

RESOLUTION NUMBER R-304355

DATE OF FINAL PASSAGE NOVEMBER 10, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO FOR THE VACATION OF PUBLIC RIGHT-OF-WAY IN CONNECTION WITH THE SYCAMORE LANDFILL MASTER PLAN PROJECT NO. 5617.

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.0910 et seq. provide a procedure for the summary vacation of public street easements by City Council resolution where the easement is excess and no longer required for street or highway purposes; and

WHEREAS, the affected property owner has requested the vacation of all that real property relinquished to the City of San Diego, in the City of San Diego, County of San Diego, State of California per document recorded March 6, 2008 as Document No. 2008-0117850 of Official Records.

EXCEPTING THEREFROM:

Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708; and

WHEREAS, the street vacation is necessary to unencumber this property and facilitate development of the site as conditioned in Site Development Permit No. 9310 and Planned Development Permit No. 9309; and

WHEREAS, the vacated easement shall be used for access to adjacent parcels and the Sycamore Landfill; 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 November 10, 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, by the Council of the City of San Diego, with respect to each public right-of-way, that the Council, pursuant to San Diego Municipal Code section 125.0941, finds that:

(a) That there is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated, in that, the easements are not needed for public street purposes; and

(b) That the public will benefit from the vacation through improved use of land made available by the vacation; and

(c) That the vacation does not adversely affect any applicable land use plan; and

(d) That the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation;

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

The unnamed street, as more particularly described in the legal description (attached hereto as "Exhibit A" and incorporated herein) and as more particularly shown on Drawing

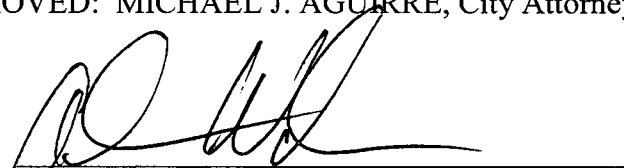
No. 20899-B (attached hereto as "Exhibit B" and incorporated herein), on file in the office of the City Clerk as Document No. RR-304355, is ordered vacated.

BE IT FURTHER RESOLVED, that said street vacation is conditioned upon approval and issuance of Site Development Permit No. 9310 and planned Development Permit No. 9309.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of the 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:


Adam Wander
Deputy City Attorney

ARW:mm:cw
11/21/08
Or.Dept:DSD
R-2009-491
MMS#6932

EXHIBIT A

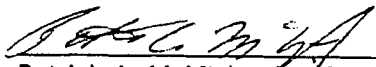
R-304355

J-14211C

All that real property relinquished to the City of San Diego, in the City of San Diego, County of San Diego, State of California per document recorded March 6, 2008 as Document No. 2008-0117850.

EXCEPTING THEREFROM:

Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708.



Patrick A. McMichael, L.S. 6187

8-27-2008

Date

Jb/14211c.012

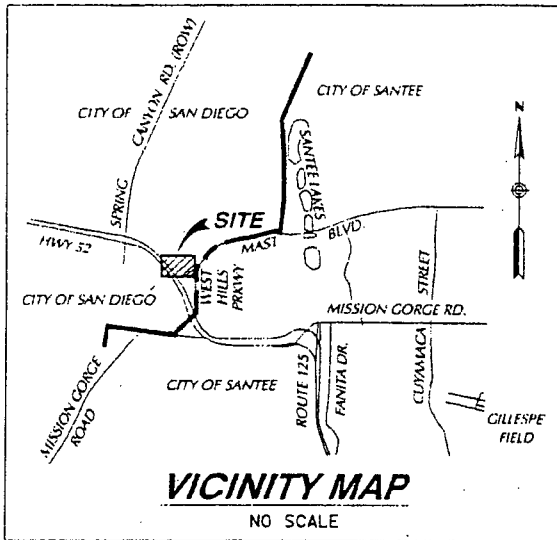


R- 304355

EXHIBIT B

R-304355

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LEGEND



UNNAMED STREET
RELINQUISHED TO
CITY OF SAN DIEGO
PER DOC. REC.
3-6-2008 AS F/P
2008-017850 O.R.
VACATED HEREON.
(AREA 3.97 ACRES)



SLOPE EASEMENT
RELINQUISHED TO
CITY OF SAN DIEGO
PER DOC. REC.
3-6-2008 AS F/P
2008-017850 O.R.



DRAINAGE EASEMENT
RELINQUISHED TO
CITY OF SAN DIEGO
PER DOC. REC.
3-6-2008 AS F/P
2008-017850 O.R.



INDICATES ACCESS RIGHTS
RELINQUISHED PER DOC.
REC. 4-2-1992
F/P 1992-0232834 O.R.



INDICATES PARCEL NUMBER
PER RIGHT OF WAY MAP
NO. 47533 AND NO. 47534

REFERENCE DRAWING

CITY DWG NO. 11844-D

STATE HWY MAP NO. 307.

STATE RIGHT OF WAY MAP
NO. 47533.

STATE RIGHT OF WAY MAP
NO. 47534.

MAP NO. 1703.



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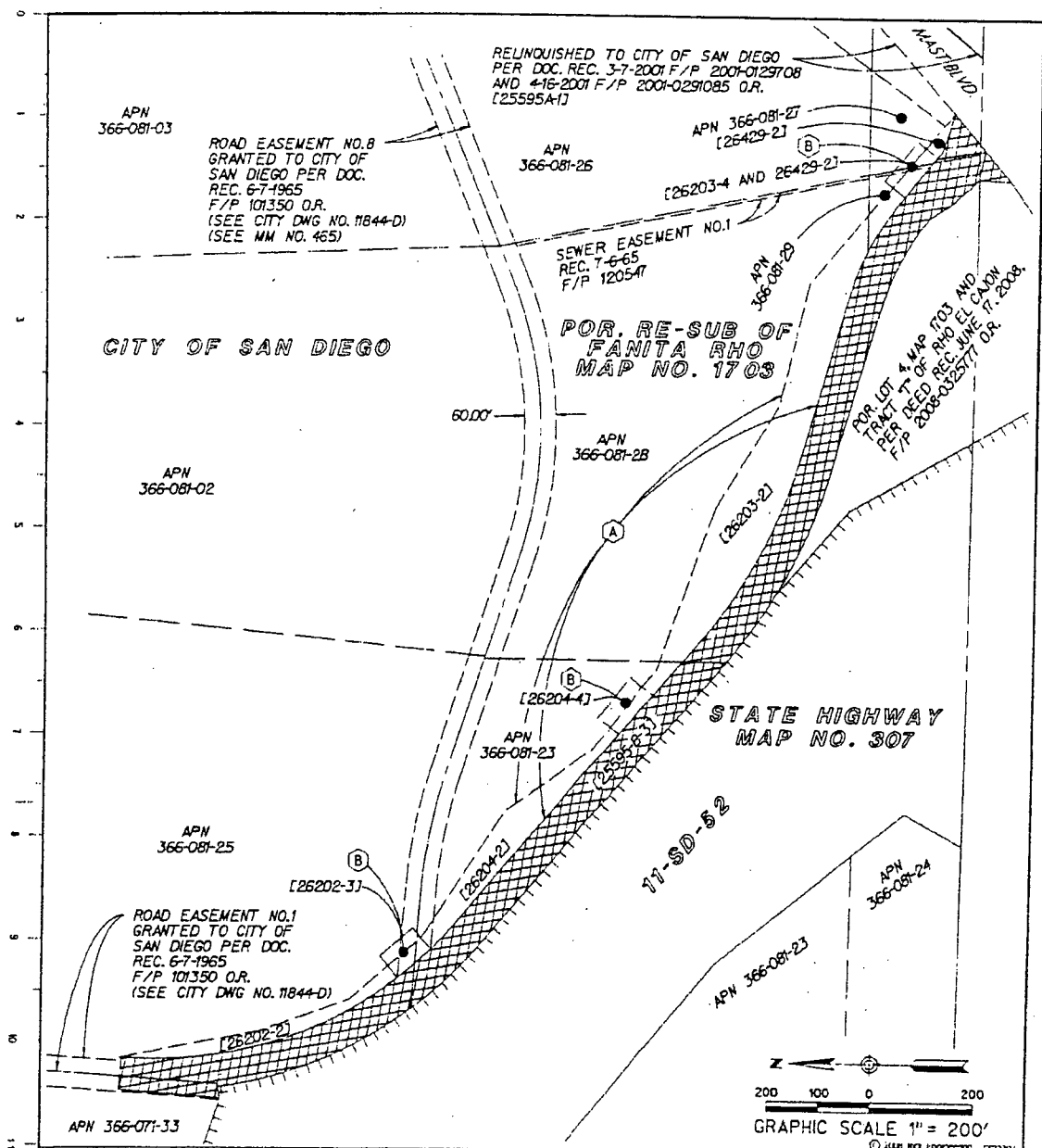
RICK 5623 FRIARS ROAD J. 14211C
SAN DIEGO, CA 92110
619.291.0707 28-AUG-2008
ENGINEERING COMPANY (FAX) 619.291.4765 19-23
MAIL: 14211C 14211C 14211C 14211C 14211C 14211C

Patrick A. McMichael
PATRICK A. MCMICHAEL, LS 6187 8-27-2008 DATE

**STREET VACATION - UNNAMED STREET
IN A PORTION OF MAP NO. 1703**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS: 5617
ORIGINAL					SHEET 1 OF 2 SHEETS	JD: 421084
					FOR CITY ENGINEER	1985 - 6321
					DATE	CCS MAD. BY COORDINATES
						246 - 1761
						AMBERT COORDINATES
STATUS						20899-1-B

R-304355



RICK ENGINEERING & SURVEYING 5620 FRIARS ROAD SAN DIEGO, CA 92119 (619) 291-0707 (FAX) (619) 297-4755	J. 14211C 28 AUG - 2008 19442
	PATRICK A. MCMICHAEL, LS 6187 DATE: 8-17-08

**STREET VACATION - UNNAMED STREET
IN A PORTION OF MAP NO. 1703**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 2 SHEETS	PTS: 5617 JOB: 421084
ORIGINAL					FOR CITY ENGINEER	DATE
STATUS						1886 - 5321 CCS HAS 89 COORDINATES 246 - 1761 LAMBERT COORDINATES 20899-2-B

R-304355