

RESOLUTION NUMBER R • **304162**

DATE OF FINAL PASSAGE D I R T b

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A PUBLIC RIGHT-OF-WAY
AND EASEMENT VACATION FOR FLO JO
ELEMENTARY SCHOOL.

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 street or highway purposes; and

WHEREAS, portions of Van Dyke Avenue, between Myrtle Avenue, Thorn Street, an unnamed alley, and an easement for public street purposes are excess right of way and are 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does not contain active public utility facilities that would be affected by the abandonment and the easement has been superceded by relocation and there are no other public facilities located within the easement.

WHEREAS, the public street easement, identified on Vacation Exhibit, L.C. 206-1737, does not contain active public utilities that would be affected by the relocation.

WHEREAS, Subdivision Map Act Section 66445(j) provides a procedure for the abandonment of public easements, such that the filing of a parcel map shall constitute as an abandonment of all public streets and easements not shown on the map; 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 Sections 15060(c)(3) and 15378(c); 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 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 rights-of-way, public services easements, and other easements 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 the improved utilization of land; 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 street system and the other public purposes for which the public service easements and the right-of-way were originally acquired will not be detrimentally affected by this vacation; and

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Council finds that certain map surveyed by James L. Meyer, licensed Land Surveyor, titled "Parcel Map W.O. No. 422712" [MAP], being a lot consolidation of Lots 25 to 48 inclusive in Block 105, and Lots 1 to 24 and 33 to 48 of Lot 104 of Amended Map of City Heights, according to map thereof No. 1007, and lot 1 of Casa Van Dyke, according to Map 10211 all filed in the office of the County Recorder of San Diego County, and together with those portions of Van Dyke Avenue, Myrtle Avenue, Thorn Avenue, 43¹⁴ Street and the unnamed alleys as dedicated to public use.

BE IT FURTHER RESOLVED, that those portions of Van Dyke Avenue, between Myrtle Avenue and Thorn Street, in Blocks 104 and 105 as dedicated to public use per document recorded April 26, 1956, and an unnamed alley in Block 104; and the easement for public street purposes granted to the City of San Diego per Book 6076, Page 119, recorded April 26, 1956, of official records; are not shown within this map because they have been vacated pursuant to Section 66445(j) of the Subdivision Map Act.

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

1. Prior to recordation of the Parcel Map, the applicant shall design and construct a drainage system, in accordance with City standards, to collect and convey runoff resulting from the proposed development.

PARCEL MAP NO.

SHEET 1 OF 3 SHEETS

OWNER'S STATEMENT

WE THE OWNERS OF, OR ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP HEREBY APPROVE SAID MAP AND THE TERMS THEREOF.

WE HEREBY DEDICATE TO PUBLIC USE THE ALLEY FOR USE AS A PUBLIC STREET AND APPURTENANCES THERETO ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

WE HEREBY DEDICATE TO PUBLIC USE THE PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT OF WAY ALL AS SHOWN WITHIN THIS MAP WITHIN THIS SUBDIVISION.

IT IS OUR INTENT TO SUBDIVIDE AND LATER CONVEY OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING ANY REVERSION RIGHTS THAT MAY EXIST WITHIN THE ADJOINING PUBLIC RIGHT OF WAY. IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE CLAIM ON THOSE REVERSION RIGHTS THROUGH PRIOR CONVEYANCES.

SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA, A PUBLIC SCHOOL DISTRICT

PETER U. IVERSON
INTERIM EXECUTIVE DIRECTOR OF FACILITIES

STATE OF CALIFORNIA
COUNTY OF _____

ON _____

PERSONALLY APPEARED _____

WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEM AUTHORIZED CAPACITY(IES), AND THAT BY HIM/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THEY PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FORGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

SIGNATURE : _____

PRINT NAME I _____

MY PRINCIPAL PLACE OF BUSINESS IS IN _____

MY COMMISSION EXPIRES _____

SIGNATURE OMISSION STATEMENT

THE SIGNATURES OF THE PARTIES SET FORTH BELOW, OWNERS OF EASEMENTS PER DOCUMENTS NOTED BELOW HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 66436, SUBSECTION (a)(1) OF THE SUBDIVISION MAP ACT, THEIR INTEREST IS SUCH THAT IT CANNOT RIPEN INTO A FEE TITLE AND SAID SIGNATURES ARE NOT REQUIRED BY THE GOVERNING BODY.

THE CITY OF SAN DIEGO, OWNER OF AN EASEMENT AND RIGHT-OF-WAY FOR ALLEY PURPOSES GRANTED PER THE DOCUMENT RECORDED FEBRUARY 24, 1956 IN BOOK 6990, PAGE 156 AND RE-RECORDED MARCH 21, 1956 IN BOOK 6025, PAGE 405 OF OFFICIAL RECORDS

PARCEL MAP GUARANTEE BY FIRST AMERICAN TITLE INSURANCE COMPANY
AS ORDER NO. DIV-1528506(1S)
TOTAL ACRES : 7.840
NUMBER OF PARCELS : 1



CITY CLERK'S STATEMENT

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. _____ THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF VAN DYKE AVENUE AND A PORTION OF AN UNNAMED ALLEY AS INDICATED HEREON PURSUANT TO SECTION 66445(1) OF THE STATE SUBDIVISION MAP ACT AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS _____ DAY OF _____, 2008.

ELIZABETH MALANO,
CITY CLERK.

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, THOMAS J. PASTUSZKA, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES, AND (B) CERTIFICATION OF THE ABSENCE OF UES FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

THOMAS J. PASTUSZKA
CLERK OF THE BOARD
OF SUPERVISORS

DEPUTY

DATE: _____

PARCEL MAP

BEING A CONSOLIDATION OF LOTS 25 THROUGH 46 IN BLOCK 105 AND LOTS 1 THROUGH 24 AND LOTS 33 THROUGH 48 OF BLOCK 104 OF AMENDED MAP OF CITY HEIGHTS, ACCORDING TO MAP THEREOF NO. 1007, AND LOT 1 OF CASA VAN DYKE, ACCORDING TO MAP 10211 ALL FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, TOGETHER WITH THOSE PORTIONS OF VAN DYKE AVENUE, MYRTLE AVENUE, THORN AVENUE, 43RD STREET AND THE UNNAMED ALLEYS AS DEDICATED TO PUBLIC USE.

PORTIONS OF VAN DYKE STREET DEDICATED TO PUBLIC USE PER DOCUMENT RECORDED APRIL, 26 1956 IN BOOK 6076, PAGE 119 OF OFFICIAL RECORDS AND DEDICATED PER MAP 1007; AND THE UNNAMED ALLEY WITHIN BLOCK 104 DEDICATED PER MAP 1007 ARE NOT SHOWN WITHIN THIS PARCEL MAP BECAUSE THEY HAVE BEEN VACATED PURSUANT TO SECTION 66445-D OF THE STATE SUBDIVISION MAP ACT.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT, AND I CERTIFY THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER INDICATED AND OCCUPY THE POSITIONS SHOWN HEREON AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED (SEE LEGEND ON SHEET NO. 2).

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.



JAMES L. MEYER LS 4307
EXPIRATION: 6-30-2008

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND WITH ANY APPROVED ALTERATIONS THEREOF, THAT IT COMPLIES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, AND THAT IT IS TECHNICALLY CORRECT.

I ALSO CERTIFY THAT THERE ARE NO UNPAID BONDS ISSUED UNDER THE STREET IMPROVEMENT ACTS OF THE STATE OF CALIFORNIA AGAINST THIS SUBDIVISION.

AFSHIN OSKOUI, CITY ENGINEER

GREGORY P. HOPKINS, DEPUTY
LS 7730
DATED : _____

RECORDER'S STATEMENT

FILE NO. _____

AM/PM.

IN BOOK OF PARCEL MAPS AT PACE _____
REQUEST OF JAMES L. MEYER.

GREGORY J. SMITH
COUNTY RECORDER DEPUTY COUNTY RECORDER

FEE: \$ 14.00

#BURKETT BWONGI

ri!M! irrw ^nif mm ;v;j

PARCEL MAP NO.

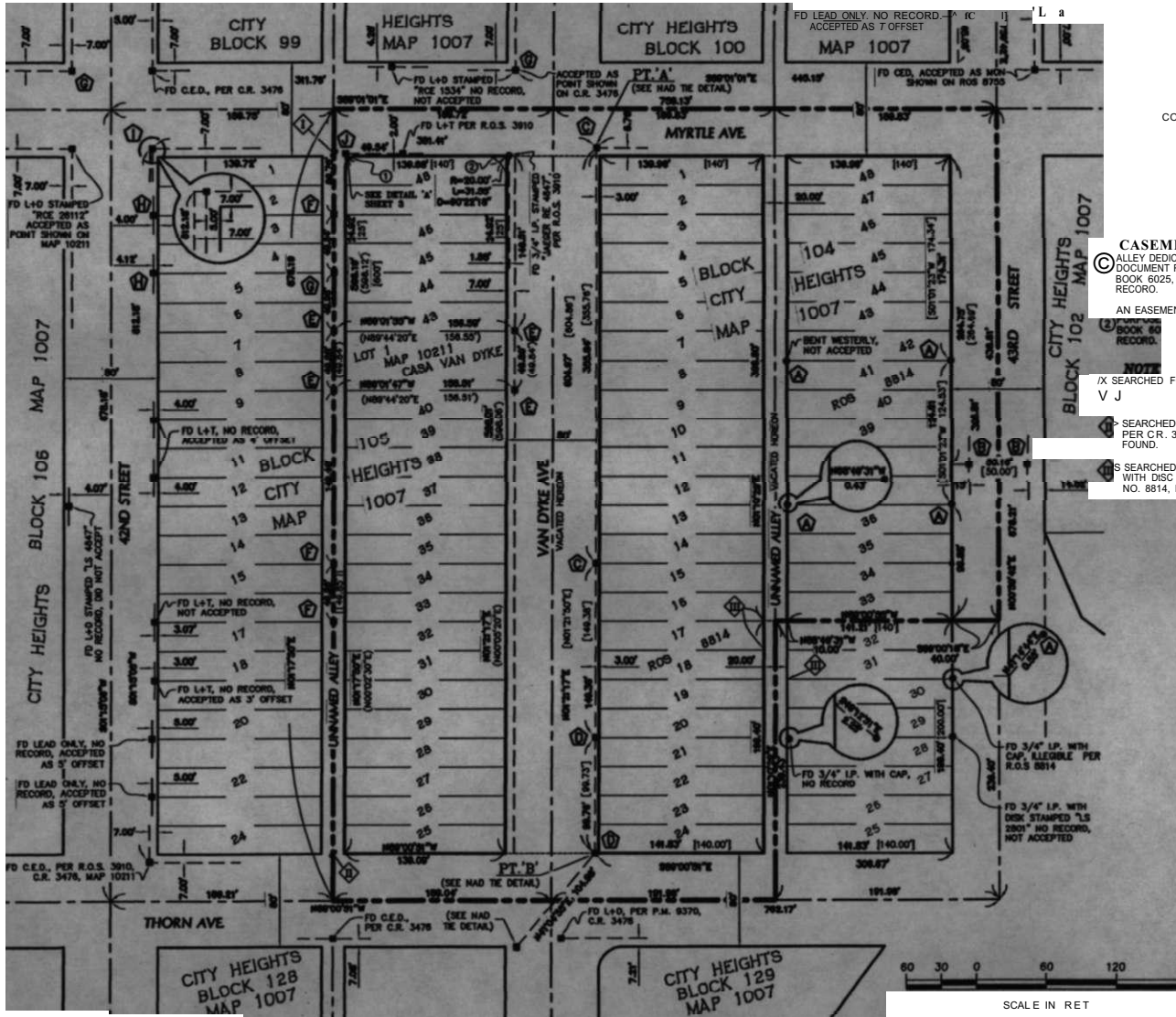
SHEET 2 OF 3 SHEETS

PROCEDURE OF SURVEY

to L+O STAMPED "RCE 19247" AND
MO RECORD, ACCEPTED AS 7' OFFSET

BASIS OF HEARINGS
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM ZONE 8, NAD 83 EPOCH 1991.55. MEASUREMENTS TO POINTS "A" AND "B" ARE SHOWN HEREON. "A" AND "B" ARE ADJUSTED TO G.P.S. STATION 107S AND O.P.S. STATION 1077 PER ROS 14492.

BEARING PT. "A" - FT. "B": N 01-217°E



CONVDKOKC ANGLE

STRUT DEDICATION
THE AVENUES, STREETS, AND ALLEYS SHOWN HEREON WERE DEDICATED TO PUBLIC USE PER MAP OF CITY HEIGHTS, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 9, 1908.

HAD 83 TIE DETAIL
HOT TO SCALE

CASEMENTS * DEDICATIONS
ALLEY DEDICATED TO PUBLIC USE PER DOCUMENT RECORDED MARCH 21, 1911 IN BOOK 6025, PAGE 409, OF OFFICIAL RECORD.

AN EASEMENT FOR PUBLIC STREET

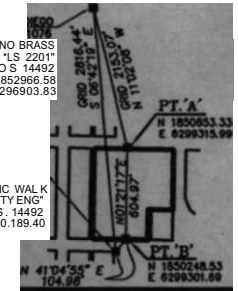
NOTED
X SEARCHED FOR HON. SHOWN AS "LS V J"

SEARCHED FOR HON. SHOWN AS "C.E.O." PER C.R. 3476 AND MAP NO. 10211. NOT FOUND.

SEARCHED FOR HON. SHOWN AS 3/4" IP WITH DISC STAMPED IS 2976" PER ROS. NO. 8814. NOT FOUND.

CJTX
FOUND LEAD AND BRASS TAG STAMPED "LS 2201" PER R.O.S. 14492
N 1852965.58
E 6296903.83

TAB 84 CONC WALK STAMPED "SO CITY ENG" PER R.O.S. 14492
N 1850189.40



LEGEND

- FOUND LEAD * DISK AS NOTED BELOW ()
- FOUND 3/4" RON PIPE AS NOTED BELOW (())
- WC+CATES SET 3/4"x1/8" RON PIPE W/DISK STAMPED IS 4307" []
- FOUND 3/4" RON PIPE WITH DISK STAMPED "IS 4312" PER R.O.S. NO. 8814 ()
- FOUND LEAD AND TACK PER R.O.S. 8814 B)
- FOUND LEAD AND DISK STAMPED "LS 3569" PER MAP 10211 5037
- FOUND CITY ENGINEER'S DISK, NO RECORD, ACCEPTED AS SHOW (())
- FOUND LEAD AND DISK STAMPED IS 2717" NO RECORD, ACCEPTED AS SHOW []
- FOUND LEAD AND DISK STAMPED "LS 2201" PER C.R. 9037, MAP 10211, C.R. 3478, R.O.S. 3910 II
- FOUND LEAD ONLY, NO RECORD, ACCEPTED AS 2'00" OFFSET TO THE NORTHWEST CORNER OF LOT 46 C.E.D.
- INDICATES PARCEL MAP BOUNDARY L+T
- INDICATES RECORD DATA PER MAP NO 10211 ()
- INDICATES RECORD DATA PER C.R. 9037 (())
- INDICATES RECORD DATA PER ROS 8814 []
- INDICATES RECORD DATA PER MAP 1007 II
- INDICATES CITY ENGINEER'S DISC C.E.D.
- INDICATES LEAD AND TACK L+T

SCALE IN RET
1 inch = 60 ft

Burkett & Wong Engineers
14 ! ,JH4T-771H'W ; IX I

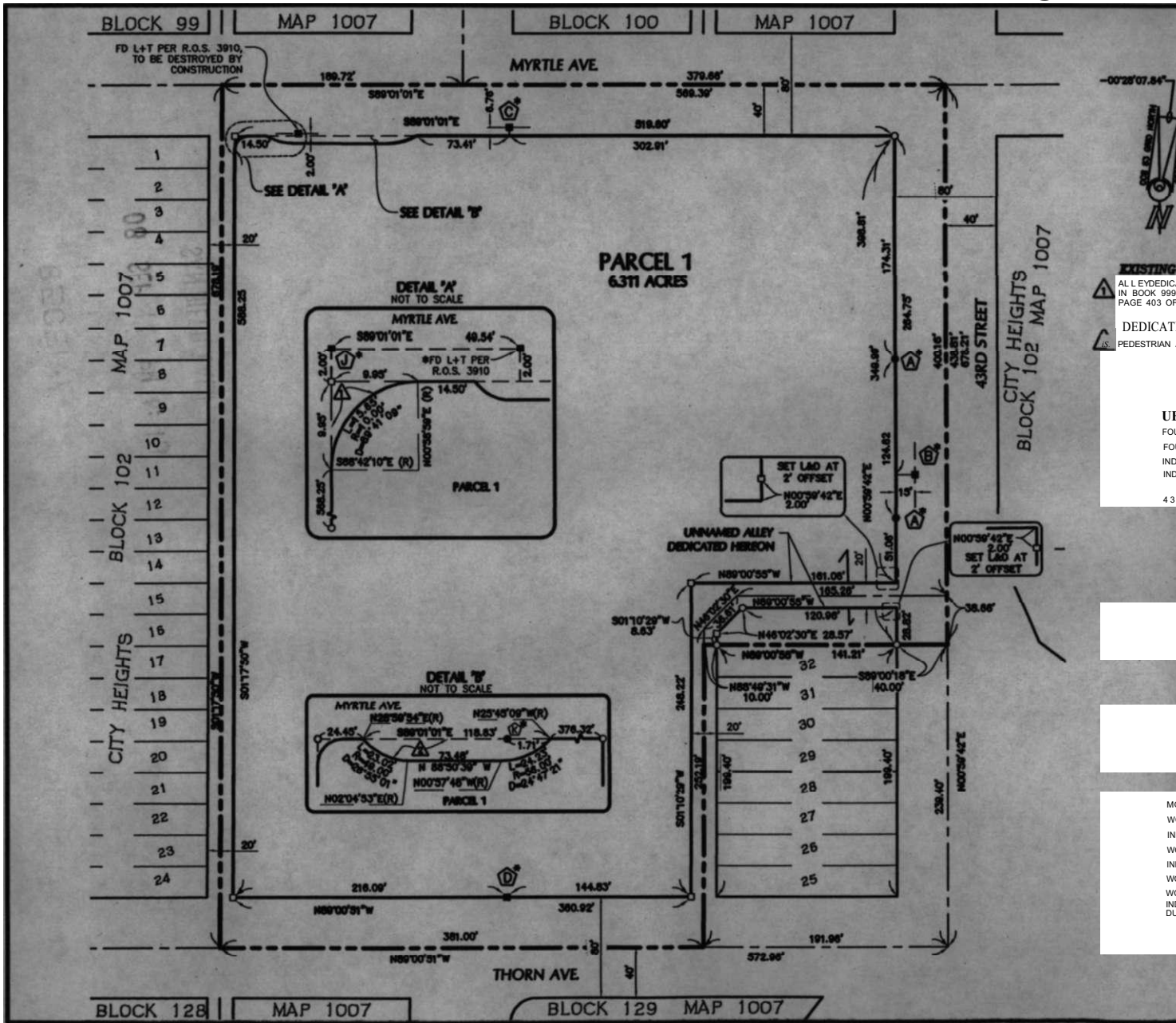
ENGINEERS

to 0

03

PARCEL MAP NO.

SHEET 3 OF 3 SHEETS



EXISTING EASEMENT
ALL LEYDEDICATED TO PUBUC USE PER DOCUMENT RECORDED FEBRUARY 24, 1950 IN BOOK 9990, PAGE 130 AND RE-RECORDED MARCH 21, 1930 N BOOK 0023. PAGE 403 OF OFFICIAL RECORDS.

DEDICATION
PEDESTRIAN AND NON-MOTOR VEHCUAR RIGHT OF WAY DEDICATED HERON

UBKND
FOUNO LEAD * DISK AS NOTED BELOW
FOUNO 3/4" IRON PIPE AS NOTED BELOW
INDICATES SET L'O STAMPED "LS 4307"
INDICATES SET 3/4"IB" RON PIPE W/DISK STAMPED "LS"

- 43 or
- Ⓐ FOUNO 3/4" RON PIPE WITH DISK STAMPED "LS 4312" PER R.O.S. NO. 8B14
 - Ⓑ FOUNO LEAD AND DISK STAMPED "CITY ENGR." PER R.O.S. NO. 8S14
 - Ⓒ FOUNO LEAD AND DISK PER R.O.S. 8814 STAMPED "LS 2970"
 - Ⓓ FOUNO LEAD AND TACK PER R.O.S. 0014
 - Ⓔ FOUNO LEAD AND DISK STAMPED IS 330" PER MAP 10211
 - Ⓕ FOUNO CITY ENGINEER'S DISK, NO RECORO, ACCEPTED AS POUT SHOWN ON PER CR. 5037
 - Ⓖ FOUNO CITY ENGINEERS DISK, NO RECORO, ACCEPTED AS SHOWN
 - Ⓗ FOUNO LEAD AND DISK STAMPED IS 2717" NO RECORO, ACCEPTED AS SHOWN
 - Ⓘ X FOUNO LEAD AND DISK STAMPED "LS 2201" PER U7 CR. 3037, MAP 10211, CUE 3470, R.O.S. 3010
 - Ⓙ FOUNO LEAD ONLY, NO RECORO, ACCEPTED AS 2.00" OFFSET TO THE NORTHWEST CORNER OF LOT 48
 - Ⓚ FD 3/4" L.P. STAMPED "JAEGER RE 4847", PER R.O.S. 3910

MOKATES PARCEL MAP BOUNDARY
WOICATES RECORO DATA PER MAP NO 10211
INDICATES RECORO DATA PER CR. 3037
WOICATES RECORO OATA PER ROS 0814
INDICATES RECORO OATA PER MAP 1007
WOICATES CITY ENGINEERS DISC
WOICATES LEAD AND TACK
INDICATES MONUMENT WILL BE DESTROYED DUE TO CONSTRUCTION