

349 (B)
(R-2009-179)
J- 2987(39) 9/09/08

RESOLUTION NUMBER R- 304110
DATE OF FINAL PASSAGE SEP 09 2008

A RESOLUTION APPROVING PUBLIC RIGHT-OF-WAY
VACATION NO. 344108 – 7444 MIRAMAR AVENUE STREET
VACATION – PROJECT NO. 104039.

WHEREAS, California Streets and Highways Code 8300 et seq. and San Diego
Municipal Code section 125.0910, in conjunction with the findings of Section 125.0941, provide
a procedure for the summary vacation of a public right-of-way by City Council resolution; and

WHEREAS, the affected property owner has requested the vacation of a public right-of-
way running along a portion of Miramar Avenue along the front portion of the owner's affected
property located at 7444 Miramar Avenue, within the La Jolla Community Planning Area, as
specifically described in Exhibit "A," and as shown on Engineering Drawing No. 20534-B,
marked as Exhibit "B"; and

WHEREAS this public right-of-way does not contain public utility facilities, said
facilities are not affected by the vacation; and

WHEREAS, this 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 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 SEP 09 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, that the Council of the City of San Diego finds that:

- (a) There is no present or prospective public use for this public right-of-way, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated, in that this portion of street is not needed for road purposes;
- (b) The public will benefit from the action through improved utilization of the land made available by the vacation;
- (c) The vacation does not adversely affect any applicable land use plan; and,
- (d) The public facility or purpose for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

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

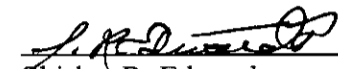
1. That the public right-of-way located at 7444 Miramar Avenue, as more particularly described in the legal description marked as Exhibit "A," and as shown on Engineering Drawing No. 20534-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 304110-1 and RR- 304110-2 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 her under Seal, to be recorded in the Office of the County Recorder.

(R-2009-179)

BE IT FURTHER RESOLVED, that this activity is categorically exempt from CEQA
pursuant to State CEQA Guidelines Section 15305.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
08/20/08
Or.Dept:DSD
R-2009-179
MMS #6666

EXHIBIT "A"
LEGAL DESCRIPTION

A PORTION OF MIRAMAR AVENUE VACATED

That certain parcel of land in the City of San Diego, County of San Diego, State of California being a portion of Miramar Avenue dedicated per grant deed recorded May 20, 1938 in Book 776 at page 391 of Official Records, described as follows:

That portion of Miramar Avenue as dedicated per said deed lying southerly of the following described line:

BEGINNING at the northeast corner of Lot 3 of Map No. 2229, filed in the Office of the County Recorder of San Diego County on November 9, 1938, as File No. 60053 of Official Records; thence North 74°52'19" East 30.00 feet to the centerline of Miramar Avenue; thence along said centerline South 15°07'41" West 0.10 feet; thence leaving said centerline North 74°52'19" East 30.00 feet to the southwest corner of Parcel 1 of Parcel Map No. 9152 filed in the Office of the County Recorder of San Diego County on September 14, 1979 as File No. 79-386401 of Official Records, said point being the **POINT OF TERMINUS**.

RESERVING THEREFROM AN EASEMENT FOR GENERAL UTILITY AND ACCESS PURPOSES:

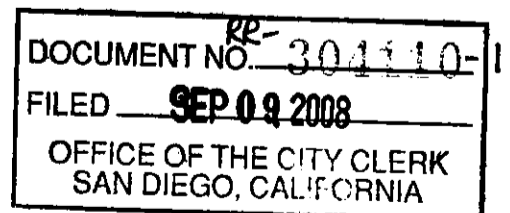
A 15.00 feet wide strip of land within the above described vacated street, the centerline of which is described as follows:

COMMENCING at said northeast corner of Lot 3 of Map No. 2229, thence North 74°52'19" East 7.50 feet to the **TRUE POINT OF BEGINNING**; thence South 15°7'41" East 123.29 feet; thence North 44°54'52" East 10.76 feet to a point on the Northwesterly line of Rhoda Road, said point being the **POINT OF TERMINUS**.

ALSO RESERVING THEREFROM AN EASEMENT FOR GENERAL UTILITY AND ACCESS PURPOSES:

A 15.00 feet wide strip of land within the above described vacated street, the centerline of which is described as follows:

COMMENCING at the southwest corner of parcel 1 of Parcel Map No. 9152, thence South 74°52'19" West 18.00 feet to the **TRUE POINT OF BEGINNING**; thence South 15°7'41" East 73.01 feet; thence South 61°08'19" East 13.00 feet to a point on the Northwesterly line of Rhoda Road, said point being the **POINT OF TERMINUS**.



This description was prepared by me or under my direction.

SRH 9/4/08

Stephen R. Hawhurst, LS 7355

Expires 12/31/07.

June 11, 2007

JN 25-102007.001

RBF CONSULTING

PTS 104039

JO 426505

Dwg. No. 20534-B



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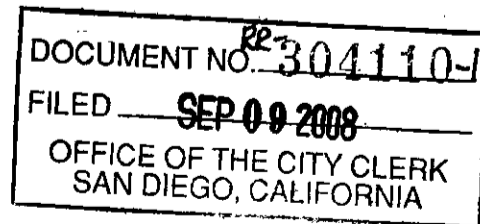
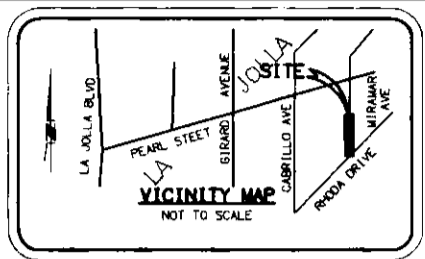


EXHIBIT "B"

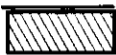
BASIS OF BEARINGS
 THE WESTERLY LINE OF MIRAMAR AVENUE
 PER R.O.S. 17094 I.E. N 15°07'41" W

ASSESSOR'S PARCEL NO.
 350-671-03, 350-672-25

REFERENCE DRAWINGS
 MAP NO. 2229, PARCEL MAP NO. 9152
 R.O.S. 5398, 17094, CITY DWG. 9948-B, 10472-B



LEGEND

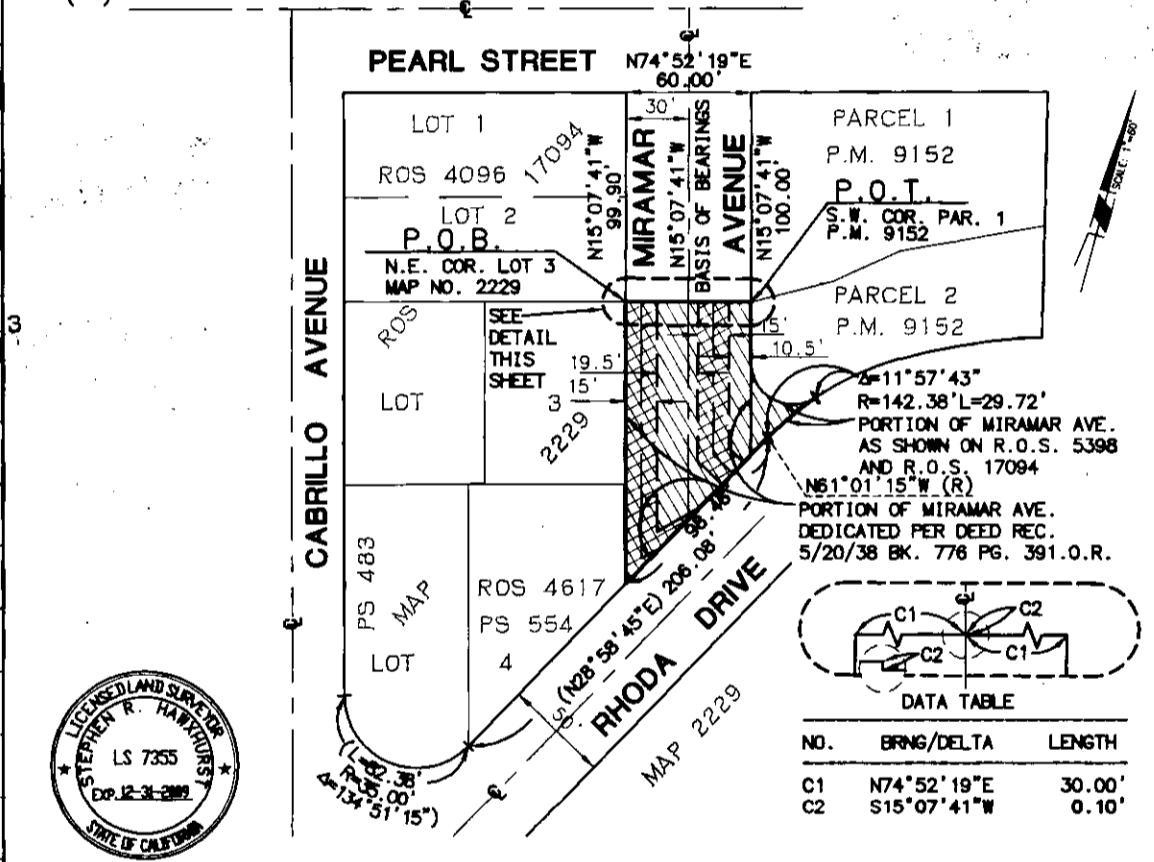


INDICATES PORTION OF MIRAMAR AVENUE VACATED



INDICATES GENERAL UTILITY AND ACCESS EASEMENT RESERVATIONS SEE SHEET 2 FOR DATA

P.O.B. INDICATES POINT OF BEGINNING
 P.O.T. INDICATES POINT OF TERMINUS
 () INDICATES RECORD DATA PER R.O.S. 17094



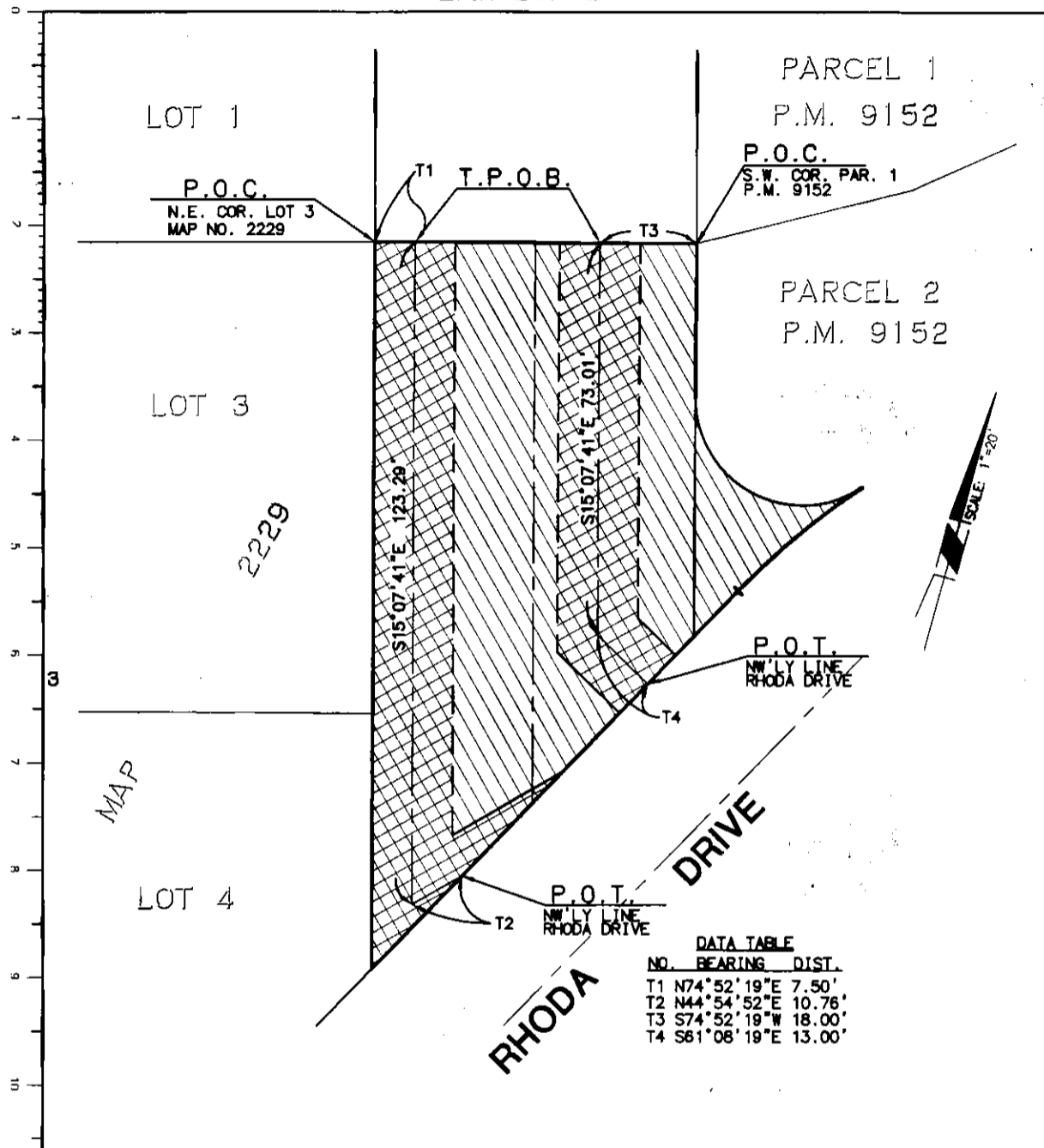
RBF PLANNING • DESIGN • CONSTRUCTION
 CONSULTING
 9796 CLAYMONT MESA BOULEVARD, SUITE 100
 SAN DIEGO, CALIFORNIA 92124-5224
 619.643.9000 • FAX 619.643.9001 • www.rbf.com
 Stephen R. Hawhurst DATE 9.4.08
 STEPHEN R. HAWHURST L.S. 7355

**STREET VACATION
 PORTION OF MIRAMAR AVENUE
 WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVATIONS**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS 104039
ORIGINAL	REF				SHEET 1 OF 2 SHEETS	J.O. 426505
		APA	9-4-08		Gregory Hopkewell FOR CITY ENGINEER	1886-6247 CCS 83 COORDINATES
						246-1687 LAMBERT COORDINATES
						20534-1-B
STATUS						

DOCUMENT NO. 204110-2
 FILED SEP 09 2008
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

EXHIBIT "B"



DATA TABLE

NO.	BEARING	DIST.
T1	N74°52'19"E	7.50'
T2	N44°54'52"E	10.76'
T3	S74°52'19"W	18.00'
T4	S81°08'19"E	13.00'

RBF CONSULTING
 PLANNING • DESIGN • CONSTRUCTION
 9735 CLAREMONT AVE. SUITE 100
 SAN DIEGO, CALIFORNIA 92124-1864
 619.444.0000 • FAX 619.444.0001 • www.rbf.com

STREET VACATION
 PORTION OF MIRAMAR AVENUE
 WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVATIONS

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS 104039
ORIGINAL	REF				SHEET 2 OF 2 SHEETS	J.O. 426505
		AEA	4-9-08		<i>George H. ...</i> FOR CITY ENGINEER	1886-6247 CCS 83 COORDINATES
						246-1887 LAMBERT COORDINATES
						20534-2 -B
STATUS						

DOCUMENT NO. FILED SEP 09 2008 OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA