

338
(R-2008-587) (C)
2/5

RESOLUTION NUMBER R- 303403
DATE OF FINAL PASSAGE FEB 05 2008

WHEREAS, California Streets and Highways Code section 8330 et seq., and San Diego Municipal Code section 125.1001 et seq. provide a procedure for the summary vacation of a public street by City Council resolution where the public right-of-way is no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way, to unencumber this property and facilitate development of the site as conditioned in approved Planned Development Permit No. 448699/Site Development Permit No. 448682/Conditional Use Permit No. 448683/Variance No. 512752; and

WHEREAS, the City Council finds that:

- (a) the public will benefit from the vacation through improved utilization of land; and
- (b) the vacation or abandonment does not adversely affect any applicable land use plan;

and

(c) the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, on January 17, 2008, the Planning Commission of the City of San Diego considered Public Right-of-Way Vacation No. 512753, and Planned Development Permit [PDP] No. 448699/Site Development Permit [SDP] No. 448682/Conditional Use Permit [CUP] No. 448683/Variance No. 512752, and pursuant to Resolution No. 4362-PC voted to recommend City Council approval of the public right-of-way vacation; and

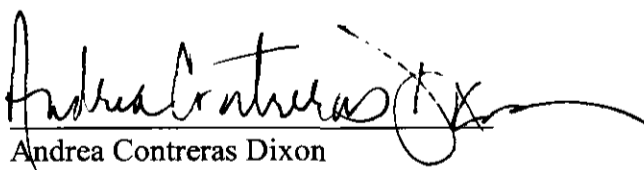
WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the 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, as follows:

1. That the public right-of-way proposed to be vacated within Island Avenue, in connection with Planned Development Permit No. 448699/Site Development Permit No. 448682/Conditional Use Permit No. 448683/Variance No. 512752, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20251-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303403⁻¹, and RR- 303403⁻² 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 him under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
01/18/08
Or.Dept:DSD
R-2008-587
MMS #5785
EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

EXHIBIT "A"

**LEGAL DESCRIPTION
VACATION OF A PORTION OF ISLAND AVENUE**

THE NORTHERLY 10.00 FEET OF ISLAND AVENUE AS DEDICATED PER MAP NO. 29 ADJACENT TO LOTS 6 AND 7 OF BLOCK 7 OF HOITT'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 29 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY.

EXCEPTING THEREFROM THAT PORTION OF SAID ISLAND STREET LYING SOUTHEASTERLY OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY WHICH IS TANGENT TO THE SOUTHERLY LINE OF SAID NORTHERLY 10.00 FEET OF ISLAND AVENUE AND TANGENT TO THE WESTERLY LINE OF 30TH STREET, AND THAT PORTION OF SAID ISLAND AVENUE LYING SOUTHWESTERLY OF A 20.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY WHICH IS TANGENT TO THE SOUTHERLY LINE OF SAID NORTHERLY 10.00 FEET OF ISLAND AVENUE AND TANGENT TO THE EASTERLY LINE OF DODSON STREET.



J. H. Algert 11-30-2007.
JAMES H. ALGERT, RCE 19073

W.O. NO. 427833
P.T.S. NO. 130159
CITY DWG. NO. 20251-B

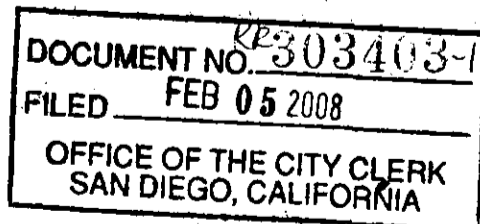
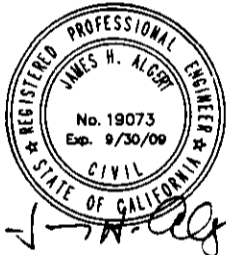
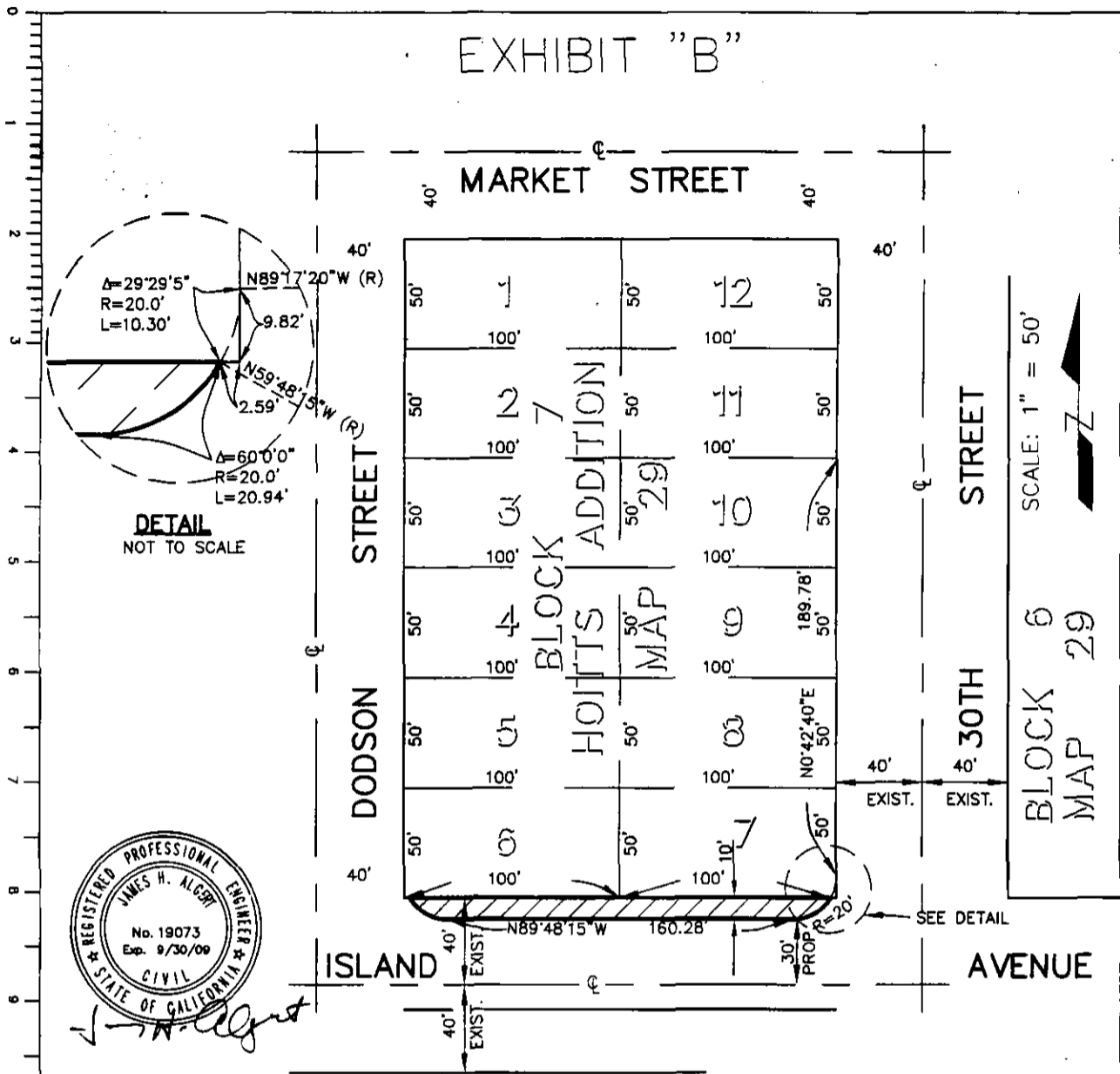


EXHIBIT "B"



INDICATES STREET VACATION
AREA=1582 SQ.FT.

BASIS OF BEARINGS
PER R. OF S. 14492 IN TERMS OF NAD 83 BASIS OF BEARINGS

REFERENCE DRAWINGS
MAP No. 29 & RECORD OF SURVEY No. 14492

A.P.N.
545-105-07, 545-105-06

ALBERT ENGINEERING, INC.
428 BROADWAY
CHULA VISTA, CA. 91910
TEL. (619) 420-7090
FAX. (619) 420-9139

VACATION OF A PORTION OF ISLAND AVENUE
SOUTH OF BLOCK 7 OF HOITT'S ADDITION, MAP 29

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO	PTS. 130159
ORIGINAL					SHEET 1 OF 1	W.O. NO. 427833
	AEA		1-2-08		<i>Ronald J. Roth</i>	1838-6289
					FOR CITY ENGINEER PLS 5771 DATE	NAD 83 COORDINATES
						198-1729
						LAMBERT COORDINATES
						20251-B
STATUS						

JN 5944

DOCUMENT NO. 303403-2
FILED FEB 05 2008