

RESOLUTION NUMBER R- 304020

DATE OF FINAL PASSAGE JUL 29 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN
DIEGO APPROVING A VACATION OF A PORTION OF LA
CRESTA DRIVE.

WHEREAS, San Diego Municipal Code section 125.0910 provides that a public right-of-way may be summarily vacated provided that the public right-of-way is excess and is not required for streets or highway purposes; and

WHEREAS, the portion of La Cresta Drive is excess right-of-way and is not required for street purposes; and

WHEREAS, San Diego Municipal Code section 125.1010 provides that a public service easement or other easement may be summarily abandoned if it does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment and the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the public street easement to unencumber this property; and

WHEREAS, this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301(1); 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, that the Council of the City of San Diego finds that:

(a) there are no present or prospective uses for the public right-of-way either for a public facility or the purposes for which they were originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation does not adversely affect any applicable land use plan and is consistent with the General Plan or an approved Community Plan; and

(d) the public street system and the other public purposes for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

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

1. That a portion of La Cresta Drive located between Bernice Drive and Centraloma Drive in the Peninsula Community Plan area, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20847-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 304020⁻¹ and RR- 304020⁻², which are by this reference incorporated herein and made a part hereof, is ordered vacated.

(R-2009-51)

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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
07/09/08
Or.Dept:DSD
R-2009-51
MMS#6494

2AM DIEGO CALIF

08 JUL 12 AM 8:38

BEC
-PAGE 3 OF 3-

R 304020

Exhibit "A"

LEGAL DESCRIPTION

Vacation of a Portion of La Cresta Drive

That portion of La Cresta Drive, in the City of San Diego, County of San Diego, State of California, as shown on Map 1852 and filed in the office of the Recorder of said San Diego County on August 21, 1925, more particularly described as follows:

The Southwesterly 10 Feet of La Cresta Drive adjoining Lots 18 and 19 as shown on said Map 1852.

Attached hereto is Drawing No. 20847-B (Exhibit "B") and by reference is made a part hereof.



VVF

Vernon V Franck, PLS 7927

6-30-08

Date

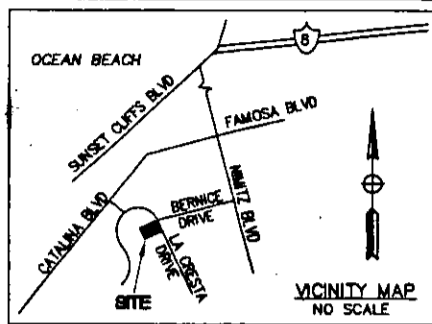
PTS No. 151444 JO No. 430465 Drawing No. 20847-B

R. 304020

EXHIBIT 'B'

REFERENCE DRAWINGS
MAP 1852

BASIS OF BEARINGS
THE WESTERLY RIGHT OF WAY OF LA CRESTA DRIVE
AS SHOWN ON MAP 1852

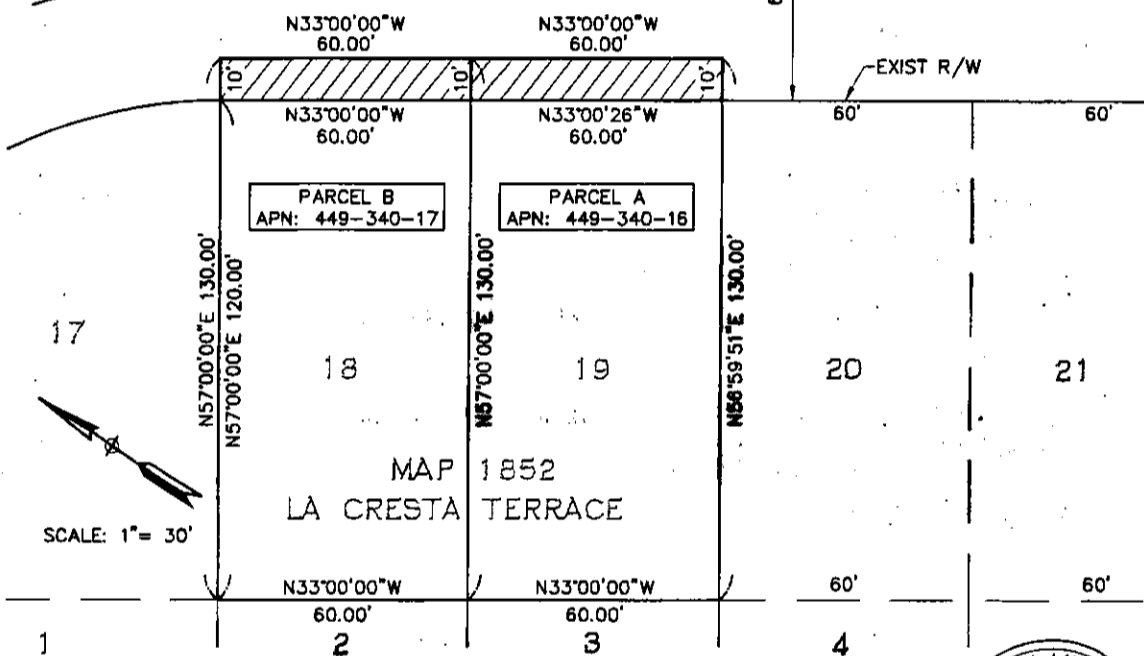


BLOCK C
LOT 21

MAP 1523
BLOCK D
LOT 16

BERNICE DRIVE

LA CRESTA DRIVE
(DEDICATED PER MAP 1523)



LEGEND:

INDICATES STREET VACATION
PARCEL C
1,200 SQ. FT. OR 0.0275 ACRES

VVF
VERNON V FRANCK
PLS 7927

10-1-08
DATE



metropolitan mapping, inc.
2421 india street san diego, ca 92101
tel: 619-564-6091 fax: 619-330-1830

STREET VACATION-PORTION OF LA CRESTA DRIVE AT THE INTERSECTION OF BERNICE DRIVE

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	JO NO. 430465
ORIGINAL	VF				SHEET 1 OF 1 SHEET	PTS NO. 151444
	AEA		10-13-08		<i>Gregory C. Hopkins</i> FOR CITY ENGINEER	1849-6258 NAD 83 COORDINATES
			10-14-08		DATE	208-1697 LAMBERT COORDINATES
					JO NO. 430465	20847-B

R 304020