

6/26

RESOLUTION NUMBER R- 302774

DATE OF FINAL PASSAGE JUN 29 2007

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING AND ACCEPTING PACIFIC
HIGHLANDS RANCH UNIT NO. 6 FINAL MAP

WHEREAS, on September 24, 2002, Vesting Tentative Map No. 7248 [VTM] for the Pacific Highlands Ranch Units 5-11 Project filed by Owner/Applicant, Pardee Homes, and Engineer, Latitude 33 Planning and Engineering, was approved by the City Council of San Diego according to Resolution No. R-297087; and

WHEREAS, Pardee Homes and the City of San Diego entered into a Development Agreement for the Pacific Highlands Ranch Units 5-11 Project, which is on file in the office of the City Clerk as Document No. OO-18571 filed on September 8, 1998; and

WHEREAS, Section 5.5 of the Development Agreement for the Pacific Highlands Ranch Project states that, "Pursuant to California Government Code section 66452.6, the expiration date of Owner's tentative maps or vesting tentative maps for the Project, if and when approved, are extended upon being approved, and shall remain valid until the termination date of the Agreement. Notwithstanding any condition or provision which may provide to the contrary, every approval, other than ministerial granted for the Project is extended until the termination date of this Agreement;" and

WHEREAS, the Development Agreement's termination date is November 3, 2018, therefore, the Vesting Tentative Map for the Pacific Highlands Ranch Units 5-11 Project will not expire until November 3, 2018; and

WHEREAS, Patrick A McMichael, Licensed Land Surveyor, surveyed the map entitled "PACIFIC HIGHLANDS RANCH UNIT NO. 6" [MAP], being a subdivision of a portion of Parcel 1 of Parcel Map No. 11718, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, October 9, 1981, together with a portion of Parcel 2 of Parcel Map No. 11718, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, October 9, 1981; 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, Master Environmental Impact Report No. 96-7918 was certified and included environmental analysis and mitigation for potentially significant environmental effects caused by Vesting Tentative Map No. 7248, therefore this final MAP is exempt from further environmental review under CEQA Guidelines section 15268(B)(3); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that all of the findings under Section 66458 of the Subdivision Map Act are adopted as follows:

1. The MAP conforms to all requirements of the Subdivision Map Act; and
2. The MAP conforms to all the requirements of the local subdivision ordinance contained in the San Diego Municipal Code section 144.0401 et. seq.; and
3. The Owner/Applicant has entered into a Subdivision Improvement Agreement guaranteed by an appropriate security to ensure the public improvements will be completed.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Council finds that the MAP is made in the manner and form prescribed by law and conforms to the surrounding surveys; that the MAP is in substantial conformance with the approved tentative map; and that the MAP and the subdivision of land shown thereon is hereby approved and accepted.

BE IT FURTHER RESOLVED, as follows:

1. That the Council accepts on behalf of the public, the following: Lopelia Meadows Place, Zinnia Hills Place, Sunflower Crest Place, Quail Run Street, Valerian Vista Place, Silverbrush Creek Street, Hyacinth Hills Way, Marguerite Creek Way, and public alleys "A" through "H," which together with all appurtenances thereto, are dedicated to the public use as shown on MAP and subject to the conditions as set forth thereon.

2. That Zinnia Place, dedicated per document recorded January 9, 2004 as F/P 2004-0018924, O.R., within the boundary of this MAP as shown on the MAP, has been abandoned and vacated pursuant to Section 66434(g) of the Subdivision Map Act.

3. That the Council accepts on behalf of the City of San Diego, the easement with the right of ingress and egress for the construction and maintenance of water facilities designated as "Water Easement Granted Hereon" as granted and shown on the MAP and subject to the conditions set forth on the MAP.

4. That the Council accepts on behalf of the City of San Diego, the easement for general utility and access purposes over, under, upon, and across a portion of Lots 1 through 33, 35 through 147, and lettered Lots "A" and "F," designated as "General Utility and Access Easement Granted Hereon" as granted and shown on the MAP and subject to the conditions set forth on the MAP.

5. That the Council accepts on behalf of the City of San Diego, the building restricted easements over, upon, or across all those portions of Lot "A" and Lot "C," with the exception of those portions of said Lots as are shown and designated as building sites, designated as "Building Restricted Easement for Recreation Lot Granted Hereon" as granted and shown on the MAP and subject to the conditions set forth on the MAP.

6. That the Council accepts on behalf of the City of San Diego, the building restricted easements over, upon, or across all those portions of Lot "E" and Lot "F," as shown on the MAP and designated as "Building Restricted Easement Granted Hereon" as granted and shown on the MAP and subject to the conditions set forth on the MAP.

7. That the Council accepts on behalf of the City of San Diego, the open space easement over, upon, or across all of Lot "B" and Lot "D," designated "Open Space Easement Granted Hereon," as granted and shown on the MAP and subject to the conditions set forth on the MAP.

8. That the Council accepts on behalf of the City of San Diego, the easement with the right of ingress and egress for the construction and maintenance of drainage facilities, designated "Drainage Easement Granted Hereon," as granted and shown on the MAP and subject to the conditions set forth on the MAP.

9. That the Council accepts on behalf of the City of San Diego, the sight visibility easement over, upon, or across all that portion of Lots 59, 63, 68, 77, 78, 92, 93, 100, 101, 102, 114, 115, 127, 128, 137, 138, 147, and Lot "E" designated as "Sight Visibility Easement Granted Hereon," as granted and shown on the MAP and subject to the conditions set forth on the MAP.

10. That the Council accepts on behalf of the City of San Diego, the easement of right of way for the natural flowage of waters over, upon, or across that portion of Lot "D," designated

as "Flowage Easement Granted Hereon," as granted and shown on the MAP and subject to the conditions set forth on the MAP.

BE IT FURTHER RESOLOVED that the City Clerk is authorized and directed to endorse, upon the MAP, as and for the act of Council, that the Council has approved of the MAP as stated in this resolution.

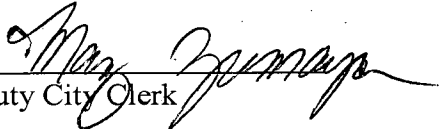
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Nina M. Fain
Deputy City Attorney

NMF:mm
06/07/07
06/08/07 **CORR.COPY**
Or.Dept:DSD
R-2007-1216
MMS#4949

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 26 2007

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6-29-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor