

336B
12-20

(R-2008-307)
COR.COPY

RESOLUTION NUMBER R- 303138

DATE OF FINAL PASSAGE OCT 30 2007

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0910, in conjunction with the findings of Section 125.0941, provide a procedure for the summary vacation of a public right-of-way by City Council resolution; and

WHEREAS, the applicants Irwin M. Frank and Nancy N. Frank, as the affected property owners, have requested a vacation of a public right-of-way running along a portion of Exchange Place on the south side of the owner's affected property located at 7767 Exchange Place, within the La Jolla Community Planning Area, as specifically described in Exhibit "A" and as shown on Engineering Drawing No. 20659-B, marked as Exhibit "B"; and

WHEREAS, although this public right-of-way does contain public utility facilities, said facilities are not affected by the vacation; and

WHEREAS, this portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; 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 matter was set for public hearing on OCT 30 2007, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; 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 No. 408389:

1. There is no present or prospective public use for this 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 in that this portion of street is not needed for road purposes. The proposed portion of Exchange Place to be vacated is approximately 125 foot long and varies between 9 to 12 feet in width. The area of the proposed vacation is excess right-of-way, and is enclosed by a site wall within an area which appears as part of the property owner's front yard. Based on City records, this portion of the public right-of-way to be vacated has not been utilized by vehicular or pedestrian activity for well over fifty years.

2. The public will benefit from the action through improved use of the land made available by the vacation. The area of the proposed vacation has not been used by the public for over fifty years. The public will benefit from this action, as the area will be maintained as a landscaped portion of the adjacent property owner and increase the property tax value.

3. The vacation does not adversely affect any applicable land use plan. The portion of the Exchange Place to be vacated is not a part of the Transportation Element of the General Plan, the La Jolla Community Plan or La Jolla/La Jolla Shores Local Coastal Program and will not be detrimentally affected by the vacation.

4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The existing improved portions of Exchange Place, including the public sidewalks will not be affected or negatively impacted by this proposed vacation. The area to be vacated is excess right-of-way.


BE IT FURTHER RESOLVED, as follows:

1. That this public right-of-way, more particularly described in the legal description marked as Exhibit "A," and as shown on Engineering Drawing No. 20659-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303138-1 and RR- 303138-2 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.

BE IT FURTHER RESOLVED, that this activity is exempt from the California
Environmental Quality Act [CEQA] pursuant to Sections 15301, 15304 and/or 15305 of the State
CEQA Guidelines:

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
10/08/07
12/11/07 COR.COPY
Or.Dept:DSD
R-2008-307
MM# #5417

EXHIBIT "A"
STREET VACATION - LEGAL DESCRIPTION

THAT PORTION OF EXCHANGE PLACE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON THE MAP OF LA JOLLA PARK, RECORDED AS MAP No. 352, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING SOUTHWESTERLY OF THE SOUTHWESTERLY PROPERTY LINE OF LOT 9 IN BLOCK 47 OF SAID LA JOLLA PARK, MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 9, SAID POINT BEING ALSO THE NORTHEASTERLY INTERSECTION OF THE RIGHT OF WAY LINES OF TORREY PINES ROAD AND EXCHANGE PLACE;
THENCE ALONG THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LOT 9, SOUTH 41°56'43" WEST, 10.65 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 652.07 FEET, A RADIAL TO SAID POINT BEARS NORTH 74°31'41" EAST AND SAID POINT BEING ALSO 31.00 FEET NORTHEASTERLY AND CONCENTRIC WITH THE CENTERLINE OF SAID EXCHANGE PLACE;
THENCE NORTHWESTERLY ALONG SAID NON-TANGENT CURVE, THROUGH A CENTRAL ANGLE OF 3°33'05", AN ARC DISTANCE OF 40.42 FEET TO A RADIAL LINE BEARING NORTH 70°58'36" EAST;
THENCE ALONG SAID RADIAL LINE, SOUTH 70°58'36" WEST, 2.00 FEET TO THE BEGINNING OF A NON-TANGENT 650.07 FOOT RADIUS CURVE CONCENTRIC WITH AND 29.00 FEET NORTHEASTERLY OF THE CENTERLINE OF SAID EXCHANGE PLACE;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°58'47", AN ARC DISTANCE OF 45.15 FEET TO A RADIAL LINE BEARING NORTH 66°59'49" EAST;
THENCE ALONG THE PROLONGATION OF SAID RADIAL LINE, NORTH 66°59'49" EAST, 2.00 FEET TO THE BEGINNING OF A NON-TANGENT 652.07 FOOT RADIUS CURVE CONCENTRIC WITH AND 31.00 FEET NORTHEASTERLY OF THE CENTERLINE OF SAID EXCHANGE PLACE;
THENCE NORTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 3°28'22", AN ARC DISTANCE OF 39.52 FEET TO A RADIAL LINE BEARING NORTH 63°31'28" EAST;
THENCE ALONG THE PROLONGATION OF SAID RADIAL LINE, NORTH 63°31'28" EAST, 9.00 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 9, WHICH IS ALSO THE BEGINNING OF A NON-TANGENT 661.07 FOOT RADIUS CURVE;
THENCE SOUTHEASTERLY ALONG SAID CURVE, WHICH IS ALSO THE NORTHEASTERLY RIGHT OF WAY LINE OF EXCHANGE PLACE AND THE SOUTHWESTERLY LINE OF SAID LOT 9, THROUGH A CENTRAL ANGLE OF 10°30'24", AN ARC DISTANCE OF 121.22 FEET, TO THE POINT OF BEGINNING.

CONTAINS: 1,199 SQ. FT. = 0.028 ACRE



Jerome K. Allen
JEROME K. ALLEN, L.S. 7157
EXP. 12-31-07

7/23/07
DATE

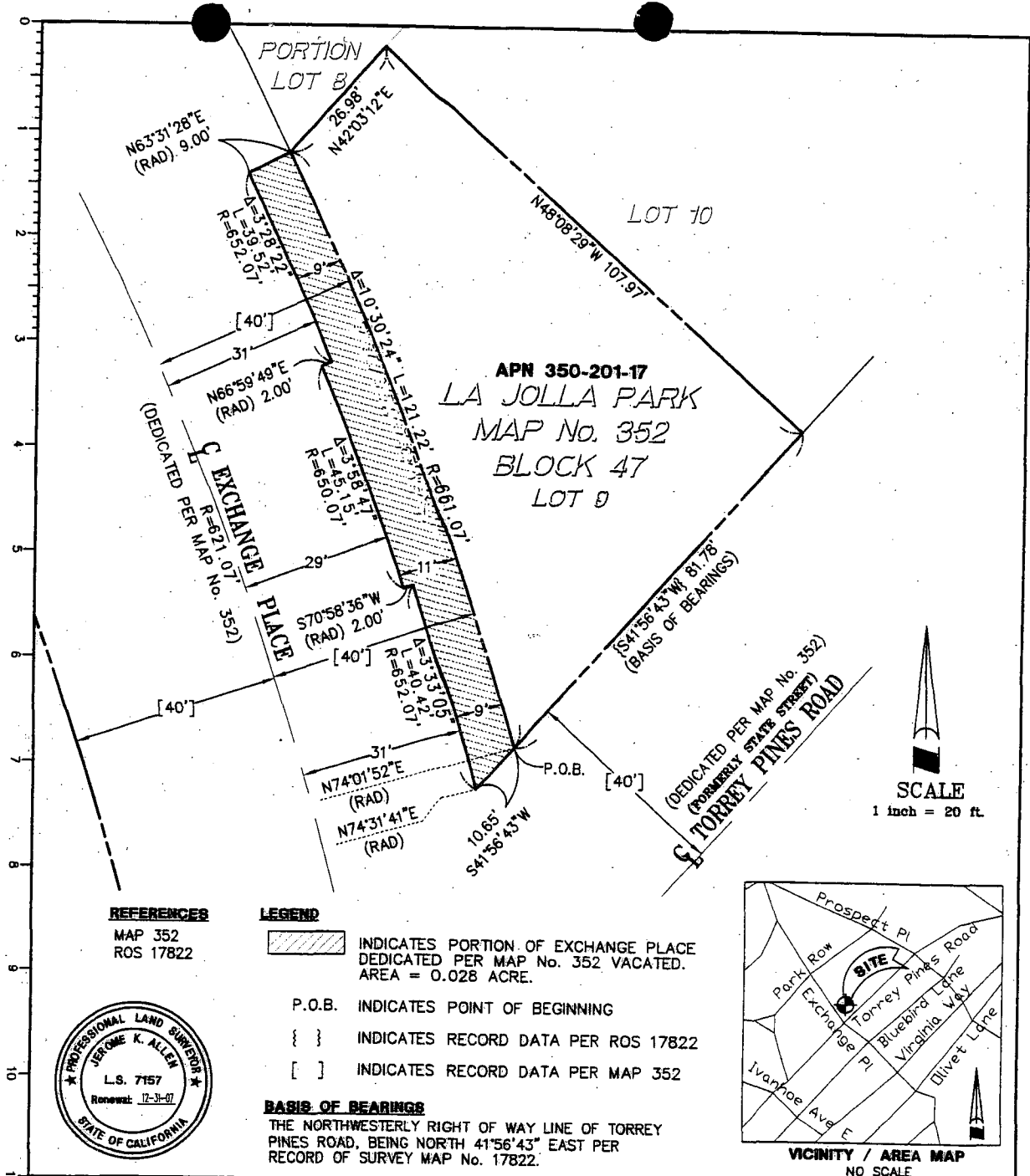
DWG # 20659-B

P.T.S.
No. 120296

J.O.
No. 427291

DOCUMENT NO. 303138-1

FILED OCT 30 2007
OFFICE OF THE CITY CLERK
SAN DIEGO CALIFORNIA



REFERENCES
 MAP 352
 ROS 17822

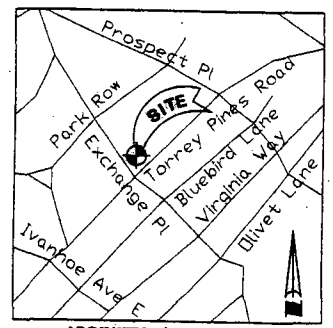


LEGEND

- INDICATES PORTION OF EXCHANGE PLACE DEDICATED PER MAP No. 352 VACATED. AREA = 0.028 ACRE.
- P.O.B. INDICATES POINT OF BEGINNING
- { } INDICATES RECORD DATA PER ROS 17822
- [] INDICATES RECORD DATA PER MAP 352

BASIS OF BEARINGS
 THE NORTHWESTERLY RIGHT OF WAY LINE OF TORREY PINES ROAD, BEING NORTH 41°56'43" EAST PER RECORD OF SURVEY MAP No. 17822.

SCALE
 1 inch = 20 ft.



MPSurveyors Job No. 6752
 17821 SKY PARK CIRCLE, SUITE L
 IRVINE, CALIFORNIA 92614
 Office: (949) 250-0272
 EMAIL: mail@mpsurveyors.com

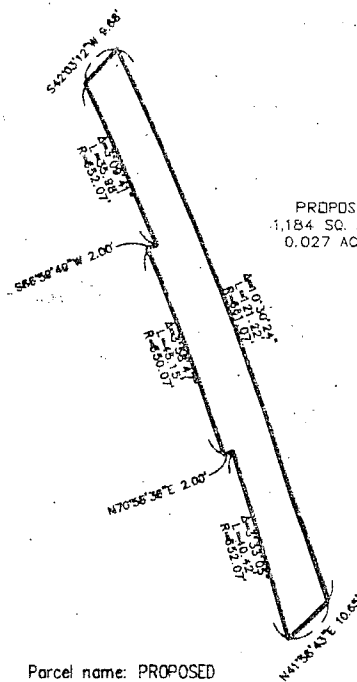
Jerome K. Allen 7/23/07
 JEROME K. ALLEN, L.S. 7157 DATE
 EXP. 12-31-07

STREET VACATION
 A PORTION OF EXCHANGE PLACE BETWEEN TORREY PINES ROAD AND PARK ROW

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	J.O. No. 427291
	✓	TA	7/21/07		SHEET 1 OF 1 SHEET	PTS No. 120296
					<i>Jerome K. Allen</i> 27 JUL 07 FOR CITY ENGINEER DATE	1888-024/ NAD 83 COORDINATES
						248-1687 LAMBERT COORDINATES
						20659-B

DOCUMENT NO. Re303138-2
 OCT 30 2007
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

CLOSURE



PROPOSED
1,184 SQ. FT. =
0.027 ACRES

Parcel name: PROPOSED

North: 5604.3882	East: 5531.0303
Curve Length: 35.98	Radius: 652.07
Delta: 3-09-40	Tangent: 17.99
Chord: 35.97	Course: S 24-35-01 E
Course In: S 63-50-09 W	Course Out: N 66-59-49 E
RP North: 5316.8614	East: 4945.7751
End North: 5571.6775	East: 5545.9951
Line Course: S 66-59-49 W Length: 2.00	
North: 5570.8959	East: 5544.1541
Curve Length: 45.15	Radius: 650.07
Delta: 3-58-47	Tangent: 22.59
Chord: 45.14	Course: S 21-00-47 E
Course In: S 66-59-49 W	Course Out: N 70-58-36 E
RP North: 5316.8614	East: 4945.7751
End North: 5528.7538	East: 5560.3421
Line Course: N 70-58-36 E Length: 2.00	
North: 5529.4057	East: 5562.2329
Curve Length: 40.42	Radius: 652.07
Delta: 3-33-05	Tangent: 20.22
Chord: 40.41	Course: S 17-14-51 E
Course In: S 70-58-36 W	Course Out: N 74-31-41 E
RP North: 5316.8614	East: 4945.7751
End North: 5490.8118	East: 5574.2148
Line Course: N 41-56-43 E Length: 10.65	
North: 5498.7331	East: 5581.3335
Curve Length: 121.22	Radius: 661.07
Delta: 10-30-24	Tangent: 60.78
Chord: 121.05	Course: N 21-13-20 W
Course In: S 74-01-52 W	Course Out: N 63-31-28 E
RP North: 5316.8626	East: 4945.7734
End North: 5611.5782	East: 5537.5134
Line Course: S 42-03-12 W Length: 9.68	
North: 5604.3906	East: 5531.0296

Perimeter: 267.11 Area: 1,184 SQ. FT. = 0.027 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.0025 Course: N 16-23-05 W
Error North: 0.00241 East: -0.00071
Precision 1: 106,840.00

DOCUMENT NO. 3031382

FILED OCT 30 2007

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

PUBLIC
RIGHT OF WAY
VACATION

PREPARED FOR:
MARENGO MORTON
ARCHITECTS
7855 IVANHOE AVE. SUITE 110
LA JOLLA, CA 92037
TEL: 858-459-3769

PREPARED BY:
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SHEET
2
OF 2 SHEETS
DRAWN: 12/01/06
BY: JA
CHECKED: FC
FILE: 6752.dwg