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RESOLUTION NUMBER R- 303007

DATE OF FINAL PASSAGE SEP 18 2007

APPROVING MAP BLACK MOUNTAIN RANCH NORTH
VILLAGE UNIT NO. 3A

WHEREAS, on November 27, 2001, VTM No. 40-0528 [VTM] for North Village at Black Mountain Ranch Project filed by Owner/Applicant Black Mountain Ranch, LLC, a California limited Liability Company and Rick Engineering Company, was approved by the City Council of San Diego according to Resolution No. R-295794; and

WHEREAS, the Tentative Map Resolution No. R-295794 was adopted on November 27, 2001, subsequent recorded final maps extended the termination date for VTM Map 40-0528 to November 27, 2011; and

WHEREAS, that certain map surveyed by Patrick A. Mc Michael, Licensed Land Surveyor, surveyed the map entitled "BLACK MOUNTAIN RANCH NORTH VILLAGE UNIT NO. 3A" [MAP], being a resubdivision of Lots 144 through 153 inclusive, 175 through 181 inclusive, 184 through 189 inclusive, F, AA, AH, and AI of Black Mountain Ranch North Village Unit No. 3 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15207, filed in the Office of the County Recorder of San Diego County, December 16, 2005. The building restricted easement for recreation lot granted to the City of San Diego per Map No. 15207 over Lot "AA" of said map is not shown within this map because it has been abandoned and vacated pursuant to Section 66434(g) of the Subdivision Map Act 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; that the MAP and the subdivision of land shown thereon is hereby approved and accepted.

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 implicated 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, Final Environmental Impact Report No. 96-7902 (SCH No. 97111070) and Addendum to EIR LDR No. 40-0528 was certified and included environmental analysis and mitigation for potentially significant environmental effects caused by VTM No. 40-0528, 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 for 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.

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 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 City of San Diego, the building restricted easement for recreation purposes over, upon or across all those portions of Lot "A"

with the exception of those portions of said lot as are shown and designated as building sites, as shown on the MAP and designated "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.

2. That the Council accepts on behalf of the City of San Diego, the easements for general utility and access purposes over, under, upon and across a portion of Lot 9 as shown on the map and designated as "General Utility and Access Easement Granted Heron" as granted and shown on the MAP and subject to the Conditions set forth on the MAP.

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

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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

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