RESOLUTION NUMBER R- 304163

DATE OF FINAL PASSAGE SEP 2 3 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A PUBLIC RIGHT-OF-WAY AND EASEMENT VACATION FOR NORMAL HEIGHTS 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, the portions of Ward Road, 38<sup>th</sup> Street, and sewer and slope easements 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does not contain active public utility facilities that would be affected by the abandonment and the easement has been superceded by relocation and there are no other public facilities located within the easement, and

WHEREAS, the public street easement, identified on Vacation Exhibit, L C 216-1733 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. 421993" [MAP], being a consolidation of Lots 1 through 7 in Block 46, Lots 201, 205, 206, 211, 212, 213, 216, 217 and portions of Lots 200, 204, 214 and 215 all of Normal Heights, in the City of San Diego, County of San Diego, State of California, according to map thereof No 985, filed in the Office of the County Recorder of said County together with those portions of Ward Road, 38<sup>th</sup> Street, Elvira Street, Edna Place, East Mountain View and the unnamed alleys all as dedicated to public use

BE IT FURTHER RESOLVED, the sewer easements recorded November 15, 1928 in Book 1541, Page 392 of deeds, recorded November 15, 1928 in Book 1556, Page 109 of deeds, recorded October 15, 1928 in Block 1546, Page 50 of deeds and recorded November 28, 1928 in Book 1541, Page 497 of deeds, slope easements recorded February 1, 1962 as instrument No 19471 and 19472 O R.; portions of Ward Road dedicated per map 985 and documents recorded May 11, 1911 in Book 500, Page 62 of deeds, recorded September 18, 1912 in Book 505, Page 64 of deeds March 27, 1929 in Book 1606, Page 248 of deeds, a portion of 38<sup>th</sup> Street dedicated per Map 985 document recorded March 31, 1927 in Book 1199, Page 470 of deeds and Map 985 are not shown within this Parcel Map because they have been vacated pursuant to Section 68445(j) of the State Subdivision Map Act

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

1 Prior to the recordation of the Street Vacation or the approval of any final map the applicant shall cut, plug and abandon the water mains, all unused water services and appurtenances in portions of 38th Street and Ward Road The cut, plug and abandonment

(R-2009-128)CORR.

shall be in a manner which will receive operational acceptance by the Water Department,

satisfactory to the Water Department Director

2. The applicant shall assure by permit and bond the installation of all public

improvements as shown more particularly on Drawing No. 32782-D (J O 421993) in a

manner satisfactory to the City Engineer

3 The School District is responsible to establish and install school zone and safe

route to school (along the frontage and in the vicinity of the school site) including but not

limited to pavement markings, striping, signage, and traffic control devices such as

flashing beacons, traffic signals, and traffic calming measures satisfactory to the City

Engineer These improvements shall be properly permitted, constructed, and approved for

final as-built to the satisfaction of the City Engineer prior to (first day) opening of the

school

4 Prior to the issuance of the first permit, applicant shall assure by permit and

bond, reconstruction of the sidewalk on the south side of Ward Road between Cherokee

Avenue and the easterly terminus point, satisfactory to the City Engineer

APPROVED MICHAEL AGUIRRE, City Attorney

Βv

Marianne Greene

Deputy City Attorney

MR als js

07/25/08

09/11/08 Corr

Or Dept.DSD

R-2009-128

MMS#6561

SHEET 1 OF 5 SHEETS

### OWNER'S STATEMENT

WE, THE OWNER OF, OR ARE INTERESTED IN, THE PROPERTY COMERED BY THIS MAP HEREBY APPROVE SAID MAP AND THE FILMS THEREOF

IT IS OUR INTENT TO SUBDINDE OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING MAY REVERSION INGHTS THAT MAY DAST WITHIN THE AUJURNAY PUBLIC ROBAT OF MAY IT IS NOT OUR INTENT TO ALERS OR SEVER THE LEATINGATE RIGHTS OF OTHERS WHO MAY HAVE CLAIM ON THOSE REVERSION RIGHTS THROUGH PRIOR CONTEXNICES.

WE HEREBY DEDUCATE FOR PUBLIC USE PORTIONS OF 36TH STREET AND UNMAKED ALLEYS FOR USE AS PUBLIC STREETS AND APPURTDHANCES THERETO, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

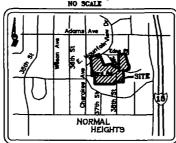
PUBLIC STREETS AND APPLICIPANCES PRINCIPAL AS STORM OF THIS BAP WHITE HER STREET FOR CORRECT COMPANY, PART OF CITY OF SAM DECO, A MERCIFAL CORPORADO, THE CASSIMENT FOR CORRESPONDING AND ACCESS PURPOSES INCLIDING THE ROSH OF INSPESS AND ECRESS FOR THE REPARK, MAN ALTERIAND, OF ANY UTLITY EXPRENDED OF PACILITY STRUCTURE IN OR ON ALTERIAND OF ANY UTLITY EXPRENDED OF PACILITY STRUCTURE OF OR ALTERIAND, OR THE OFFICE ADMINISTRATION OF PACILITY STRUCTURE OF ACCESS TO THE PROPERTY OF ACCESS OFFICE AND ALSO ALTERIAND OF PACILITY AS SHOWN OF THE SERVICE OF ACCESS TO THE PROPERTY OF ACCESS TO THE SUBJECT OF THE POLICIONS CONTINUES, WHICH HAVE NOLUME STREET AND WHITE MANNS, WHETH SETWICES AND SHEET LATERALS, CONDUITS, STORM CORMS, FOR HEIGHT AND EXPRENDED OF THE SUBJECT OF THE SUBJECT OF THE POLICIONS CONTINUES, WHICH AS THE ACCESS TO THE POLICIONS OF THE SUBJECT OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE POLICIONS OF THE SUBJECT OF THE SU LOCATION OF SUCH UTILITIES CONFORM TO THE LOCATION OF SMILAR UTILITIES IN DEDICATED STREETS.

WE (I) HEREBY GRANT TO THE CITY OF SAN DECO, A MUNICIPAL COOPGRATION, THE EASSMENT(S) WITH THE RIGHT OF INGRESS AND EXPERS FOR THE CONSTRUCTION AND MARKETAINCE OF BRAINGE. FRACILIES, OVER, UPON, AND ACKOSS ALL HOSS PORTIONS OF PARCEL, I.A. SENDING ON THIS MAP WITHIN THIS SUBDINISHED AND DESIGNATED AS TORANIAGE EASSMENT GRANTED HEREON, TRESHMIND TO THE OWNER OF THE FIRST THE UNDERSTRESS SAND EASEMENT HEREON GRANTED THE CONTROL OF THE STREAM OF THE SENDING OF THE SENDING OF THE SENDING OF THE SENDING OF THE PROTECTION OF THE SENDING OF THE SE

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

INTERIOR EXECUTIVE DIRECTO	OR OF FACILITIES		
STATE OF CALIFORNIA COUNTY OF			
ON	BEFOR	E ME,	
PERSONALLY APPEARED			
NAME(S) IS/ARE SUBSCRIBED THE SHE/THEY EXECUTED THE HIS/HER/THEIR SIGNATURE(S WHICH THEY PERSON(S) ACT	e same in his/her/t ) on the instrumen	HEIR AUTHORIZED CAPACE T THE PERSON(S), OR THE	TY(IES), AND THAT BY
I CERTIFY UNDER PENALTY OF FORGOING PARAGRAPH IS TO		E LAWS OF THE STATE O	F CALIFORNIA THAT THE
WITHESS MY HAND.			
SIGNATURE			
PRINT NAME			
MY PRINCIPAL PLACE OF BUI	SINESS IS IN	COUNTY	,



VICTORTY MAD

### SECRATURE OMISSION STATEMENT

THE SIGNATURE OF THE CITY OF SAN DEGO, OWNER OF A SEWER EASEMENT GRANTED PER THE DOCUMENT RECORDED NOVEMBER 15, 1928, IN BOOK 1556, PAGE 109 OF DEEDS, HAS BEEN OMITTED LINDER THE PROVISIONS OF SECTION 66438, SUBSECTION(6/S/)(A/V) OF THE SUBDIVISION MAP ACT THEIR INTEREST IS SUCH THAT THEY CANNOT REFE INTO A FEE TITLE AND SAID SIGNATURE IS NOT RECUIRED BY THE GOVERNING BODY

### CLERE OF THE BOARD OF SUPERVISORS CERTIFICATE

L CLERK OF THE BOARD OF SUPERMISORS, HEREBY CERTIFY THAT THE PROMISORS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE COMERNMENT COOC), REGARDING (A) DEPOSITS FOR TAXES, AND (B) CENTIFICATION OF THE ABSENCE OF LIDIES FOR UNIFAD STATE, COUNTY, MANUFAL, OF LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

THOMA CLERK DATE	S J. PASTUSZIKA OF THE BOARD OF	SUPERMSORS	BY- DEPUTY	•

# CITY CLERK'S STATISHENT

L CITY CLEIN OF THE CITY OF SAN DEGO, CALFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO.

THE COLINCIA OF SAN CITY HAS APPROVED THIS MAP, INCLIDING THE VACATION OF THE STREETS AND ESCHEMITS AS INDICATED HEREON PURSUANT TO SECTION 68445() OF THE STATE SUBDIVISION MAP ACT AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SOMED BY THE OWNERS LINDER THE CONDITIONS EXPRESSED THEMBER.

IN WITHESS WHEREOF, SAID		
EDECUTED BY THE CITY OL	ERK AND ATTESTED BY	r (19° SEAL THIS
	, 2008.	

ELIZABETH MALAND	Br
CITY CLERK	OEPUTY

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BEING A CONSOLUDATION OF LOTS 1 THROUGH 7 IN BLOCK 48, LOTS 201, 205, 208, 211, 212, 213, 219, 217 AND PORTIONS OF LOTS 200, 204, 214 AND 215 ALL OF MORBAL INSPIRED. IN THE CITY OF SAN DEED, COUNTY OF SAN DEED, STATE OF CALFORNIA, ACCORDING TO MAY THEREOF NO. 988, FILED IN THE OFFICE OF THE CALFORNIA, ACCORDING TO SAND COUNTY TOCKTHEN WITH THOSE PORTIONS OF WHAT ROAD, SITH STREET, LUMBA STREET, EDMA PLACE, EAST MOUNTAIN VEW AND THE UNHAMED ALLEYS ALL AS DEDICATED TO PRINCE USE.

STHER RASEMENTS RECORDED NOVEMBER 13, 1928 IN BOOK 1541, PAGE 392 OF DEDDS, RECORDED NOVEMBER 13, 1928 IN BOOK 1549, PAGE 109 OF DEDDS, RECORDED STORMER 13, 1928 IN BOOK 1536, PAGE 109 OF DEEDS AN EXCORDED RECORDED SERVING IN BOOK 1546, PAGE 30 OF DEEDS AND STATE OF DEDDS RECORDED FEBRUARY 1, 1928 AS INSTRUMENT FOLLOWING IN BOOK 1507, PAGE 40 OF DEDDS ARROWING SEPTIMENT 18, 1912 AND STATE OF DEDDS ARROWING SEPTIMENT 18, 1912 AND STATE OF DEEDS AND 11, 1911 IN BOOK 500, PAGE 40 OF DEEDS ARROWING PAGE 218 OF DEEDS APOST OF DEEDS AND 127, 1929 IN BOOK 1500, PAGE 436 OF DEEDS AND STATE DEPOSITED FOR MAP 889 DOCUMENT AND STATE OF DESIGN AND ST

PARCEL MAP QUARANTEE BY FIRST AMERICAN TITLE INSURANCE COMPANY AS ORDER NO. DIV-1528508 -TOTAL ACRES (INCLUDING REVERSION RIGHTS): 6.845 ACRES -NUMBER OF PARCELS 1

## SURVETOR'S STATEMENT

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	South Control of Contr
DATE	to ASOT IN
CITY ENGINEER'S STATEMENT I HEREBY STATE THAT THIS MAP WAS DI SUPERVISION; THAT IT SUBSTANTIALLY OF AND WITH ANY APPROVED ALTERATIONS SUBDIFFICE MAP ACT AND ANY LOCAL APPROVAL OF THE TENTATIVE MAP, AND	AMINED BY ME OR UNDER MY DIRECT INFORMS TO THE TENTATIVE MAP, IF ANY, THEREOF, THAT IT COMPLIES WITH THE RODNANCES APPLICABLE AT THE TIME OF
I ALSO CERTIFY THAT THERE ARE NO UN IMPROVEMENT ACTS OF THE STATE OF C	PAID BONDS ISSUED UNDER THE STREET ALIFORNIA AGAINST THIS SUBDIVISION.
AFSHIN OSKOUL, CITY ENGINEER	
BY GREGORY P HOPIGNS, DEPUTY LS. 7730 DATED	-
RECORDER'S STATEMENT	
FILED THIS DAY OF	, 2006 AT AM/PM.
IN BOOK OF PARCEL MAPS AT PAGE AT THE REQUEST OF JAMES L MEYER.	<u> </u>
GREGORY J. SWITH COUNTY RECORDER  BY  DE	PUTY COUNTY RECORDER
FEE. \$ 18.00	

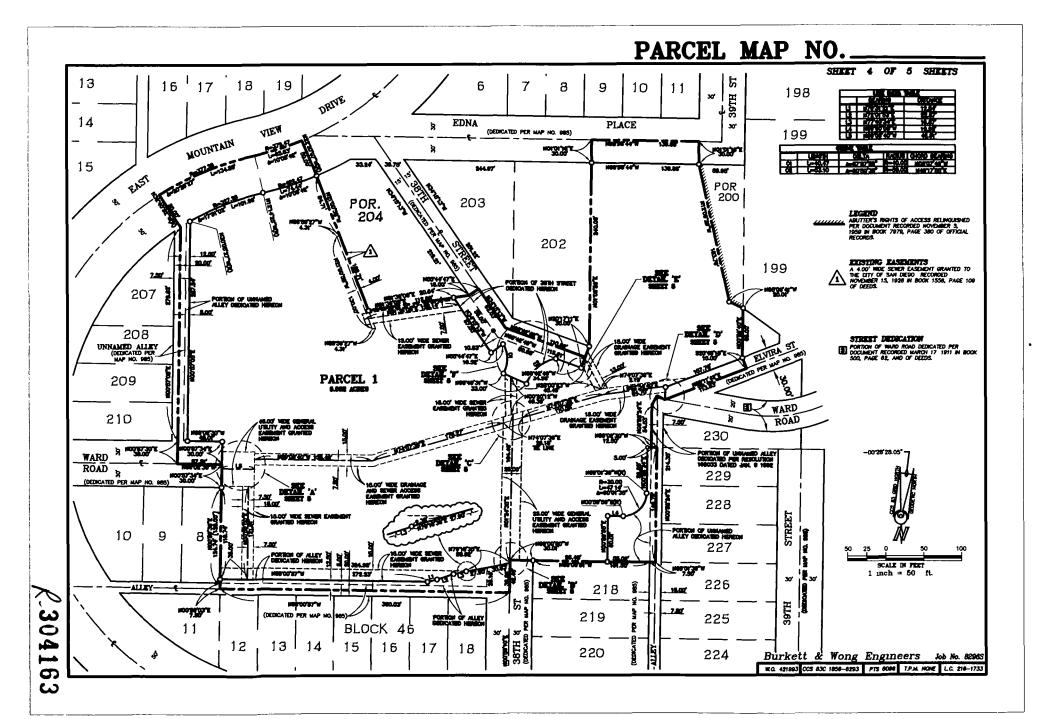
Burkett & Wong Engineers 65 No 8296S M.O. 421993 CCS 83C 1856-8293 PTS 8098 TP.M. NONE L.C. 218-1733

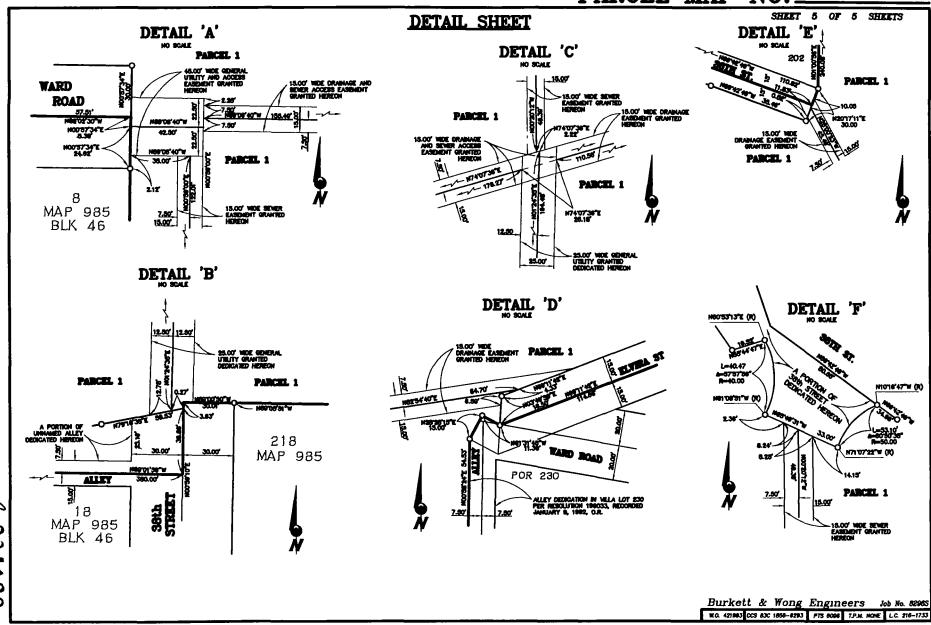
MY COMMISSION EXPIRES:

PARCEL MAP NO. PROCEDURE OF SURVEY MANOS STEEL A (MEE SHEET 3 FOR VACATIONS) CCS 63 THE DETAIL ADAMS AVENUE MAN 47'00'E CITY OF SAN DEED OPS MON. NO. 1080 POUND CITY ENGINEER'S DISK PER R.O.S. NO. 14402. N 1,850,582.16 166'47'05'E -0428/28 083 GITY OF SAM DIEGO GPS MON. NO. 1072 PER R.O.S. NO. 14402. N 1,850,500.83 E 0,298,047.80 HON. NO. 1080 PER R.O.S. NO. 14402. 5.00 H 1,508,592.16 CATTY EDICEMENTS FOR BOTH 50' 106 50 N 1,808,500.83 5 3 2 PT 'A' H 1857980.93 PT 'R' 197 1113 BLOCK 44 10016 49 T 730.26 BLOCK 45 CONVERGENCE ANGLE 12 18 BASES OF BEARINGS
THE BASS OF BEARINGS FOR THIS MAP IS THE CCS 83 CALIFORNIA
COORDINATE SYSTEM ZONE 8, EPOCH 1891 35. MEASUREMENTS TO
POWNS 'A' AND 'B' ARE SHOWN HEREON. 'A' AND 'B' ARE ADJUSTED
TU G.P.S. STATION 1072 AND G.P.S. STATION 1080 PER RECORD OF
SURREY MAP NO. 14492. BEARING N 8878'49" E.
QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY
NOT BE M TERMS OF SAND SYSTEMS. 17 9 16 8 10 11 198 CR 2821 13 SCALE DE FEET HELD FOR STREET WOTH 1 inch = 80 ft. Ē FONDERLY GLHORE PL) PHACE 138-88 (DECEMBER PRINCE 138-88 (DECEMBER PRINCE 138-88 (DECEMBER PRINCE PR 1407-3357 W 204-3471147 14 MOUNTAIN THE COMMINED SCALE FACTOR AT STATION 'A' IS 1 000003890.
GRID DISTANCE = GROUND DISTANCE x COMBINED GRID FACTOR. 199 750' NO30'03'E 30.00' NO'57'30'E 944.97 [245.22] LEGIS 15 L3 54.53' NO'58'24"E L4 38.75' N86'58'44"W INDICATES SET 3/4"x18" IRON PIPE W/DISK STAMPED "LS 4307" Q MONCATES FORMS STANDARD STREET MONEMENT AS MOTES L5 15.00' N55'44'47'E L6 30.00' NITH'SE MONCATES FOUND LEAD & DISK STAMPED "CED" PER CITY FIELD MOTES, NO NO. 20047 CLARK, DATED MAY 5, 1967, OR AS OTHERNISE MOTED L7 55.00' N89'05'53"W L8 7.50' N89'02'30"W 206 202 INDICATES FOUND 3/4" IRON PIPE AS NOTED **CONT. 168** INDICATES CITY ENGINEER'S DISC 201 POR 205 FOUND LEAD AND DISK "LS 2717", NO RECORD, ACCEPTED AS 5" CURVE LIMITED SELTA 207. C1 134.58 20'26"27" 377 26" 200 (B) FOUND CHESTED X' NO RECORD ACCEPTED AS SHOWN C2 65.65 10'05'42" 372.47" NORMAL HEIGHTS FOUND STANDARD STREET MON. PER CITY OF SAN DEGO T.P.S., W.O. 40443, CLARK, DATED MAY S. 1867 USED TO ESTABLISH THE CONTENIES OF MODISON AVENUE, AND EAST MODIFIAN WEW DRIVE. POR 204 154.05 [154.07] D FOUND 3/4" LP., NO RECORD, ACCEPTED AS SOUTHEAST CORNER OF LOT 204, MAP NO. 983, DESTROYED BY CONSTRUCTION 208 The Part of the Pa onvine"w 404.08 3) A PORTION OF WARD ROAD DEDICATED PER DOCUMENT RECORDED MAY 11, 1911 IN BOOK 500, PAGE 82 OF DEEDS, (SEE SHEET 3 FOR DETAIL.) VACATED HEREON. 212 218 214 E FOUND LEAD AND DISK "RCE 7452", PER C.R. HO'S 1592, 1874 AND 1978, ROS 8583, DESTROYED BY CONTRUCTION 209 (E) FOUND CHISELED 'X', PER C.R. NO. 1992, ROS 8993, DESTROYED BY CONTRICTION [5] PORTION OF MARD ROAD DEDICATED FOR DOC RECORDED SEPTEMBER 18, 1912 M BOOK 505 PAGE 84 OF DEEDS, (SEE SHEET 3 FOR DETAIL) VACATED HEREON. MAP 985 210 D FOUND LEAD AND DISK "RE 4847" PER C.R. NO. 1502. M60109'30"W ş. POR 230 300.18 TOUND LEAD ONLY, NO RECORD, ACCEPTED AS POINT ON LINE, DESTROYED BY CONSTRUCTION WARD ROAD (FORMERLY REED PL 'n (DEDICATED PER MAP 985) TOUND LEAD AND DISK "CITY ENGINEER'S DISC", PER MAP 9008 USED FOR LINE. 232 Þ M00'02'30'W 417.42 216 (I) FOUND LEAD AND DISK "LS 2784", NO RECORD, ACCEPTED AS SHOWN HOSE'34'E 30.00 MAP 985 228 © FOUND LEAD AND DISK "2717", PER HAP NO. 9868, ACCEPTED AS 233 5.00 HEIGHTS NORMAL 217 DOLLO PK HAL PER CITY OF SAN DIEGO FIELD HOTES, WO.NO. 1200BD, ELMON DATED MARCH 1, 1972. ACCEPTED AS SHOWN, DESTROYED BY CONSTRUCTION 5 3 2 6 234 13/76/ Hea.00.2 [H80.00,00\_A] [400'00] 53 H80.00,00\_A] 400'00] THE PERSON FOUND 3/4" LP PER R.O.S. BSB3, ACCEPTED AS NORTHWEST CORNER OF LOT 211, MAP NO. 985, DESTROYED BY CONSTRUCTION CR 1874 218 70 4471114 7 MY 235 (N) FOUND LEAD AND DISK "2717", PER MAP NO. 9000, NOT ACCEPTED CHEROKEE 15.00' MAP 9866 FOUND LEAD AND TOURD LEAD AND TACK PER R.O.S. 8583, USED TO ESTABLISH CENTERLINE OF ALLEY (DEDICATED PER MAP 985) 7.00 DISK "2976", PER HEE OF 02"W 320.13 B FOUND 1" PIPE, CR 1592 FOUND 1/2" PIPE, ACCEPTED AS SHOWN, EXAMORRATED FOR CLARITY (2000) CR 1974 5 12 13 15 17 16 18 INDICATES PARCEL MAP BOUNDARY BLOCK 46 MDICATES DATA PER CITY OF SAN DIEGO FIELD NOTES, N.O. NO. 48443, DATED MAY S, 1987, OR AS NOTED 221 217 INDICATES RECORD DATA PER MAP NO. 005 ( ) 227 223 MONCATES RECORD DATA REP DEED 2003-1270427 226 60' 11 218 Pal Sin INDICATES RECORD DATA PER DEED 2004-1231318 (( )) index of (Index of) MOICATES CITY THE POINT SHEET TRE 225 MADISON 219 AVENUE HOICATES SEARCHED FOR ANY ACCEPTABLE MONIMENTATION PER MAP 965, NOTHING FOUND 4-200808 4-(200830 Burkett & Wong Engineers (DEDICATED PER MAP 985) NLO. 421883 CCS 83C 1856-8293 PTS 8088 T.P.M. HONE LC. 218-1733

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