

RESOLUTION NUMBER R- 304689

DATE OF FINAL PASSAGE FEB 24 2009

RESOLUTION APPROVING STREET EASEMENT
VACATION – PETRIE RESIDENCES PROJECT NO. 18262.

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

WHEREAS, the affected property owner has requested the vacation of portion of Eagle Street and Walnut Avenue to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

- a. There is no present or prospective public 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;
- b. The public will benefit from the action through improved use of land made available by the vacation;
- c. The vacation does not adversely affect any applicable land use plan; and
- d. The public facility for which the public right-of-way was originally acquire will not be detrimentally affected by this 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 Eagle Street and Walnut Avenue, as more particularly described on "Legal Description" Exhibits "A" and "Drawing" Exhibits "B," drawings numbers 20313-1-B, 20313-2-B, and 20313-3-B on file in the office of the City Clerk as Document Nos. RR- 304689-¹, RR- 304689-², RR- 304689-³, RR- 304689-⁴, RR- 304689-⁵, and RR- 304689-⁶, which are by this reference incorporated herein and made a part hereof, are ordered vacated; and

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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:hm:pev
02/09/09
Or.Dept:DSD
R-2009-841
MMS#7536

08 15 11 11 3 37

LEGAL DESCRIPTION *Exhibit A*
FOR
STREET VACATION OF A PORTION OF EAGLE STREET

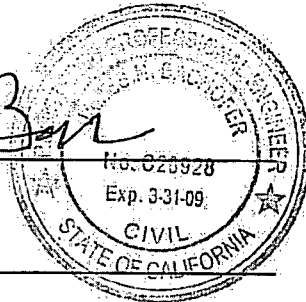
THAT PORTION OF EAGLE STREET DEDICATED PER MAP 530, RECORDED APRIL 14, 1888, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH 89°30'57" WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4 SOUTH 00°26'12" EAST 175.88 FEET TO THE INTERSECTION OF THE WEST LINE OF SAID LOT 4 AND THE NORTH LINE OF WALNUT AVE; THENCE CONTINUING ALONG SAID WEST LINE SOUTH 00°26'12" EAST 42.87 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 00°26'12" EAST 11.38 FEET; THENCE NORTH 89°33'48" EAST 40.00 FEET; THENCE SOUTH 00°26'12" EAST 40.00 FEET; THENCE SOUTH 89°33'48" WEST 40.00 FEET; THENCE NORTH 45°15'17" WEST 31.47 FEET TO A POINT ON A NON-TANGENT 320.00 FOOT RADIUS CURVE CONCAVE TO THE NORTH AND HAVING A RADIAL BEARING OF SOUTH 49°47'49" EAST, THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°32'50" AND AN ARC LENGTH OF 36.57 FEET TO THE **TRUE POINT OF BEGINNING**.

Jan M. Ben
Signature

5-19-08

Date



PTS 18262

W.O. 422010

DWG 20313-1-B

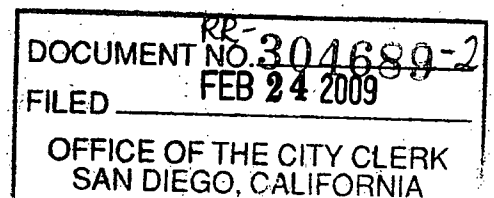
DOCUMENT NO. <u>RR-304689-</u>
FILED <u>FEB 24 2009</u>
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA

R- 304689

LEGAL DESCRIPTION - *Exhibit A*
FOR
STREET VACATION OF A PORTION OF WALNUT AVE

THAT PORTION OF WALNUT AVENUE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DEDICATED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 9317 RECORDED NOVEMBER 10, 1926 IN BOOK 1253, PAGE 391, IN SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

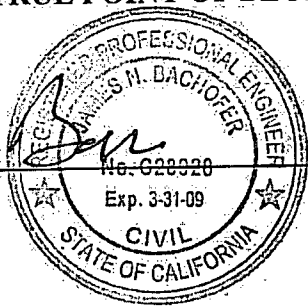
BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH 89°30'57" WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE ALONG THE WEST LINE OF SAID LOT 4 SOUTH 00°26'12" EAST 175.88 FEET TO A POINT ON A NON-TANGENT 88.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIAL BEARING OF NORTH 45°54'11" WEST ALSO BEING THE TRUE POINT OF BEGINNING THENCE NORTHEAST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°53'00" AND AN ARC LENGTH OF 39.98 FEET TO THE BEGINNING OF A 30.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHWEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°18'34" AND AN ARC LENGTH OF 47.81 FEET TO THE INTERSECTION OF WALNUT AVENUE AND THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE CONTINUING ALONG SAID 30.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 16°09'26" AND AN ARC LENGTH OF 8.46 FEET; THENCE SOUTH 02°33'11" EAST 76.70 FEET TO THE BEGINNING OF A TANGENT 30.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE SOUTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°16'55" AND AN ARC LENGTH OF 12.19 FEET TO A POINT ON THE CENTERLINE OF WALNUT AVENUE, SAID STREET CLOSED PER CITY OF SAN DIEGO RESOLUTION NO. 36398 APPROVED JANUARY 4, 1926, AND RECORDED NOVEMBER 10, 1926 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY OF SAN DIEGO; THENCE ALONG SAID CENTERLINE SOUTH 89°34'26" WEST 26.37 FEET TO A POINT ON A NON-TANGENT 55.00 FOOT RADIUS CURVE, CONCAVE TO THE EAST AND HAVING A RADIAL BEARING OF SOUTH 76°02'19" WEST; THENCE NORTH ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11°24'29" AND AN ARC LENGTH OF 10.95 FEET; THENCE TANGENT NORTH 02°33'11" WEST 46.23 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 4; THENCE CONTINUING NORTH 02°33'11" WEST 30.47 FEET TO THE BEGINNING OF A TANGENT 5.00 FOOT RADIUS CURVE CONCAVE TO THE SOUTH; THENCE NORTHWEST ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 107°28'00" AND AN ARC LENGTH OF 9.38 FEET TO THE BEGINNING OF A TANGENT 63.50 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 39°14'00" AND AN ARC LENGTH OF 43.48 FEET TO THE BEGINNING OF A TANGENT 320.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 02°54'32"



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AND AN ARC LENGTH OF 16.25 FEET TO A POINT ON THE WEST LINE OF SAID LOT 4; THENCE CONTINUING ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°32'50" AND AN ARC LENGTH OF 36.57 FEET; THENCE NON-TANGENT NORTH 45°15'17" WEST 25.09 FEET TO A POINT ON A NON-TANGENT 295.00 FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST A RADIAL BEARING THROUGH SAID POINT BEARS NORTH 50°10'58" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF 09°04'13" AND AN ARC LENGTH OF 46.70 FEET TO THE BEGINNING OF A REVERSE 88.50 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST; THENCE NORTHEASTERLY ALONG SAID CURVE THOUGH A CENTRAL ANGLE OF 13°21'00" AND AN ARC LENGTH OF 20.62 FEET TO THE TRUE POINT OF BEGINNING.

Jon M.
Signature



5-19-08
Date

PTS 18262

W.O. 422010

DWG 20313-2-B

R-304689

LEGAL DESCRIPTION - *Exhibit A*
FOR
STREET VACATION OF A PORTION OF EAGLE STREET

THAT PORTION OF EAGLE STREET DEDICATED PER MAP 530, RECORDED APRIL 14, 1888, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 4 OF INSPIRATION VIEW, ACCORDING TO MAP THEREOF NO 1854, RECORDED SEPTEMBER 2, 1925, IN SAID COUNTY; THENCE SOUTH 89°30'57" WEST 139.36 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH 00°26'12" EAST 270.12 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89°34'26" EAST 40.00 FEET TO THE NORTHWEST CORNER OF ROS 12299 IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED AUGUST 24, 1989; THENCE ALONG THE EAST LINE OF EAGLE STREET SOUTH 00°26'12" EAST 99.94 FEET; THENCE DEPARTING SAID EAST LINE NORTH 89°38'47" WEST 40.00 FEET; THENCE NORTH 00°26'12" WEST 99.40 FEET ALONG THE WEST LINE OF EAGLE STREET TO THE TRUE POINT OF BEGINNING.

James N. Bachofer
Signature



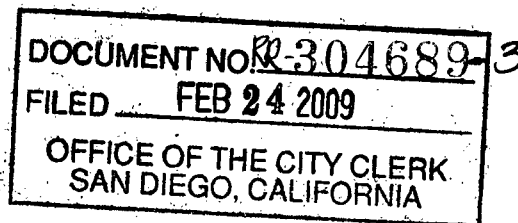
5-19-08

Date

PTS 18262

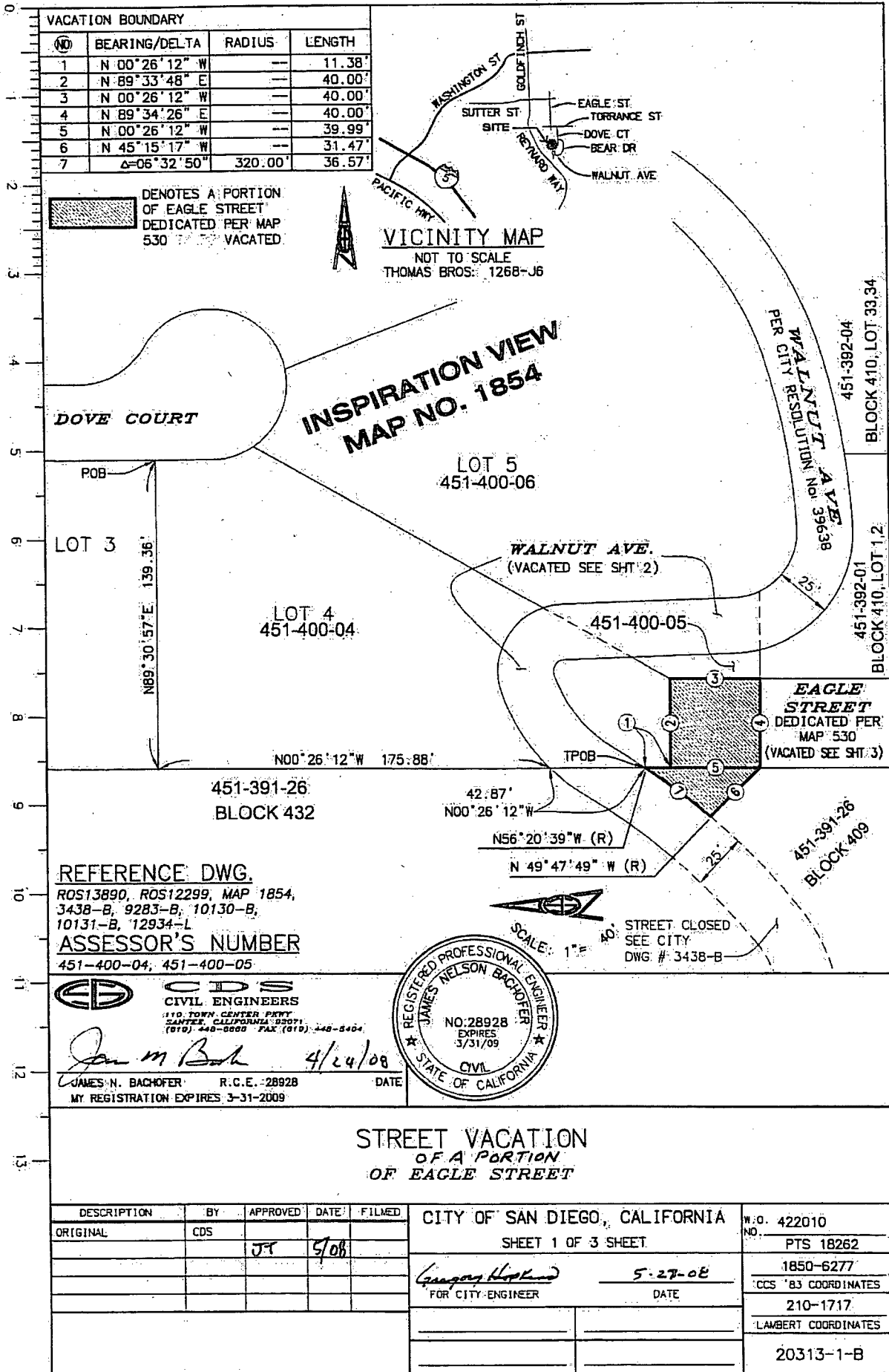
W.O. 422010

DWG 20313-3-B

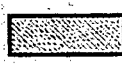


R-304689

Exhibit B




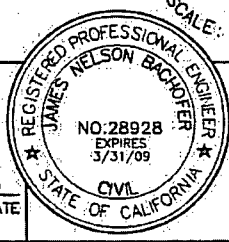
VACATION BOUNDARY			
NO	BEARING/DELTA	RADIUS	LENGTH
1	N 00° 26' 12" W	--	11.38'
2	N 89° 33' 48" E	--	40.00'
3	N 00° 26' 12" W	--	40.00'
4	N 89° 34' 26" E	--	40.00'
5	N 00° 26' 12" W	--	39.99'
6	N 45° 15' 17" W	--	31.47'
7	Δ=06° 32' 50"	320.00'	36.57'

 DENOTES A PORTION OF EAGLE STREET DEDICATED PER MAP 530 TO BE VACATED.

VICINITY MAP
 NOT TO SCALE
 THOMAS BROS.: 1268-J6

REFERENCE DWG.
 ROS13890, ROS12299, MAP 1854,
 3438-B, 9283-B, 10130-B,
 10131-B, 12934-L
ASSESSOR'S NUMBER
 451-400-04, 451-400-05

 **CDS CIVIL ENGINEERS**
 1170 TOWN CENTER PARKWAY
 SAN DIEGO, CALIFORNIA 92101
 (619) 448-0000 FAX (619) 448-8404
James N. Bachofer 4/24/08
 JAMES N. BACHOFER R.C.E.: 28928 DATE
 MY REGISTRATION EXPIRES 3-31-2009



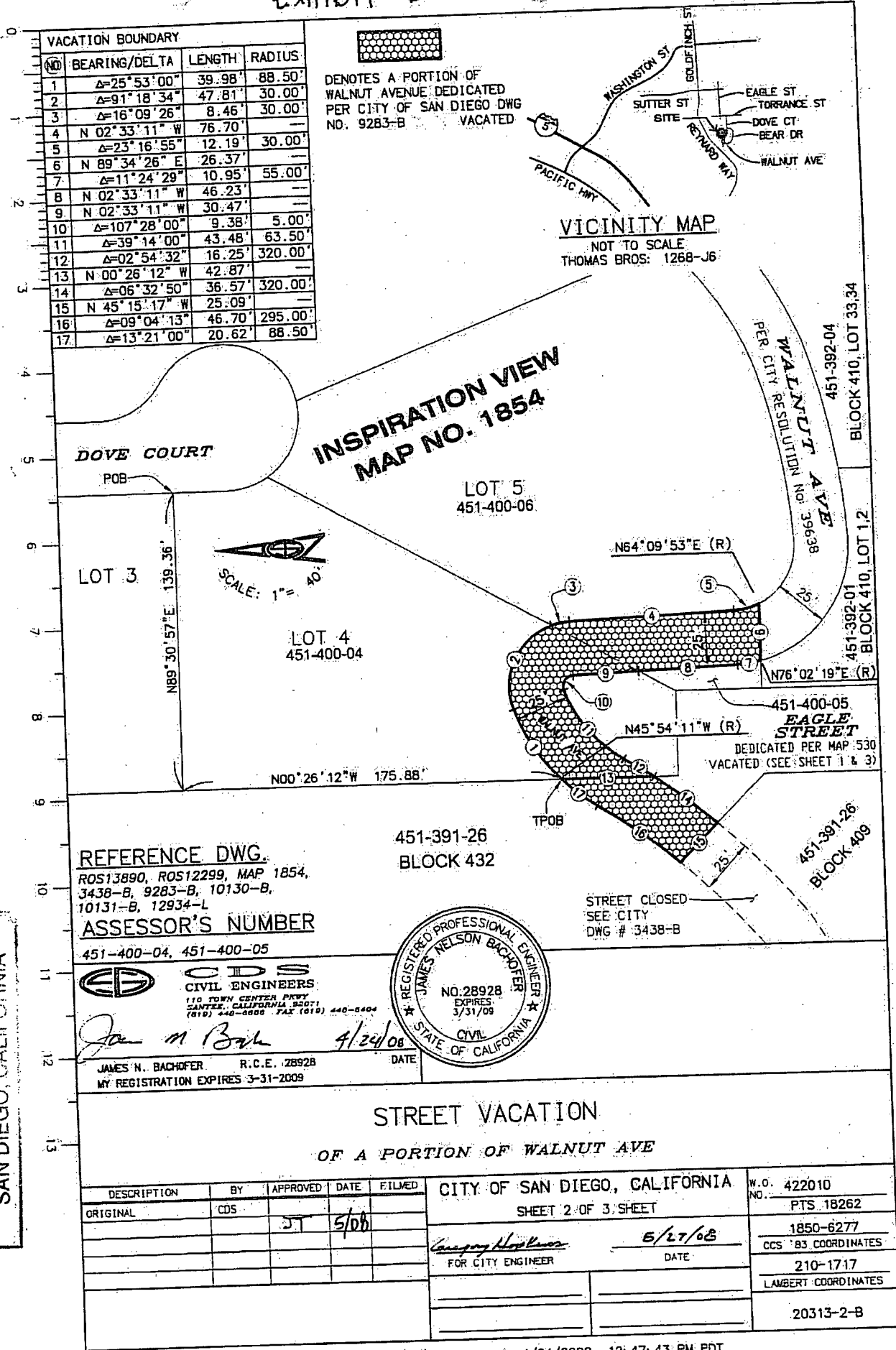
STREET VACATION
 OF A PORTION
 OF EAGLE STREET

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL	CDS	JTB	5/08		SHEET 1 OF 3 SHEET	422010
					<i>Gangney Hopton</i> 5-27-08 FOR CITY-ENGINEER DATE	PTS 18262
						1850-6277
						CCS '83 COORDINATES
						210-1717
						LAMBERT COORDINATES
						20313-1-B

DOCUMENT NO. 304689-4
 FILED FEB 24 2009
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 SAN DIEGO, CALIFORNIA

R-304689

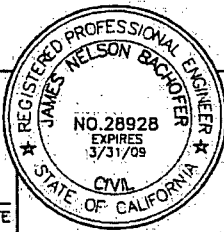
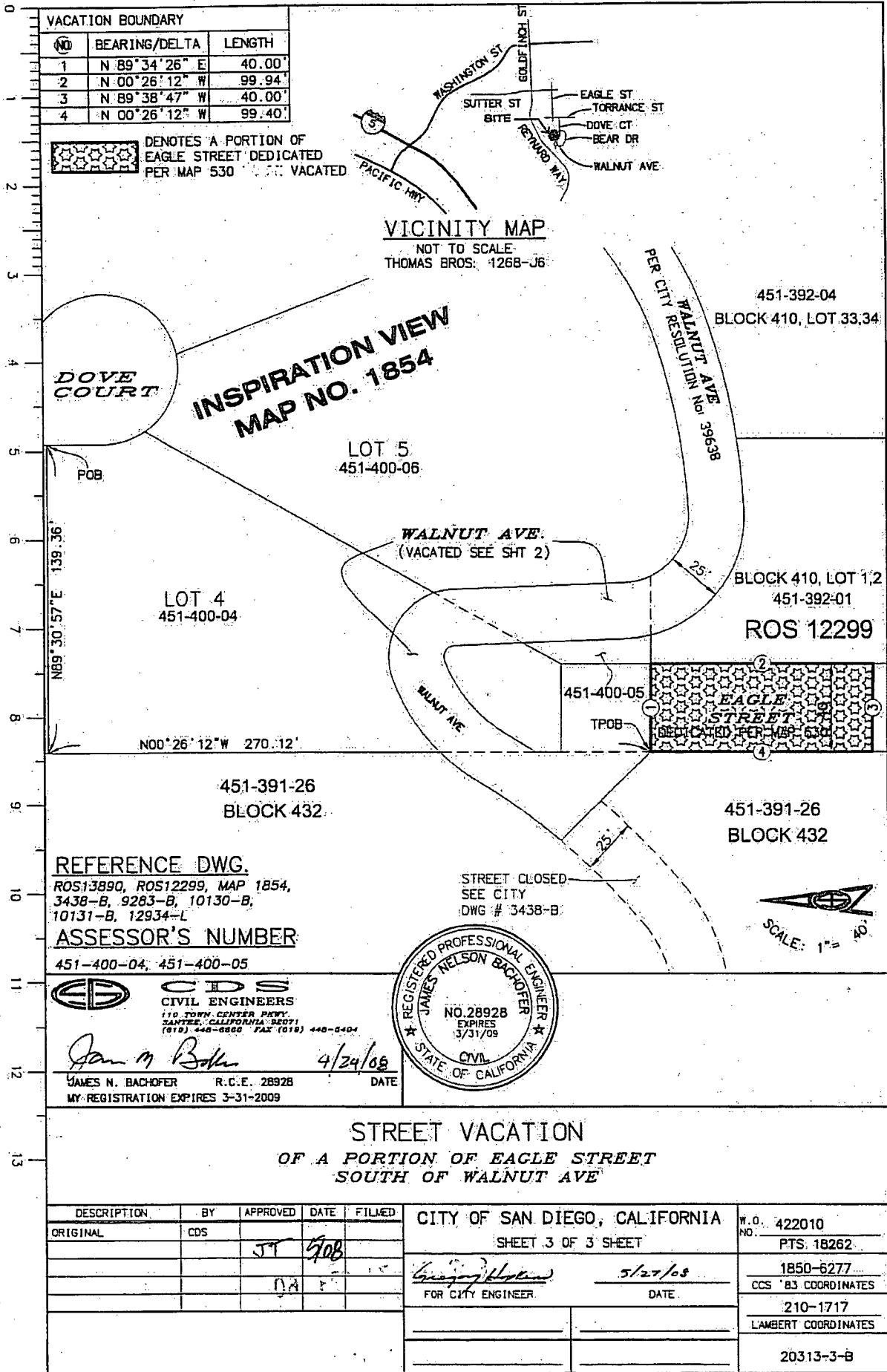
EXHIBIT B




RR-304689-5
DOCUMENT NO. 304689-5
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SAN DIEGO, CALIFORNIA

R-304689

EXHIBIT B




CDS
 CIVIL ENGINEERS
 110 TOWN CENTER PKWY.
 SANTEE, CALIFORNIA 92081
 (619) 448-8800 FAX (619) 448-8404

James N. Bachofer 4/24/08
 JAMES N. BACHOFER R.C.E. 28928 DATE
 MY REGISTRATION EXPIRES 3-31-2009

STREET VACATION OF A PORTION OF EAGLE STREET SOUTH OF WALNUT AVE

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL	CDS	JT	5/08		SHEET 3 OF 3 SHEET	422010
		NA				PTS. 18262
					<i>James N. Bachofer</i>	1850-6277
					FOR CITY ENGINEER	CCS '83 COORDINATES
					DATE: 5/27/08	210-1717
						LAMBERT COORDINATES
						20313-3-B

DOCUMENT NO. R-304689-6
 FILED FEB 24 2009
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 SAN DIEGO, CALIFORNIA