

338 (A)
(R-2009-821)
2/24/09

RESOLUTION NUMBER R- 304682
DATE OF FINAL PASSAGE FEB 24 2009

DUDLEY STREET RIGHT-OF-WAY SUMMARY VACATION.

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owners have requested the vacation of the public right-of-way to unencumber their property and facilitate development of the site as conditioned in approved Coastal Development Permit No. 209151; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. There is no current plan or future anticipation to improve this portion of Dudley Street right-of-way because the unimproved paper street includes extreme topography with steep slopes that would preclude the reasonable extension of the right-of-way through to Gage Drive. Additionally, the portion of the right-of-way proposed to be vacated is not identified in the Peninsula Community Plan's Circulation Element as a through street nor is this required for normal circulation through the neighborhood; and

(b) the public will benefit from the vacation through improved utilization of land because the vacated right-of-way would be enhanced as a neighborhood amenity including a communal landscaped area with a new pedestrian path and a defined terminus for the improved portion of Dudley Street; and

(c) the vacation does not adversely affect the General Plan or an approved Community Plan in that the General Plan does not address right-of-way vacations and the Peninsula Community Plan does not identify this site as a through street, open space or required circulation element; and

(d) the public system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation in that the neighborhood has well established traffic patterns, adequate parking and sufficient circulation options that would not be altered by the proposed vacation; 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,

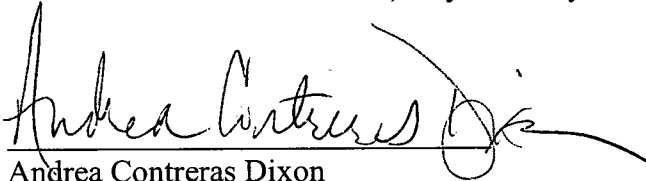
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the street easement located within the Dudley Street right-of-way in connection with Coastal Development Permit No. 209151, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20256-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-304682-1, and RR-304682-2, which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom an easement for general utilities and together with ingress and egress for that purpose; and a 20-foot wide pedestrian access easement for the use and enjoyment by the general public.

2. That said Dudley Street vacation is conditioned upon recording Coastal Development Permit No. 209151. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
01/30/09
Or.Dept:DSD
R-2009-821
MMS #7651

EXHIBIT 'A'

Legal Description for
Dudley Street Vacation

PARCEL 1

That portion of Dudley Street of Magnolia Park, in the City of San Diego, County of San Diego, State of California, as dedicated per Map hereof No. 1435, filed in the office of the County Recorder of San Diego County on May 2, 1912 and described as follows:

Beginning at a point on the northerly line of Dudley Street, said point being the southwest corner of that portion of Block 4 Lot A in said Map 1435, per Grant Deed recorded October 25, 1966 in said County as File/Page No. 170701; thence South 77°02'15" East 9.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 77°02'15" East along the northerly line of Dudley Street 91.00 feet; thence South 12°57'45" West 30.00 feet to the centerline of Dudley Street; thence North 77°02'15" West along the centerline of Dudley Street 61.00 feet to the beginning of a tangent curve, concave westerly and having a radius of 30.00 feet; thence northwesterly along the arc of said curve through a central angle of 90°00'00", a distance of 47.12 feet to the end of said curve and TRUE POINT OF BEGINNING.

Reserving therefrom a general utilities and access easement over the entire said vacated street.

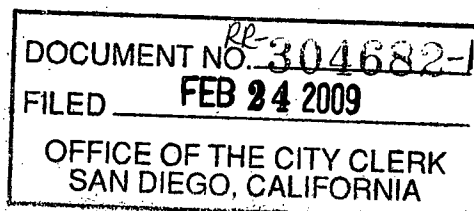
Also reserving therefrom a pedestrian access easement over the southerly 5 feet of said street vacation.

PARCEL 2

That portion of Dudley Street of Magnolia Park, in the City of San Diego, County of San Diego, State of California, as dedicated per Map hereof No. 1435, filed in the office of the County Recorder of San Diego County on May 2, 1912 and described as follows:

Beginning at a point on the northerly line of Dudley Street, said point being the southwest corner of that portion of Block 4 Lot A in said Map 1435, per Grant Deed recorded October 25, 1966 in said County as File/Page No. 170701; thence South 77°02'15" East 9.00 feet; thence South 12°57'45" West 60.00 feet to the TRUE POINT OF BEGINNING also being a point on the southerly line of Dudley Street, said point also being a point of cusp with a curve, concave northwesterly and having a radius of 30.00 feet, to which point a radial line bears South 12°57'45" West; thence easterly and northerly along the arc of said curve through a central angle of 90°00'00", a distance of 47.12 feet to the centerline of Dudley Street; thence South 77°02'15" East along the centerline of Dudley Street 35.95 feet; thence South 12°57'45" West 30.00 feet to the southerly line of Dudley Street; thence North 77°02'15" West 65.95 feet to the TRUE POINT OF BEGINNING.

Reserving therefrom a general utilities and access easement over the entire said vacated street.



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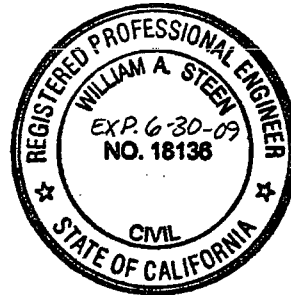
Also reserving therefrom a pedestrian access easement over the northerly 15 feet of said street vacation.

PTS 43570
W.O. No. 426386
DWG. 20256-B

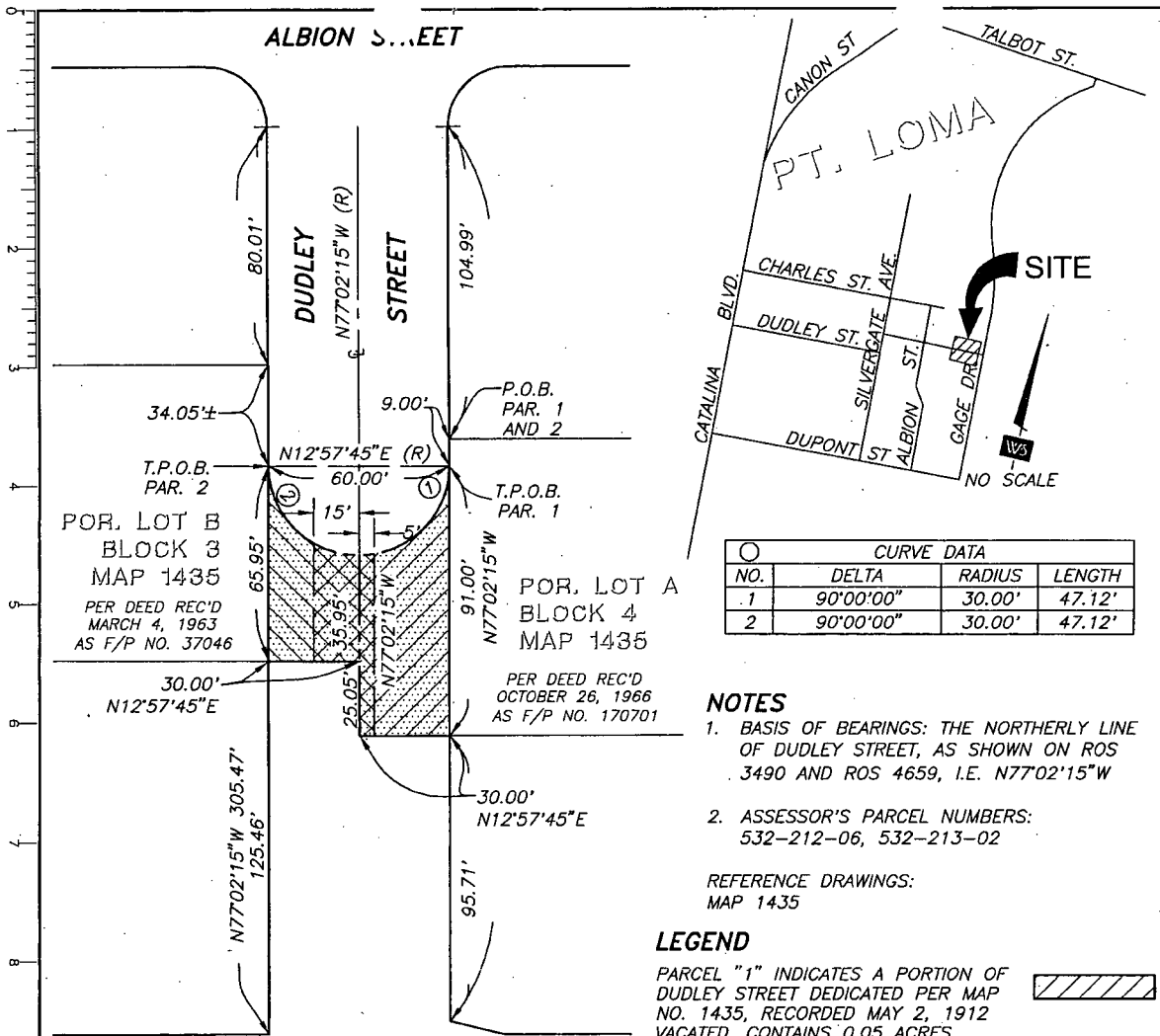
 7-27-07

William A. Steen
RCE 18136

Date



R- 304682



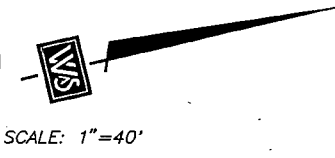
CURVE DATA			
NO.	DELTA	RADIUS	LENGTH
1	90°00'00"	30.00'	47.12'
2	90°00'00"	30.00'	47.12'

- NOTES**
1. BASIS OF BEARINGS: THE NORTHERLY LINE OF DUDLEY STREET, AS SHOWN ON ROS 3490 AND ROS 4659, I.E. N77°02'15"W
 2. ASSESSOR'S PARCEL NUMBERS: 532-212-06, 532-213-02

REFERENCE DRAWINGS:
MAP 1435

LEGEND

- PARCEL "1" INDICATES A PORTION OF DUDLEY STREET DEDICATED PER MAP NO. 1435, RECORDED MAY 2, 1912 VACATED. CONTAINS 0.05 ACRES.
- PARCEL "2" INDICATES A PORTION OF DUDLEY STREET DEDICATED PER MAP NO. 1435, RECORDED MAY 2, 1912 VACATED. CONTAINS 0.03 ACRES.
- PARCEL "3" INDICATES A 20' WIDE PEDESTRIAN ACCESS EASEMENT RESERVED FROM STREET VACATION.
- GENERAL UTILITIES AND ACCESS EASEMENT RESERVED FROM STREET VACATION



WS WILLIAM A. STEEN & ASSOCIATES
CONSULTING CIVIL ENGINEERS LAND SURVEYING & PLANNING

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William A. Steen 7-27-07
WILLIAM A. STEEN R.C.E. 18136 DATE

STREET VACATION
PORTION OF DUDLEY STREET WITH PEDESTRIAN ACCESS AND
GENERAL UTILITY AND ACCESS EASEMENTS RESERVED FROM VACATED STREET

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS 43570 W.O. NO. 426386
ORIGINAL					SHEET 1 OF 1 SHEETS	
					FOR CITY ENGINEER	1840-6255 DGS B3 COORDINATES
						200-1695 LAMBERT COORDINATES
					STATUS	20256 -B

DOCUMENT NO. **R-304682**
 FILED **FEB 24 2009**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

DATE/TIME: July 27, 2007 - 11:46am FILE: G:\Pro\6922\Dwg\6922 Street Vacation.dwg LAYOUT: ST. VACATION