

333 (B)
(R-2008-854)
COR.COPY
STRT-J-2982(39) 5/06

RESOLUTION NUMBER R- 303665

DATE OF FINAL PASSAGE MAY 06 2008

WHEREAS, California Streets and Highways Code 8300 et seq. (specifically Section 8335), and San Diego Municipal Code section 125.0910(b) provides a procedure for the summary vacation of a public right of way by City Council resolution where the public right of way to be vacated does not contain public utility facilities, the public right of way has been impassable for a period of 5 years and public funds have not been expended for maintenance of the public right of way during that period; 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 or a recommendation by the Planning Commission; and

WHEREAS, the La Jolla Methodist Church has requested the summary vacation of unnecessary public right of ways located at portions of Lot 1 and 2 in Block 17 and portions of Lots 5 through 8 in Block 18, recorded on MAY 09 2008, on file in the Office of the City Clerk as Document No. R- 303665⁻¹ OR as depicted on Engineering Drawing No. 20740-B, on file in the Office of the City Clerk as Document No. R- 303665⁻² to unencumber the property in order to facilitate the sale of real property which includes this public right of way. Said public right of way is located in the La Jolla Community Plan area, and

WHEREAS, the public right of way has been impassable for vehicular travel for a period of five (5) years and public funds have not been expended for maintenance of the public right of way during that period; and

WHEREAS, the City of San Diego desires to reserve general utility easements in, under, over, upon, along and across that portion of Fay Avenue to be summarily vacated.; and

WHEREAS, this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301; 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, 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 to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on MAY 06 2008, 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, Council of the City of San Diego finds that:

(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; and

(b) The public will benefit from the action through improved use of land made available by the vacation; and

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

BE IT FURTHER RESOLVED, the Council of the City of San Diego finds:

1. That the public right of ways located at portions of Lot 1 and 2 in Block 17 and portions of Lots 5 through 8 in Block 18, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20740-B marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303665-1 and RR- 303665-2 which are by this reference incorporated herein and made a part hereof, is ordered summarily vacated;

2. That the City of San Diego reserves and excepts from the foregoing vacation the permanent easement and dedication as more particularly described hereinafter:
Reserving and excepting to the City of San Diego the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature, including, but not limited to general utilities and all necessary and proper fixtures and equipment for use in connection therewith, through, over, under, upon, along and across the above described easement to be vacated and abandoned, together with the right of ingress thereto and egress therefrom, together with the right to maintain the said easement free and clear of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree or trees thereon, or the drilling or digging of any well or wells thereon, together with the right to otherwise protect from all hazards the operation and use of any right reserved.
Upon acquisition of an encroachment permit from the City Engineer pursuant to the Municipal Code of the City, the owners of the underlying fee may utilize the above described parcel of land for structures, the planting or growing of trees or the installation of privately owned pipelines. The City of San Diego shall have the


right to permit the use of the easement or easements herein described by any public utility either by conveyance of the necessary right to so use or by permitting such utility to utilize such right under and pursuant to a franchise with the City of San Diego. Further dedicating that certain area as Mira Monte Street.

3. That the easements and dedication reserved to the City herein are in, under, over, upon, along and across that portion of Fay Avenue, summarily vacated by this Resolution and as more particularly Described in the legal descriptions marked as Exhibit "C" and "D" and shown on Drawing No. 20741-B marked as Exhibit "E", on file in the office of the City Clerk as Document No. RR- 303665³.
4. 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. From and after the date of recordation of this Resolution, the summarily vacated public right of way shall no longer constitute a public right of way. Upon such recordation, the summary vacation is complete.

BE IT FURTHER RESOLVED, the Council of the City of San Diego finds that this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Todd Bradley
Deputy City Attorney

RL:TB:pev
04/02/08
04/30/08 COR.COPY
Or.Dept:READ
R-2008-854

(R-2008-854)
COR.COPY

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 06 2008.

ELIZABETH S. MALAND
City Clerk

By *Wm. Zumaya*
Deputy City Clerk

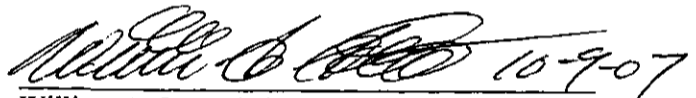
EXHIBIT "A"

Legal Description

Fay Avenue Street Vacation

All those portions of Lots 1 and 2 in Block 17, and of Lots 5, 6, 7 and 8 in Block 18, and of Mira Monte of La Jolla Hermosa, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1810, filed in the office of the County Recorder of San Diego County November 21, 1924 and all those portions of Lots 13, 14, 15, 16, 17 and the southeasterly 8.00 feet of Lot 12 in Block B of La Jolla Hermosa Unit A in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 2086, filed in the office of the County Recorder of San Diego County on January 16, 1928, dedicated as Fay Avenue per City of San Diego Drawing No. 13511-L approved December 13, 1957, a portion of Fay Avenue dedicated per Resolution No. 147101, recorded May 27, 1958 as Document No. 84543, Book 7097, Page 387 of Official Records - vacated, a portion of Fay Avenue dedicated per Resolution No. 158944, recorded May 12, 1960 as File/Page No. 99099, Series 1, Book 1960 of Official Records - vacated, a portion of Fay Avenue dedicated per Resolution No. 147102, recorded May 29, 1958 as Document No. 86129, Book 7101, Page 558 of Official Records - vacated, and a portion of Fay Avenue dedicated per Resolution No. 143939, recorded November 19, 1957 as Document No. 176410, Book 6838, Page 94 of Official Records - vacated.

Area Contains 0.69 Acres.


William A. Steen, RCE 18136 Date
Expires 6-30-09

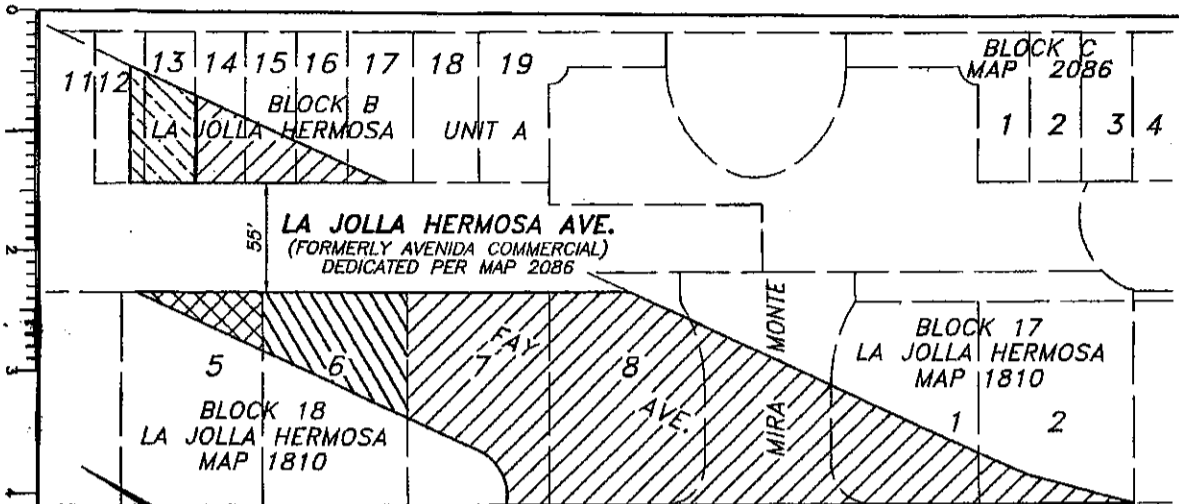


DWG. No. 20740-B
W.O. No. 006091
P.T.S. No. 131423

DOCUMENT NO. ~~PP-303665-1~~
FILED MAY 06 2008
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R-303665

EXHIBIT "B"



SCALE: 1"=60'

LEGEND

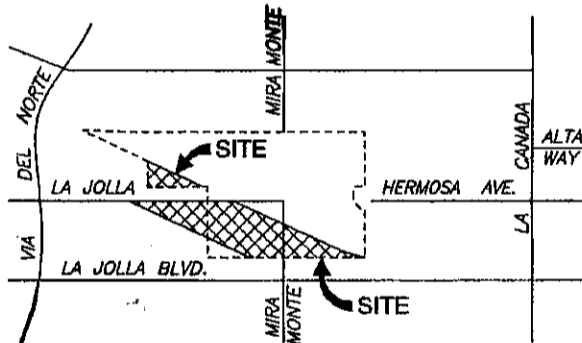
- INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 158944 RECORDED MAY 12, 1960 F/P 99099 SERIES 1 BOOK 1960 O.R. VACATED (SHOWN ON CITY DWG. 13511-L) CONTAINS 0.56 ACRES
- INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 147101 RECORDED MAY 27, 1958 DOC. NO. 84543 BOOK 7097 PG. 387 O.R. VACATED CONTAINS 0.07 ACRES
- INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 147102 RECORDED MAY 29, 1958 DOC. NO. 86129 BOOK 7101 PG. 558 O.R. VACATED CONTAINS 0.02 ACRES
- INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 143939 RECORDED NOV. 19, 1957 DOC. NO. 176410 BOOK 6838 PG. 94 O.R. VACATED CONTAINS 0.04 ACRES

REFERENCE DRAWINGS

- MAP 2086 13511-L
- MAP 1810
- MAP 2055

ASSESSOR'S PARCEL NO.

357-171-17



VICINITY MAP
NOT TO SCALE

WAS WILLIAM A. STEEN & ASSOCIATES
REGISTERED CIVIL ENGINEERS LAND SURVEYORS & PLANNERS
10-9-07
WILLIAM A. STEEN R.C.E. 18136 DATE

DOCUMENT NO. R-303665-2

MAY 06 2008

FILED

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION
FAY AVENUE EASTERLY OF LA JOLLA BLVD.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL					SHEET 1 OF 1 SHEETS	006091
					FOR CITY ENGINEER	P.T.S. NO. 131423
					DATE	1878-6245
						CCS 83 COORDINATES
						238-1685
						LAMBERT COORDINATES
						20740 -B
					STATUS	

R- 303665

EXHIBIT "C"

Legal Description

General Utilities and
Access Easement

All that portion of Lot 7 in Block 18 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1810, filed in the office of the County Recorder of said San Diego County, November 21, 1924, as File No. 49823, described as follows:

Commencing at the most northerly corner of said Lot 7; thence along the northeasterly line of said Lot 7 South 28°17'51" East (South 28°18'30" East, Record per Map 1810) 50.00 feet to the beginning of a tangent 20.00 foot radius curve, concave westerly; thence southerly along the arc of said curve through a central angle of 56°37'59", a distance of 19.77 feet; thence North 28°17'51" West 66.71 feet to the northwesterly line of said Lot 7; thence along said northwesterly line North 61°41'25" East 9.00 feet to the Point of Commencement.

Area Contains 0.01 Acres.



William A. Steen 10-9-07
William A. Steen, RCE 18136 Date
Expires 6-30-09

DWG No. 20741-B
W.O. No. 006091
P.T.S. No. 131423

2- 303665

EXHIBIT "D"

Legal Description

Street Dedication of
Mira Monte

All those portions of Lot 7 and Lot 8 in Block 18, and of Mira Monte Street in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1810, filed in the office of the County Recorder of said San Diego County, November 21, 1924, as File No. 49823, described as follows:

Commencing at the most northerly corner of said Lot 7; thence along the northeasterly line of said Lot 7 South 28°17'51" East (South 28°18'30" East, Record per Map 1810) 50.00 feet to the beginning of a tangent 20.00 foot radius curve, concave westerly, also being the TRUE POINT OF BEGINNING; thence southerly along the arc of said curve through a central angle of 89°59'16", a distance of 31.41 feet to a point on the southeasterly line of said Lot 7; thence along said southeasterly line South 61°41'25" West (South 61°41'30" West, Record per Map 1810) 65.05 feet to the beginning of a tangent 20.00 foot radius curve, concave northerly; thence leaving said southeasterly line westerly along the arc of said curve through a central angle of 90°00'00", a distance of 31.42 feet to the northeasterly right-of-way line of La Jolla Boulevard, as dedicated per Map 1810; thence along said northeasterly line South 28°18'35" East (South 28°18'30" East, Record per Map 1810) 119.00 feet to the beginning of a 20.00 foot radius curve, concave easterly; thence leaving said northeasterly right-of-way line northeasterly along the arc of said curve through a central angle of 90°00'00", a distance of 31.42 feet to a line 79.00 feet parallel with the southeasterly line of said Lot 7; thence North 61°41'25" East (North 61°41'30" East, Record per Map 1810) along said parallel line 88.04 feet to the beginning of a tangent 52.00 foot radius curve, concave northwesterly; thence northeasterly along the arc of said curve through a central angle of 7°43'27", a distance of 7.01 feet; thence North 28°17'51" West (North 28°18'30" West, Record per Map 1810) 60.36 feet to the easterly line of Fay Avenue, as dedicated per Resolution No. 158944, recorded May 12, 1960 as File/Page No. 99099, Series 1, Book 1960 of Official Records (shown on City Dwg. 13511-L); thence along said easterly line South 3°24'10" East (South 3°23'53" East, Record per document recorded May 12, 1960 as File/Page No. 99099 of Official Records) 23.76 feet to a point on the southeasterly line of said Lot 8; thence North 28°17'51" West (North 28°18'30" West, Record per Map 1810) 59.71 feet to the TRUE POINT OF BEGINNING.

Area Contains 0.21 Acres.

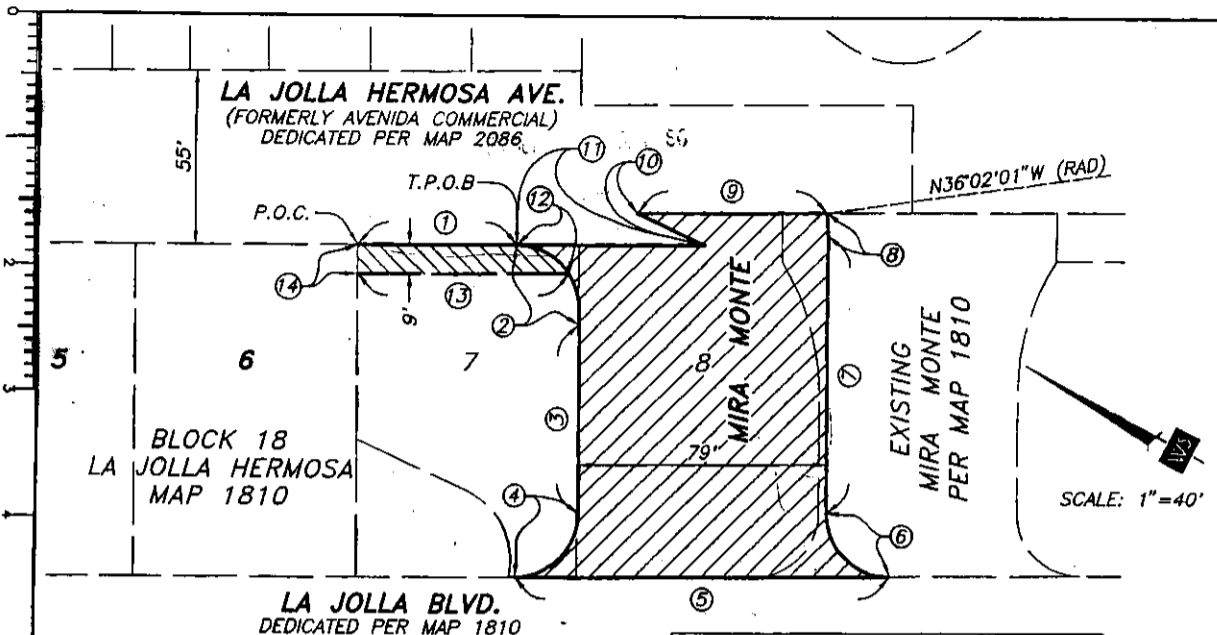


William A. Steen 10-9-07
William A. Steen, RCE 18136 Date
Expires 6-30-09

DWG. No. 20741-B
W.O. No. 006091
P.T.S. No. 131423

R-303665

EXHIBIT "E"



LEGEND

- INDICATES PORTIONS OF LOT 7 AND LOT 8 IN BLOCK 18 AND OF MIRA MONTE PER MAP NO. 1810 DEDICATED CONTAINS 0.21 ACRES
- INDICATES GENERAL UTILITIES EASEMENT ACQUIRED
- POINT OF COMMENCEMENT P.O.C.
- TRUE POINT OF BEGINNING T.P.O.B.
- RADIAL (RAD)

DATA TABLE			
NO.	DELTA/BEARING	RADIUS	LENGTH
1	S28°17'51"E		50.00'
2	89°59'16"	20.00'	31.41'
3	S61°41'25"W		65.05'
4	90°00'00"	20.00'	31.42'
5	S28°18'35"E		119.00'
6	90°00'00"	20.00'	31.42'
7	N61°41'25"E		88.04'
8	07°43'27"	52.00'	7.01'
9	N28°17'51"W		60.36'
10	S03°24'10"E		23.76'
11	N28°17'51"W		59.71'
12	56°37'59"	20.00'	19.77'
13	N28°17'51"W		66.71'
14	N61°41'25"E		9.00'

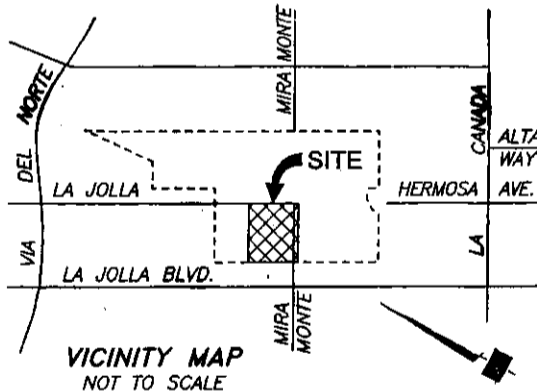
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS A PORTION OF THE NORTHWESTERLY 60-FOOT WIDE RIGHT-OF-WAY LINE OF CAMINO LA CANADA PER MAP 1810. I.E. NORTH 61°41'30"E

REFERENCE DRAWINGS

MAP 2086 13511-L
MAP 1810
MAP 2055

ASSESSOR'S PARCEL NO.
357-171-17



W.S. WILLIAM A. STEEN & ASSOCIATES
CONSULTING CIVIL ENGINEERS, LAND SURVEYING & PLANNERS
109-07
WILLIAM A. STEEN R.C.E. 18136 DATE

DOCUMENT NO. **PR-303665-3**

FILED MAY 06 2008
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

**STREET DEDICATION & GENERAL UTILITIES AND ACCESS EASEMENT
PORTION OF MIRA MONTE STREET BETWEEN
LA JOLLA HERMOSA AVE. AND LA JOLLA BLVD.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL					SHEET 1 OF 1 SHEETS	006091
					FOR CITY ENGINEER	131423
					DATE	1878-6245
						CCS 83 COORDINATES
						238-1685
						LAMBERT COORDINATES
						20741-B
					STATUS	

R-303665