

(B) 209
(R-2009-44) 7/28

RESOLUTION NUMBER R- 303975

DATE OF FINAL PASSAGE JUL 28 2008

SUMMARY RIGHT-OF-WAY VACATION NUMBER 530896 –
BILLINGSLEY RESIDENCE PROJECT.

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 public street easements by Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement at 4285 Goldfinch Street to unencumber this property and facilitate development of the site as conditioned in approved Neighborhood Development Permit No. 186747; 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 JUL 28 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:

- (a) That there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated because the right-of-way is an unimproved

paper street that deadends into City Owned dedicated Open Space. Due to the extreme topography of the right-of-way, the street could not be improved nor is there existing or proposed pedestrian access to the Open Space from the right-of-way.

- (b) That the public will benefit from the vacation through improved utilization of land because the City would be released from any maintenance and liability associated with the right-of-way and vacating the right-of-way would facilitate development of adjacent properties and would facilitate the addition of off-street parking where none currently exists.
- (c) That the vacation does not adversely affect the General Plan or the approved Uptown Community Plan because the portion of Goldfinch proposed to be vacated is unimproved and is not identified in the Circulation Element of either the Community Plan or the General Plan.
- (d) That the public street system for which the right-of-way easement was originally acquired will not be detrimentally affected by this vacation because the unimproved paper street deadends into an open space canyon system and therefore, it does not convey vehicle or pedestrian traffic and would not be improved in the future.

BE IT FURTHER RESOLVED, that the Council finds:

- 1. That the public service sewer easement located within Goldfinch Street in connection with Neighborhood Development Permit No. 186747, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20901-B, marked as Exhibit "B," and on file in the

(R-2009-44)

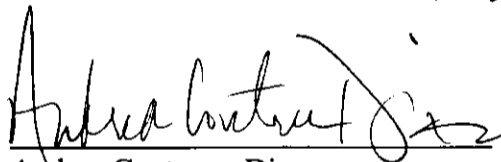
Office of the City Clerk as Document Nos. RR-303975-1, and RR-303975-2

which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom a shared access easement for providing access for the property located at 4285 Goldfinch Street together with ingress and egress for that purpose.

2. That said this street vacation is conditioned upon approval of Neighborhood Development Permit No. 186747. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.
3. 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Andrea Contreras Dixon
Deputy City Attorney

ACD:cw
07/08/08
Or.Dept:DSD
R-2009-44
MMS #6483

EXHIBIT "A"

STREET RIGHT OF WAY VACATION FOR THE BENEFIT OF LOT 1 & 2

LEGAL DESCRIPTION

Commencing at the northwest corner of Lot 1 of Tract Map 334, said point being the POINT OF BEGINNING; thence N89°54'26"E, a distance of 25.00 feet, thence S00°05'34"E a distance of 50.03 feet; thence N89°54'26"E, a distance of 25.00 feet; thence N00°05'34"W, a distance of 50.03 feet; to the POINT OF BEGINNING.

Containing 1,250.75 square feet or 0.0287 acres, more or less as shown on attached Exhibit "B".

DOCUMENT NO.	<i>RR-303975-1</i>
FILED	JUL 28 2008
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA	

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EXHIBIT "A"

STREET RIGHT OF WAY VACATION FOR THE BENEFIT OF LOT 3 & 4

LEGAL DESCRIPTION

Commencing at the northwest corner of Lot 1 of Tract Map 334, thence S00°05'34"E, a distance of 50.03 feet; said point being the POINT OF BEGINNING; thence S00°05'34"E, a distance of 50.03 feet; thence S89°54'26"W, a distance of 25.00 feet; thence N00°05'34"W, a distance of 50.03 feet; thence N89°54'26"E, a distance of 25.00 feet to the POINT OF BEGINNING.

Containing 1,250.75 square feet or 0.0287 acres, more or less as shown on attached Exhibit "B".

DOCUMENT NO. ^{RR-} 303975-1
FILED JUL 28 2008
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R-303975

EXHIBIT "A"

**STREET RIGHT OF WAY VACATION FOR THE BENEFIT OF PORTION
21, 22, 23, AND 24 OF MAP NO. 334.**

LEGAL DESCRIPTION

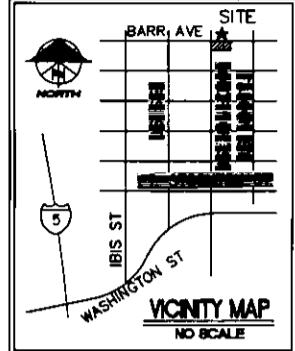
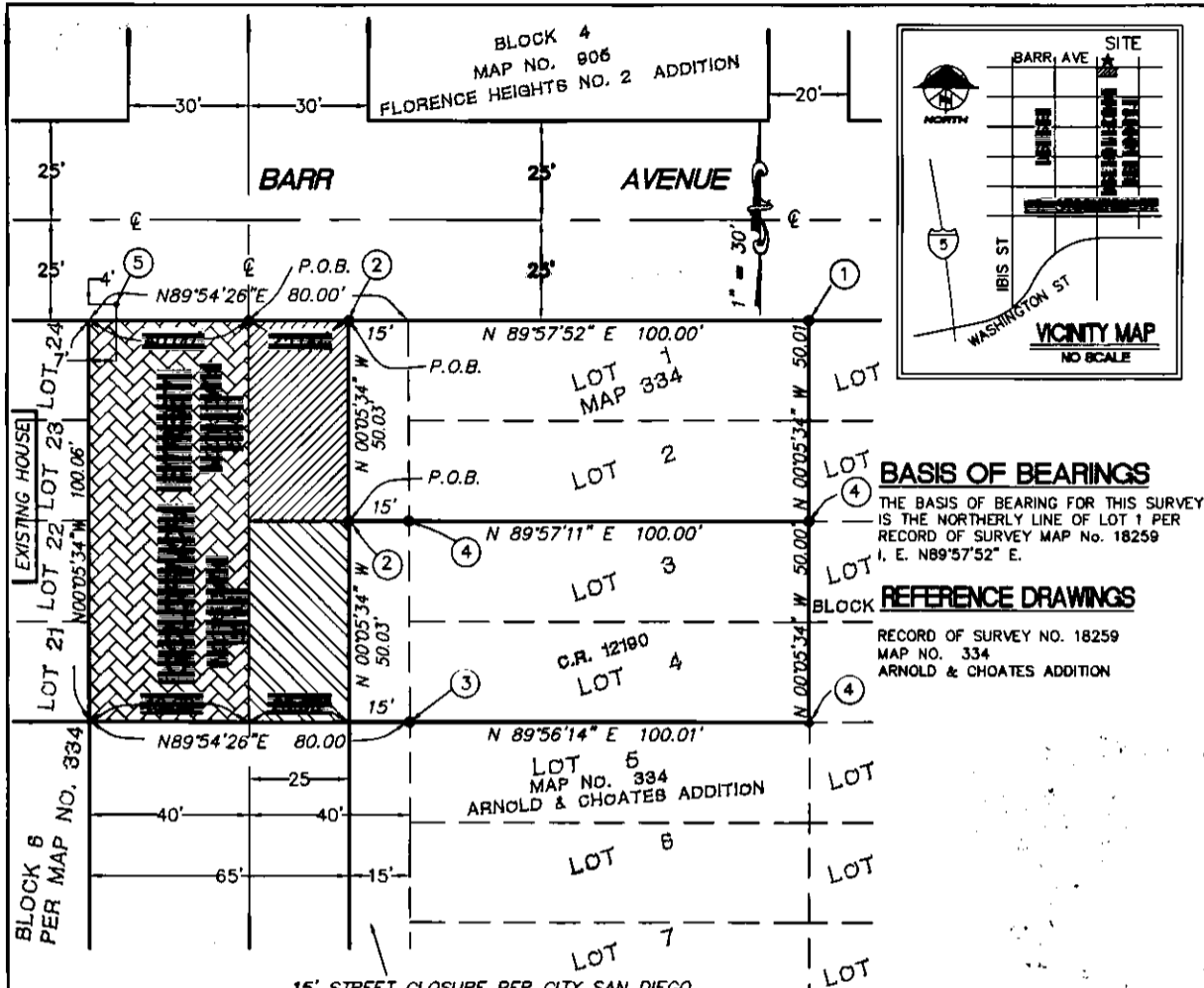
Commencing at the northwest corner of Lot 1 of Tract Map 334; thence N89°54'26"E, a distance of 25.00 feet, said point being the POINT OF BEGINNING; thence S00°05'34"E, a distance of 100.06 feet; thence S89°54'26"W, a distance of 40.00 feet; thence N00°05'34"W, a distance of 100.06 feet; thence N89°54'26"E, a distance of 40.00 feet to the POINT OF BEGINNING.

Containing 4,002.40 square feet or 0.0919 acres, more or less as shown on attached Exhibit "B".

DOCUMENT NO.	RR-303975-1
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EXHIBIT 'B'



BASIS OF BEARINGS
THE BASIS OF BEARING FOR THIS SURVEY IS THE NORTHERLY LINE OF LOT 1 PER RECORD OF SURVEY MAP No. 18259 I. E. N89°57'52" E.

REFERENCE DRAWINGS
RECORD OF SURVEY NO. 18259
MAP NO. 334
ARNOLD & CHOATES ADDITION

LEGEND

- STREET RIGHT OF WAY
- PROPERTY LINE
- CENTERLINE
- INDICATES STREET VACATION FOR BENEFIT OF LOTS 1 AND 2 A= 0.029 ACRES
- INDICATES STREET VACATION FOR BENEFIT OF LOTS 3 AND 4 A= 0.029 ACRES
- INDICATES STREET VACATION FOR BENEFIT OF PORTION OF 21, 22, 23 AND 24 OF MAP NO. 334 A= 0.092 ACRES

- ① FOUND LEAD AND DISC L.S. 5845 ON TOP OF WALL PER ROS 18259.
- ② FOUND 1" IRON PIPE W/ DISC L.S. 5845 PER ROS 18259
- ③ FOUND 1" IRON PIPE DISC MISSING PER C.R. 12190, ROS 18259
- ④ FOUND 1/2" REBAR WITH PLASTIC PLUG R.C.E. 27648 PER C.R. 12190, ROS 18259
- ⑤ LEAD AND DISC "CITY ENGR" PER CR 12190, ROS 18259.

ASSESSORS PARCEL NUMBERS

- 444-272-08 - LOTS 1 AND 2 OF MAP NO. 334
- 444-272-09 - LOTS 3 AND 4 OF MAP NO. 334
- 444-272-10 - PORTION OF 21, 22, 23 AND 24 OF MAP NO. 334

LEGAL DESCRIPTION

LOT 3 AND 4, BLOCK 7 OF ARNOLD AND CHOATES ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF No. 334 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

TOGETHER WITH THE PORTION OF GOLDFINCH STREET VACATED BY THE CITY COUNCIL OF SAN DIEGO, RESOLUTION No.298161 RECORDED JULY 10, 2003 AS INSTRUMENT No.2003-0819704 OF OFFICIAL RECORDS.

RICHARD EUGENE GADDY - LS4422 DATE: _____
REGISTRATION EXPIRES 9-30-07
5858 Mount Alifan Drive, Suite 220
San Diego CA 92111

DOCUMENT NO. **RR-303975-2**
FILED **JUL 28 2008**
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA



FULL STREET RIGHT OF WAY VACATION LOTS 1, 2, 3, 4, AND PORTIONS OF LOTS 21, 22, 23 AND 24 OF MAP NO. 334

BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	P.T.S. NUMBER: _____ J.D. NUMBER: _____
				FOR CITY ENGINEER	CCS 83 COORDINATES
				DATE	LAMBERT COORDINATES
				STATUS	

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