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3/6/07

RESOLUTION NUMBER R- 302416

DATE OF FINAL PASSAGE MAR 6 2007

/ WHEREAS, California Streets and Highways Code Section 8330 et seq. and San Diego Municipal Code Section 125.1001 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 the Executive Center Court easement located west of Exposition Way, between Heritage Road and Ocean View Hills Parkway, to unencumber this property; 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; and

WHEREAS, the City Council finds that:

(a) **There is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.** The public right-of-way proposed to be vacated is located adjacent to Lots 7-10 of Ocean View Hills Corporate Center Unit No. 3, Map No. 15157, recorded on October 27, 2005. This right-of-way was granted to provide vehicular access to these four lots which were intended to be sold separately but are currently held under one ownership. The property owner has provided a Covenant and Agreement which requires these four properties be held and maintained as one parcel, and that no portion shall be sold separately. Pursuant to San Diego Municipal Code Section 101.0245 and California Government Code Section 27280, this Covenant has been recorded with the County Recorder as Document No. 2007-0011423. Access to these parcels will be provided and maintained from Exposition Way. Therefore, it is not

anticipated that the right-of-way proposed to be vacated would provide a public use for the purpose for which it was acquired or for any other public use of a like nature that can be anticipated.

(b) The public will benefit from the vacation through improved utilization of land.

The public will benefit in that the vacation will revert the unneeded dedicated public right-of-way back to private ownership. This elimination of an unnecessary street will reduce exposure of the City to costs related to liability and ongoing maintenance of the improvements. Vacation of the unneeded roadway and adjacent curb, gutter and sidewalk improvements will eliminate potential costs for liability claims from accidents including citizens tripping, falling or other mishaps related to the design, construction and/or maintenance of the improvements. The vacation will enable the 0.671-acre site to be consolidated with and utilized for additional development consistent with adjacent parcels, the Industrial Subdistrict of the adopted Otay Mesa Development District, zoning regulations and Otay Mesa Community Plan land use designation. This additional development area will contribute to the viability of development of the adjacent properties by enhancing the efficiency of site design and utility of the site, which are intended to economically benefit the community. These economic benefits include addition of the vacated privately owned land to the tax assessment rolls of the County, and the corresponding increase in revenue from annual property tax assessments. These assessments will increase potential revenues to the City and incrementally reduce the potential for additional public assessments.

(c) The vacation does not adversely affect the General Plan or the adopted Otay Mesa Community Plan. Executive Center Court is currently undeveloped and located within the Otay Mesa Community Plan area. The location of this future street is surrounded by properties designated for and currently being developed with industrial land uses consistent with the adopted land use designation and the Industrial Subdistrict of the Otay Mesa Development District. The four consolidated legal lots adjacent to the undeveloped Executive Center Court right-of-way are provided with alternative frontage from Exposition Way. Executive Center Court is not identified on the current Circulation Map of the Transportation Element of the Otay Mesa Community Plan. The proposed vacation of this surplus right-of-way to enhance development of the adjacent parcels consistent with the Otay Mesa Development District and applicable zoning regulations will be consistent with the goals and objectives of the Otay Mesa Community Plan.

(d) A public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. The need for Executive Center Court no longer exists. Executive Center Court was dedicated to provide vehicular access from Exposition Way to Lots 7 and 8, each of which have frontage on Executive Center Court and Exposition Way, and Lots 9 and 10 which have access only from Executive Center Court and which would otherwise be landlocked by the vacation of this street. With the recording of a Covenant and Agreement by the property owner a binding agreement exists to consolidate the four lots as one parcel and no portion may be sold separately. This consolidation allows required vehicular access and utilities to the parcel to be provided from Exposition Way in lieu of Executive Center Court. Therefore, the public street for which the public right-of-way was originally acquired is

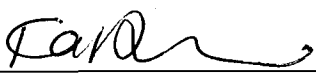
no longer necessary to serve the intended parcels and the public street system for which the right-of-way was originally acquired will not be detrimentally affected by the proposed vacation; and NOW, THEREFORE,

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

1. That the Executive Center Court easement located west of Exposition Way, between Heritage Road and Ocean View Hills Parkway, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20551-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 302416⁻¹, and RR- 302416⁻², which are 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, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

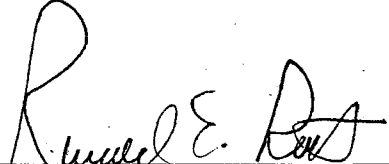
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Kimberly Ann Davies
Deputy City Attorney

KAD:cla
02/06/2007
Or.Dept: DSD
R-2007-736
MMS #4294

**LEGAL DESCRIPTION
FOR
STREET VACATION**

ALL OF EXECUTIVE CENTER COURT, 64.00 FEET IN WIDTH AS SHOWN ON OCEAN VIEW HILLS CORPORATE CENTER, UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15157 RECORDED OCTOBER 27, 2005 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, VACATED.

BY:  DATED: 12/19/06
RONALD E. ROTH, PLS 5506
(MY LICENSE EXPIRES 09-30-08)



CITY DRAWING: 20551-B
J.O. 426595
P.T.S. 105977

DOCUMENT NO. pl-302416-1
FILED MAR 6 2007
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

EXHIBIT B

REFERENCE DRAWINGS

MAP NO. 15157

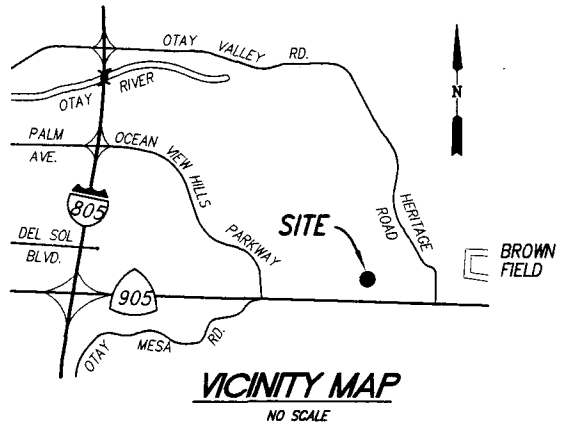
ASSESSOR'S PARCEL NO.

645-050-46

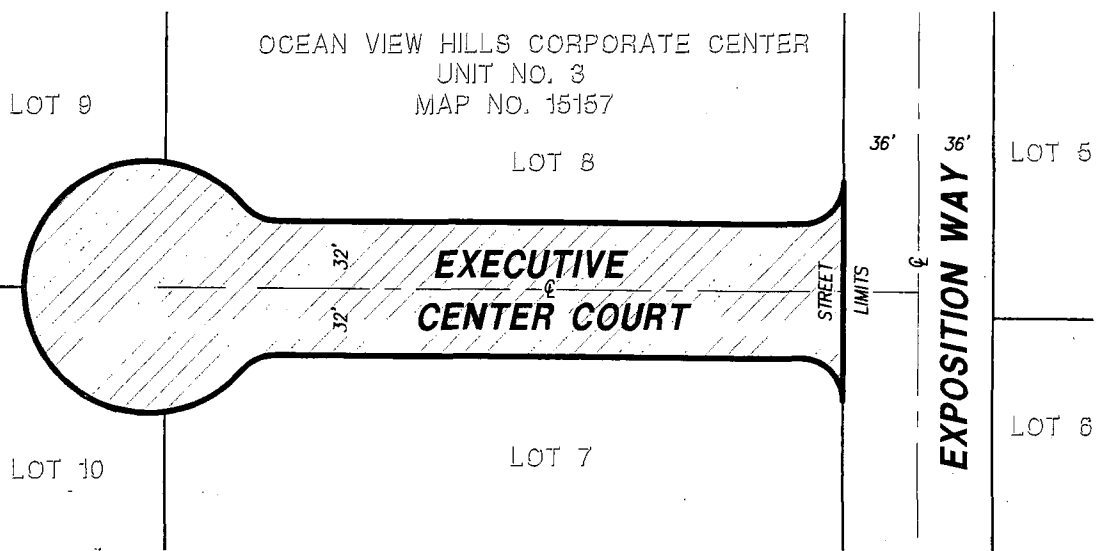
LEGEND



INDICATES STREET VACATION
AREA = 29,236 SQ. FT. OR
0.671 ACRES



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12
13



SCALE 1" = 60'

PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey
701 B Street, Suite 800 San Diego, CA 92101
619.235.6471 Tel 619.234.0349 Fax

Ronald E. Roth 12/19/06
RONALD E. ROTH L.S. 5506 DATE
MY LICENSE EXPIRES 9-30-08

DOCUMENT NO. RP 302416-2

FILED MAR 6 2007
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

PUBLIC STREET VACATION ALL OF EXECUTIVE CENTER COURT
PER OCEAN VIEW HILLS CORPORATE
CENTER UNIT NO. 3
MAP NO. 15157

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 105977
ORIGINAL	PDC				SHEET 1 OF 1 SHEET	NO. 426595
		JT	12/20/06		<i>Lee Hennessy</i> 12/21/06 FOR CITY ENGINEER DATE	1788-6327
						NAD '83 COORDINATES
						148-1767
						LAMBERT COORDINATES
						20551-B