

(R-2008-666) 334
F-10218 3/11

RESOLUTION NUMBER R- 303493

DATE OF FINAL PASSAGE MAR 11 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE VACATION OF THE PUBLIC RIGHT-OF-WAY OF A PORTION OF PARCEL 2 OF PARCEL MAP NO. 17995 AND A PORTION OF PARCEL 1 OF PARCEL MAP NO. 20146, OLD BLACK MOUNTAIN ROAD.

WHEREAS, California Streets and Highways Code section 8300 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, under San Diego Municipal Code section 125.0910(b), a public right-of-way may be summarily vacated if it does not contain public utility facilities, does not contain active public utility facilities, or contains public utility facilities that would not be affected by the vacation and if the public right-of-way, or 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 San Diego Municipal Code section 125.0940, a summary vacation of a public right-of-way pursuant to Section 125.0910(b) does not require a Resolution of Intention as specified in Section 125.0940(b) or a recommendation by the Planning Commission; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement along a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 (Old Black Mountain Road), south of Zaslavsky Place and north of Camino San Bernardo, in the AR-1-1 Zone in the Black Mountain Ranch Community Plan, in the City of San Diego, to unencumber this property and facilitate development of the site;

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and make legal findings based on the evidence presented; NOW, THEREFORE,

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

SDMC § 125.0941 FINDINGS FOR PUBLIC RIGHT-OF-WAY VACATION APPROVAL

- (a) There is no present or prospective use for the 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;
- (b) The public will benefit from the action through improved use of land made available by the vacation;
- (c) The vacation does not adversely affect any applicable land use plan, and is consistent with the General Plan and approved Community Plan; and
- (d) The facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego that the public right-of-way easement located within a Portion of Parcel 2 of Parcel Map No. 17995 and a Portion of Parcel 1 of Parcel Map No. 20146 (Old Black Mountain Road), south of Zaslavsky Place and north of Camino San Bernardo, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20705-1-B and 20705-2-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303493-1

and RR- 303493⁻² which are by this reference incorporated herein and made a part hereof, are ordered vacated.

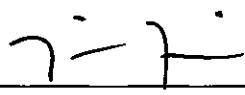
BE IT FURTHER RESOLVED, that the City of San Diego as lead agency under the California Environmental Quality Act has determined the project to be exempt pursuant to California Code of Regulations section 15305 because it is a minor alteration in land use.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Exemption [NOE] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

BE IT FURTHER RESOLVED, that the Development Services Department shall cause a certified copy of this resolution, with attached exhibits, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Nina M. Fain
Deputy City Attorney

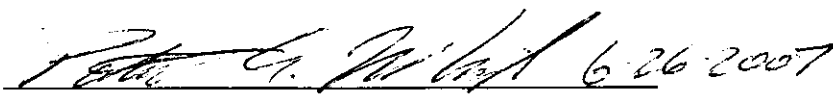
NMF:mm
03/18/08
Or.Dept:DSD
R-2008-666
MMS#5899

J-13504

EXHIBIT "A"

Legal Description
Portion of Black Mountain Road Vacated

All that portion of Black Mountain Road dedicated per document recorded January 27, 1961 as File No. 15879 Official Records, together with the privilege and right to extend drainage structures and excavation and embankment slopes beyond the limit of said road lying within Parcel 2 of Parcel Map No. 17995 and that portion of Parcel 1 of Parcel Map No. 20146 lying Southerly of Zaslavsky Place as dedicated to the City of San Diego per deed recorded April 24, 2007 as File Page No. 2007-0277331 all in the City of San Diego, County of San Diego, State of California.

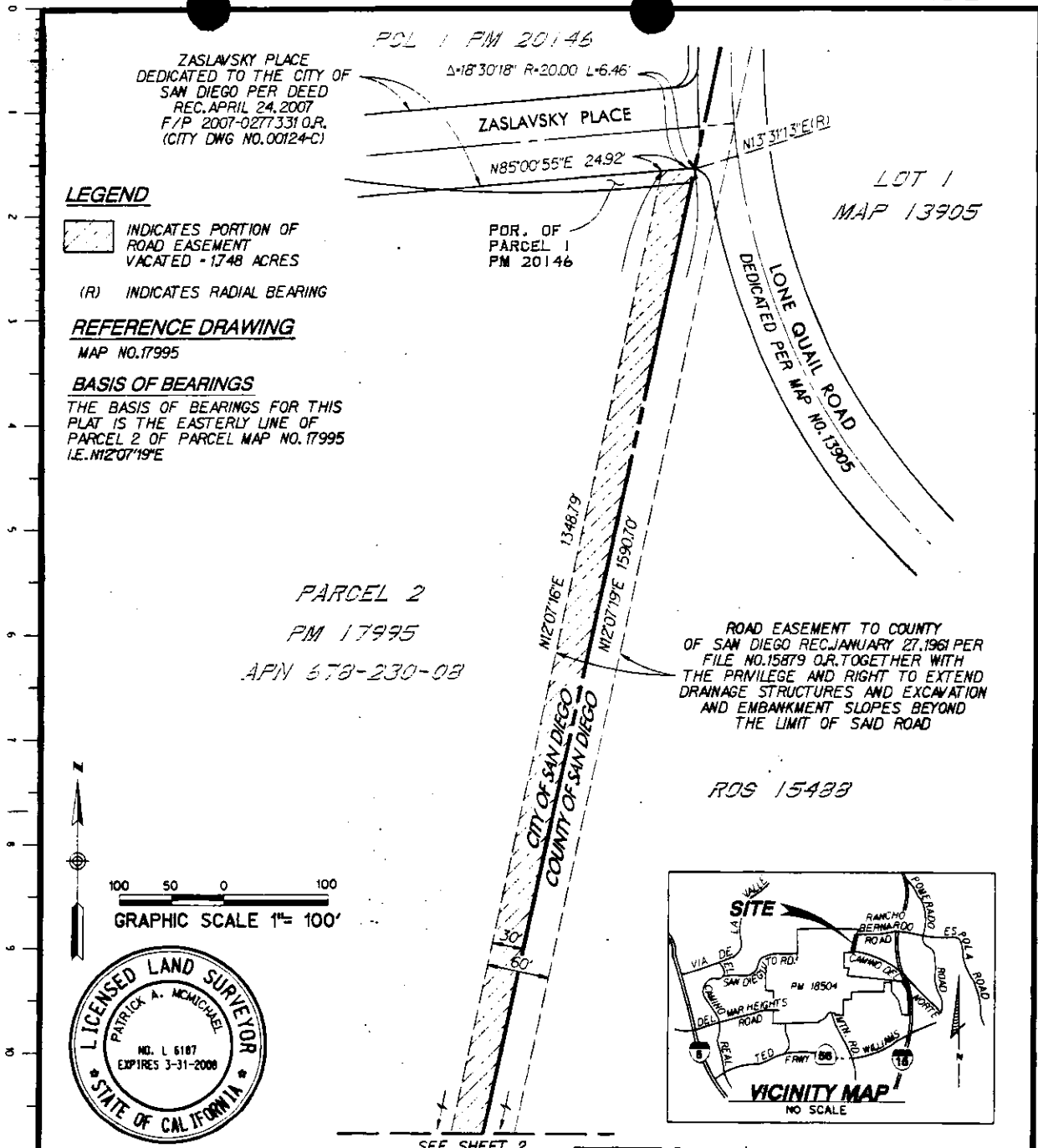

Patrick A. McMichael, L.S. 6187



PTS: 128026
J.O.: 427709
Dwg.: 20705-1-2-B

Jb/13504.009

DOCUMENT NO. ~~22-303408~~
FILED MAR 11 2008
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA



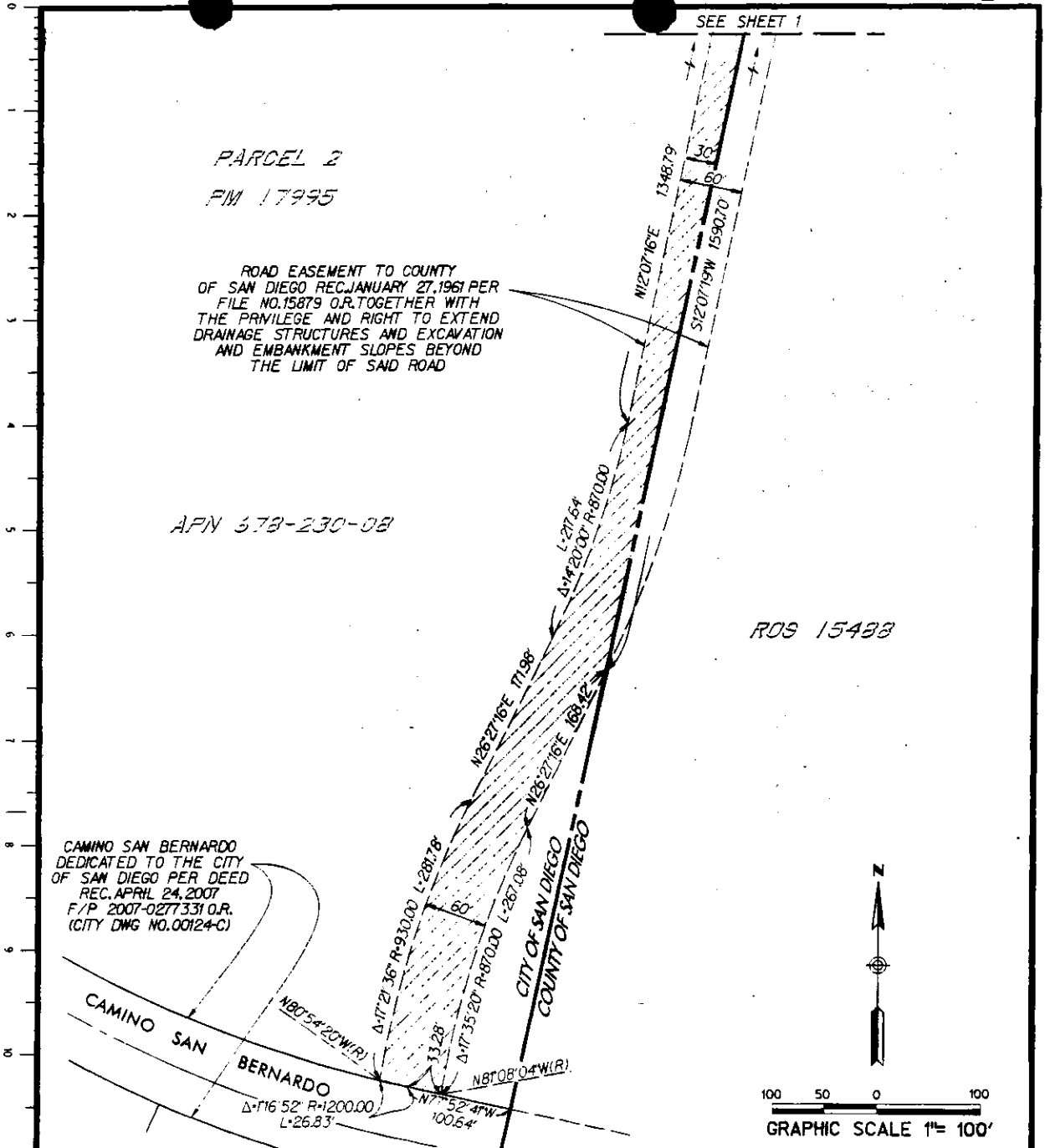
RICK ENGINEERING COMPANY
 5620 FRIARS ROAD J. 14888
 SAN DIEGO, CA 92110
 619.291.0707
 (FAX) 619.291.4165

Patrick A. McMichael 8-5-2007
 PATRICK A. McMICHAEL, L.S. 6187 DATE

DOCUMENT NO. ~~2003455~~ 2
 FILED **MAR 11 2008**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

ROAD EASEMENT VACATION
IN A PORTION OF PARCEL 2 OF PARCEL MAP 17995
AND A PORTION OF PARCEL 1 OF PARCEL MAP 20146

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS. NO.
ORIGINAL		JT	4/5/08		SHEET 1 OF 2 SHEETS	128026 427709
					<i>Patrick A. McMichael</i> FOR CITY ENGINEER	1948-6291
					DATE	CCS NAD 83 COORDINATES
						308-1731
						LAMBERT COORDINATES
						20705-1-B
					STATUS	



CAMINO SAN BERNARDO DEDICATED TO THE CITY OF SAN DIEGO PER DEED REC. APRIL 24, 2007 F/P 2007-0277331 O.R. (CITY DWG NO. 00124-C)



100 50 0 100
GRAPHIC SCALE 1" = 100'

RICK ENGINEERING COMPANY
5620 FRIARS ROAD SAN DIEGO, CA 92110
619.291.0707 (FAX) 619.291.4165
J. 14886

DOCUMENT NO. **PE-303493-2**
FILED **MAR 11 2008**
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

**ROAD EASEMENT VACATION
IN A PORTION OF PARCEL 2 OF PARCEL MAP 17995
AND A PORTION OF PARCEL 1 OF PARCEL MAP 20146**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS.
ORIGINAL					SHEET 2 OF 2 SHEETS	128026
	JT		4/5/08		<i>[Signature]</i> OR CITY ENGINEER	427709
					DATE	1948-6291
						CCS NAD 83 COORDINATES
						308-1731
						LAMBERT COORDINATES
						20705-2-B