000 feet

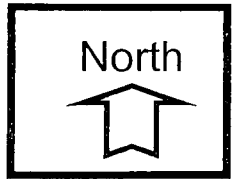
SanGIS
 THIS MAP IS THE CITY'S SOLE PROPERTY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE CITY OF SAN DIEGO.
 The information on this map was derived from the SanGIS Project Information System which is subject to a license under the terms of the City of San Diego.
 The project was prepared by the City of San Diego Planning Department.

Map Document (L:\GIS\FGIS\Community_Projects\Greater Golden Hill\Golden Hill_Plan.mxd)
5/25/2004 - 3:02:48 PM

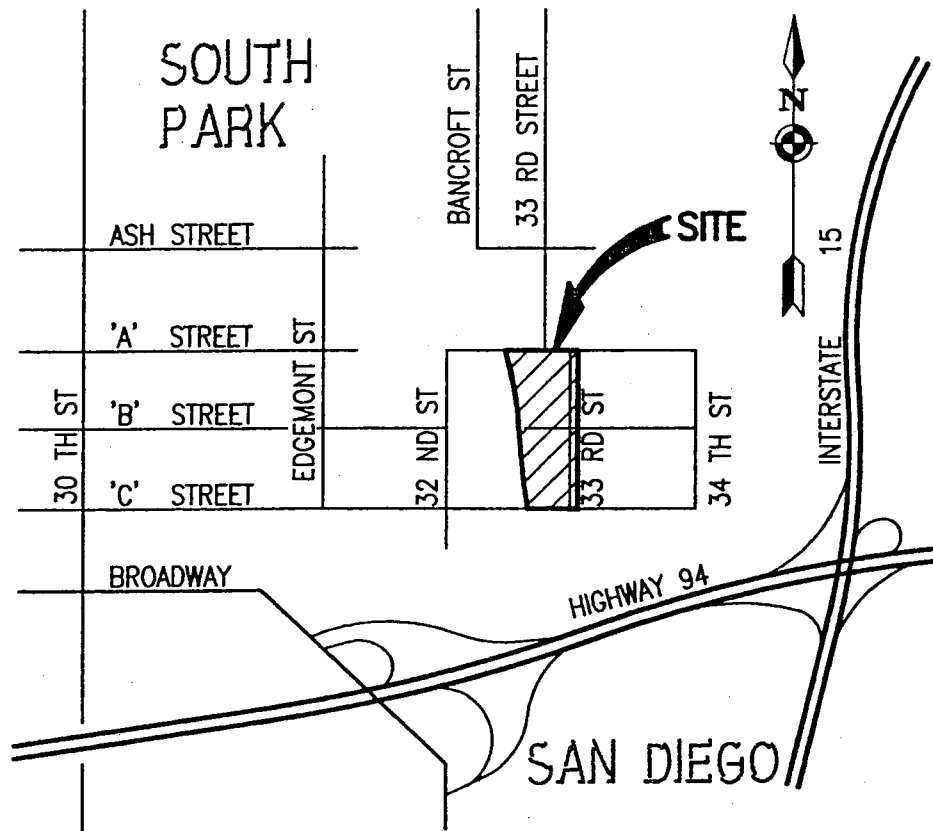


Land Use Map

Golden Hill Street Vacation - 3261 B Street in Golden Hill



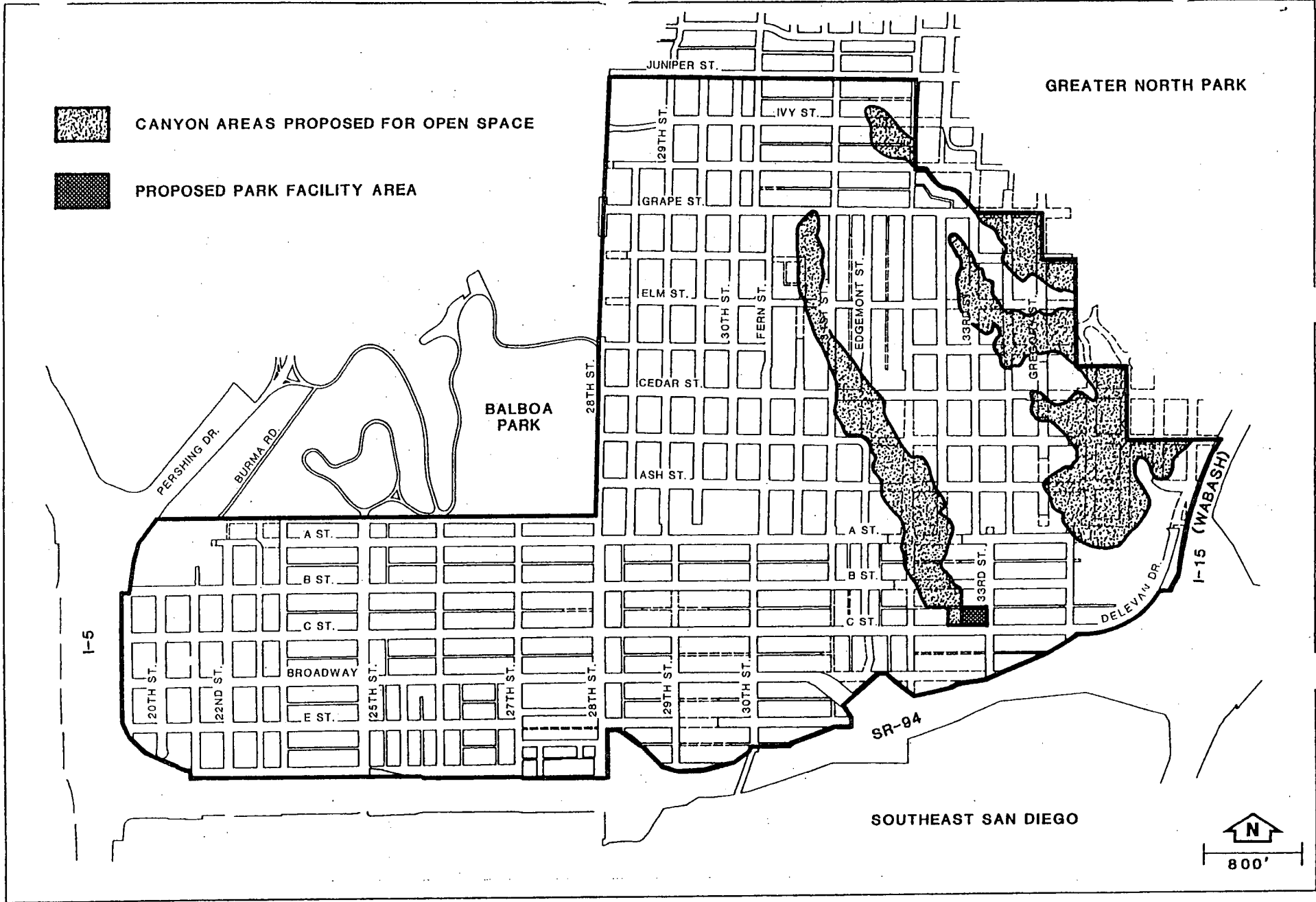
ATTACHMENT 2



VICINITY MAP

NO SCALE

301618



OPEN SPACE / PARK RECOMMENDATIONS

Golden Hill Community Plan
 City of San Diego • Planning Department

Figure 20



PARCEL MAP NO. _____

SHEET 1 OF 5 SHEETS

OWNER'S CERTIFICATE

WE, THE OWNERS OF OR ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP.

WE HEREBY DEDICATE TO PUBLIC USE A PORTION OF 'A' STREET, A PORTION OF 'C' STREET, AND A PORTION OF 33RD STREET FOR USE AS PUBLIC STREETS AND APPURTENANCES THERETO, ALL AS SHOWN ON THIS PARCEL MAP.

WE HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, THE EASEMENT WITH RIGHT OF INGRESS AND EGRESS FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER FACILITIES, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION DESIGNATED AS 'SEWER EASEMENT GRANTED HEREON,' RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY; AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERRECTING OF BUILDINGS, MASONRY WALLS, MASONRY FENCES AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS; OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINES SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE.

SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA, A PUBLIC SCHOOL DISTRICT.

BY: _____ DATE: _____

NAME: R. F. KIESLING
TITLE: CHIEF FACILITIES OFFICER

STATE OF CALIFORNIA) SS
COUNTY OF SAN DIEGO)

ON _____ BEFORE ME, _____ A

NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED R. F. KIESLING, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND

SIGNATURE _____

PRINTED _____

MY COMMISSION EXPIRES ON _____ 20 .

PRINCIPAL PLACE OF BUSINESS IN _____ COUNTY.

PARCEL MAP

BEING A LOT CONSOLIDATION OF LOTS 1 TO 12 INCLUSIVE AND LOTS 38 TO 48 AND PORTIONS OF LOTS 13, 36 AND 37 IN BLOCK 122 AND LOTS 1 TO 9 AND LOTS 40 TO 48 INCLUSIVE AND PORTIONS OF LOTS 10, 11, AND 39 IN BLOCK 123 OF CHOATES ADDITION TO PORTION PL 1151 ACCORDING TO MAP THEREOF NO. 167 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 20, 1886.

TOGETHER WITH PORTIONS OF 'A' STREET, 'B' STREET, 'C' STREET AND 33RD STREET AND UNNAMED ALLEYS AS DEDICATED TO PUBLIC USE.

THOSE PORTIONS OF 'B' STREET AND THE PORTIONS OF THE UNNAMED ALLEYS IN BLOCKS 122 AND 123 AS DEDICATED TO PUBLIC USE PER MAP NO. 167 RECORDED NOVEMBER 20, 1886, OF OFFICIAL RECORDS; THE SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 26458, IN BOOK 1005, PAGE 171, RECORDED JUNE 18, 1924, OF DEEDS; THE SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 134015, IN BOOK 5046, PAGE 318, RECORDED NOVEMBER 13, 1953, OF OFFICIAL RECORDS; THE SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER BOOK 5805, PAGE 97, AND ACCEPTED BY RESOLUTION NO. 128557 IN BOOK 5805, PAGE 96, RECORDED SEPTEMBER 23, 1955, OF OFFICIAL RECORDS; THE SLOPE AND MAINTENANCE EASEMENT GRANTED TO THE STATE OF CALIFORNIA PER DOCUMENT NO. 114969, IN BOOK 6889, PAGE 257, RECORDED AUGUST 1, 1957, AND RELINQUISHED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 267478, IN BOOK 8068, PAGE 199, RECORDED DECEMBER 29, 1959, OF OFFICIAL RECORDS ARE NOT SHOWN WITHIN THIS MAP BECAUSE THEY HAVE BEEN VACATED PURSUANT TO SECTION 66445 (j) OF THE SUBDIVISION MAP ACT.

TITLE REPORT BY: FIRST AMERICAN TITLE COMPANY
ORDER NO. 1858474 (22)

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. _____ THE CITY COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF A PORTION OF 'B' STREET AND ALLEYS IN BLOCKS 122 AND 123 OF MAP NO. 167 AND THE ABANDONMENT OF THE EASEMENTS AS INDICATED HEREON PURSUANT TO THE PROVISIONS OF SECTION 66445(j) OF THE STATE SUBDIVISION MAP ACT, AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN. IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS' SEAL THIS _____ DAY OF _____, 20__

ELIZABETH MALAND
CITY CLERK

BY: _____
DEPUTY

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT ON MAY 21, 2002, AND I CERTIFY THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND I WILL SET ALL OTHER MONUMENTS OF CHARACTER AND AT THE POSITIONS INDICATED BY THE LEGEND IN THIS MAP WITHIN 2 YEARS OF RECORDATION OF THIS MAP UNLESS EXTENDED BY THE CITY ENGINEER AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED (SEE LEGEND ON SHEET 3).

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

THOMAS A. JONES _____ DATE _____
L.S. 6622
LICENSE, EXPIRES 12-31-05



CITY ENGINEER'S CERTIFICATE

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLIES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

FRANK BELOCK, JR.
CITY ENGINEER

BY: _____
LEROY C. HENNES, DEPUTY
L.S. 4804

DATE: _____

RECORDER'S STATEMENT

FILE NO. _____
FILED THIS _____ DAY OF _____, 2005 AT
_____ O'CLOCK _____ M. IN BOOK OF PARCEL MAPS AT PAGE
_____ AT THE REQUEST OF THOMAS A. JONES.

GREGORY SMITH
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

FEES: \$16.00

| | | |
|----------|-------------|------------------|
| TPM NONE | W.O. 421734 | LC. 200-1731 |
| | | CCS 83 1840-6281 |

301618

ATTACHMENT 8

Passed by the Council of The City of San Diego on JUN 27 2006, 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"/> |
| Kevin Faulconer | <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"/> |
| Anthony Young | <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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Ben Hueso | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage JUN 27 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R-301618