

RESOLUTION NUMBER R- 304895

DATE OF FINAL PASSAGE MAY 12 2009

SUMMARY VACATION OF E STREET RIGHT-OF-WAY  
WITH RESERVATION OF EASEMENTS.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the summary vacation of public rights-of-way by City Council resolution; and

WHEREAS, it is proposed that E Street, between 29<sup>th</sup> Street and 30<sup>th</sup> Street, in the Golden Hill Community Plan area, Project No. 475021 be vacated; and

WHEREAS, in connection with said vacation, the City desires to reserve and except a public easement; and

WHEREAS, the public right-of-way has been impassable for vehicular travel for a period of 5 years and public funds have not been expended for maintenance of the public right-of-way during that period; and

WHEREAS, the public right-of-way to be vacated does not contain public utility facilities that would be affected by the 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, 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 \_\_\_\_\_, 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, that with respect to E Street, between 29<sup>th</sup> Street and 30<sup>th</sup> Street, in the Golden Hill Community Plan area, the Council finds that:

(a) There is no present or prospective use for the public right-of-way, either for the purpose for which originally acquired, or for any other public use of a like nature that can be anticipated. There is no current or anticipated future plan to improve this portion of E Street because steep slopes preclude the reasonable extension of E Street between 29<sup>th</sup> Street and 30<sup>th</sup> Street, nor is development of this portion of E Street required to allow for normal circulation through the neighborhood; and

(b) The public will benefit from the vacation through improved use of the land made available by the vacation. The vacation has been conditioned to install a turn-around with curb, gutter, sidewalk and vehicle barrier at the terminus of E Street, just west of 30<sup>th</sup> Street and to install a public storm drain with a 15-foot storm drain easement across the area to be vacated. The implementation of these conditions would improve the existing site condition by providing a vehicle turn-around point, curb, gutter and sidewalk where none exists and by improving the drainage patterns of this sloping area; and

(c) The vacation does not adversely affect any applicable land use plan in that the Golden Hill Community Plan acknowledges there are a number of public right-of-ways in this community which will not be developed due to steeply sloped canyons in the area and the multi-family residential land use designation for the site would not be changed with this action; and

(d) The public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation in that the area has a well-established traffic pattern with sufficient circulation options; and

BE IT FURTHER RESOLVED, that E Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20754-B, marked as Exhibit "B," which said drawing is attached hereto and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from the foregoing vacation the permanent easement as more particularly described hereinafter: 15-foot storm drain easement; and

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along and across that portion of E Street, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A", and shown on Drawing No. 20754-B, marked as Exhibit "B"; and

BE IT FURTHER RESOLVED, that said street vacation is conditioned upon:

(1) The applicant shall construct a City Standard cul-de-sac with curb, gutter and sidewalk. Turnaround curb radius shall be 35 feet with 20 feet curb radii transitions from the existing curb to the turnaround curb radius, satisfactory to the City Engineer.

(2) The applicant shall construct a current City Standard contiguous sidewalk. The sidewalk shall transition from the existing non-contiguous sidewalks to the contiguous sidewalk along the entire length of the cul-de-sac, satisfactory to the City Engineer.

(3) The applicant shall construct a current City Standard driveway for the proposed development, satisfactory to the City Engineer.

(4) The applicant shall reconstruct the existing driveway to current City Standards, serving the adjacent property on Lot 12, satisfactory to the City Engineer.

(5) The applicant shall construct a current City Standard Type B curb inlet and 18-inch diameter public storm drain, satisfactory to the City Engineer.

(6) The applicant shall grant a 15-foot wide easement to the City of San Diego for Storm Drain purposes.

(7) The applicant shall construct a current City Standard M-9 continuous barricade.

(8) Prior to the issuance of any construction permit, the Applicant shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices [BMP's] maintenance, satisfactory to the City Engineer.

(9) Prior to the issuance of any construction permit, the Applicant shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

(10) Prior to the issuance of any construction permit the Applicant shall submit a Water Pollution Control Plan [WPCP]. The WPCP shall be prepared in accordance with the guidelines in Appendix E of the City's Storm Water Standards.

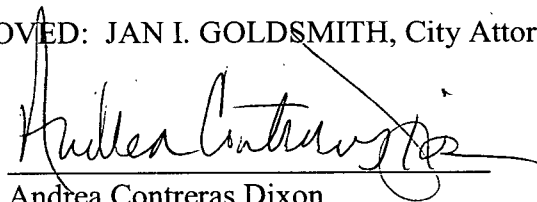
(11) Applicant shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer. This may require (but not be limited to) installation of new street lights, upgrading light from low pressure to high pressure sodium vapor and/or upgrading wattage.

In the event these conditions are 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; and

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Andrea Contreras Dixon  
Deputy City Attorney

ACD:hm  
04/21/09  
Or.Dept:DSD  
R-2009-1093  
MMS#8812

# EXHIBIT "A"

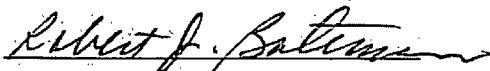
## STREET VACATION

A portion of E Street between Blocks 85 & 86 of E. W. Morse's Subdivision of Pueblo Lot 1150 and portion of Pueblo Lot 1151, according to Map thereof No. 547, filed in the office of County Record of San Diego County, December 30, 1871, being described as follows:

Beginning at the Northwest Corner of Lot 15 in Block 85 of said Map 547; thence Easterly along the Southerly Right of Way line of said E Street 87.25 feet to the beginning of a tangent 40.00 foot radius curve concave Easterly, a radial bearing to said Point bears South; thence Northwesterly, Northerly and Northeasterly along said curve through a central angle of 180°00'00" a distance of 125.66 feet to a point on the Northerly Right of Way line of said E Street; thence West along the Northerly Right of Way line of said E Street 87.25 feet; thence South 80.00 feet to the POINT OF BEGINNING, and RESERVING therefrom a storm drain easement within said street vacation described as the Northerly 15.00 feet in even width of said vacation.

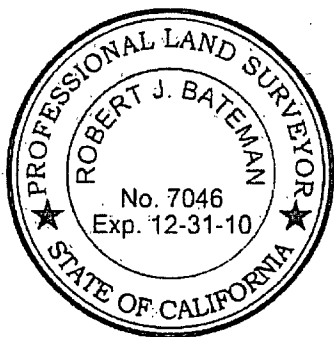
Attached hereto is Drawing No. 20754-B labeled Exhibit "B" and by this referenced is made a part hereof.

Contains 4467 square feet more or less.



Robert J. Bateman, P.L.S. 7046

Date: 3-12-09

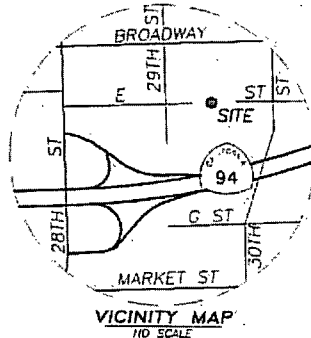
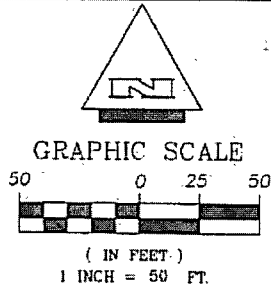
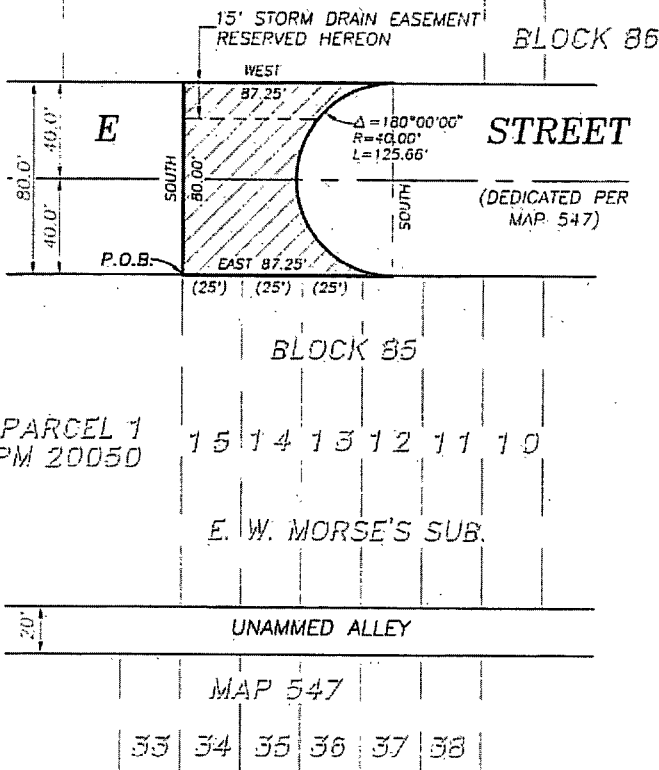


J.O. No. 428212  
P.T.S. No. 136563  
Dwg No. 20754-B

R- 304895

# EXHIBIT "B"

31 PM 13824 39



**BASIS OF BEARINGS:**  
THE SOUTHERLY RIGHT OF WAY LINE  
OF E STREET AS SHOWN ON MAP 547  
I.E. EAST

**LEGEND:**  
PORTION OF E STREET PER MAP  
547 VACATION SHOWN THUS:

AREA: 4467 SQ. FT. OR 0.1025 ACRES

REFERENCE DRAWINGS:  
MAP 547



SAN DIEGO LAND SURVEYING &  
ENGINEERING, INC  
9665 CHESAPEAKE DRIVE, SUITE 445  
SAN DIEGO, CA 92123 (858) 565-8362

*Robert J. Bateman* DATE: 3-12-09  
ROBERT J. BATEMAN L.S. 7046

**"E" STREET VACATION**  
PORTION OF "E" STREET BETWEEN BLOCKS 85 & 86 OF MAP 547.

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	J.O. NO.
ORIGINAL	✓	J.M.	3/17/09		SHEET 1 OF 1 SHEET	428212
					<i>Gregory P. Hopkins</i>	P.T.S. NO. 136563
					FOR CITY ENGINEER	1840-6291
					DATE 3-17-09	CCS 83 COORDINATES
						200-1727
						LANDERT COORDINATES
						20754-B
STATUS						

304895