

332b
7/21

RESOLUTION NUMBER R- 305134

DATE OF FINAL PASSAGE JUL 21 2009

APPROVING THE NON-EXCLUSIVE ACCESS EASEMENT
AGREEMENT NO. 654444 – SCHROEDL/TORREY PINES
RESIDENCE.

WHEREAS, David M. Schroedl and Frances C. Schroedl, Trustees of the Schroedl Family Trust, Applicant, and Antony K. Christensen, Christensen Engineering and Surveying, submitted an application with the City of San Diego for a Non-Exclusive Access Easement Agreement No. 654444, to accommodate a lot split to a property containing a historically-designated residence, Historic Resources Site No. 854, with a non-exclusive access easement to Amalfi Street. The project site is located at 1821 Torrey Pines Road, in the RS-1-5 Zone, Coastal Overlay Zone (non-appealable), Coastal Height Limitation Overlay Zone, Residential Tandem Parking Overlay Zone, Parking Impact Overlay Zone, and Transit Area Overlay Zone and within the La Jolla Community Plan area. The project site is legally described as a portion of Pueblo Lot 1285, Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870; and

WHEREAS, the Applicant proposes the subdivision of a 0.45-acre site into two lots for residential development; and

WHEREAS, the Land Development Code requires that a newly-created lot front on a publicly-dedicated street; and

WHEREAS, the Applicant's proposed newly-created lot would front on Amalfi Street, which is not currently publicly-dedicated; and

WHEREAS, the Applicant and the City's Real Estate Assets Department have negotiated the Applicant's purchase of a non-exclusive access easement over the undedicated portion of

Amalfi Street and the Applicant has agreed to pay the fair market value of \$2,500 for the easement rights to Amalfi Street;

WHEREAS, grant of the Non-Exclusive Access Easement Agreement No. 654444 requires City Council approval pursuant to Council Policy 700-10;

WHEREAS, on June 11, 2009, the Planning Commission of the City of San Diego considered Non-Exclusive Access Easement Agreement No. 654444, and pursuant to Resolution No. 4522-PC voted to recommend City Council approval of the Agreement; 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; and

WHEREAS, on July 21, 2009, the City Council of the City of San Diego considered Non-Exclusive Access Easement Agreement No. 654444, and pursuant to Section 125.0440 of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, and the City Council having fully considered the matter and being fully advised concerning the same; NOW THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Controller is authorized to receive \$2,500 paid by the Applicant and to deposit such funds into Capital Outlay (Fund 302453), Revenue Account 78336 (Sale of Property and Right-of-Way); and

BE IT FURTHER RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute and record Access Easement Agreement No. 654444 in favor of David M. Schroedl and Frances C. Schroedl, Trustees of the Schroedl Family Trust, on file in the Office of the City Clerk as Document No. RR- 305134

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:js
07/06/2009
Or.Dept:DSD
R-2010-18

WHEN RECORDED MAIL:

David M. Schroedl, Trustee
8273 Caminito Lacayo
La Jolla, CA 92037

NO DOCUMENTARY TAX DUE
R & T 11922 (AMENDED)
APN: 350-161-05

NON-EXCLUSIVE ACCESS EASEMENT DEED

THE CITY OF SAN DIEGO, a municipal corporation, in the County of San Diego, State of California, DOES HEREBY GRANT to DAVID M. SCHROEDL and FRANCES G. SCHROEDL, Trustees of the Schroedl Family Trust UTA, dated 7/21/80, a permanent, non-exclusive easement and right-of-way for pedestrian and vehicular purposes, and incidents and appurtenances thereto, over, under, along and across all that real property described as follows:

See Exhibits "A" and "B", attached hereto and by this reference incorporated herein.

IN WITNESS WHEREOF, the City of San Diego has caused this deed to be executed by its Mayor or his designee, pursuant to Resolution R- 305134 of the Council authorizing such execution, this 11 day of August, 2007 LL

THE CITY OF SAN DIEGO
a Municipal Corporation

By:



Title:



LEGAL DESCRIPTION

EXHIBIT A

ALL THAT PORTION OF LOT 1285 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF MADE BY JAME PASCOE IN 1870, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, NOVEMBER 14, 1921 AND IS KNOW AS MISCELLANEOUS MAP NO. 36, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 30 OF LA JOLLA VISTA, ACCORDING TO MAP THEREOF NO. 1762, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 1, 1923; THENCE ALONG A LINE PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID PUEBLO LOT 1285, SOUTH 21°17'00" EAST, 155.00 FEET TO A POINT IN THE SOUTHERLY LINE OF TORREY PINES ROAD; THENCE ALONG THE SOUTHERLY LINE OF TORREY PINES ROAD, NORTH 54°10'00" EAST, 272.67 FEET; THENCE SOUTH 35°20'00" EAST, 92.55 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING THE BEGINNING OF A 35.95 FOOT RADIUS CURVE, CONCAVE WESTERLY, A RADIAL TO SAID POINT BEARS SOUTH 54°40'00" WEST; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 79°17'00", 49.75 FEET; THENCE SOUTH 43°57'00" WEST, 69.50 FEET TO THE BEGINNING OF A 357.43 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°55'00", 142.96 FEET; THENCE SOUTH 66°52'00" WEST, 90.37 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID PUEBLO LOT 1285; THENCE ALONG SAID SOUTHWESTERLY LINE , SOUTH 21°17'00" EAST, 29.31 FEET TO A POINT DISTANT 687.31 FEET FROM THE MOST SOUTHERLY CORNER OF SAID PUEBLO LOT 1285; THENCE LEAVING SAID SOUTHWESTERLY LINE, NORTH 66°54'00" EAST, 88.24 FEET TO THE BEGINNING OF A 400.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 22°36'00", 157.78 FEET; THENCE NORTH 44°18'00" EAST, 105.73 FEET TO THE BEGINNING OF A 21.42 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 69°51'00", 26.11 FEET TO THE END OF CURVE, A RADIAL TO SAID END OF CURVE BEARS NORTH 24°09'00" EAST; THENCE NORTH 62°02'12" WEST 76.30 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING:
10,909.79 SQUARE FEET
0.2505 ACRES



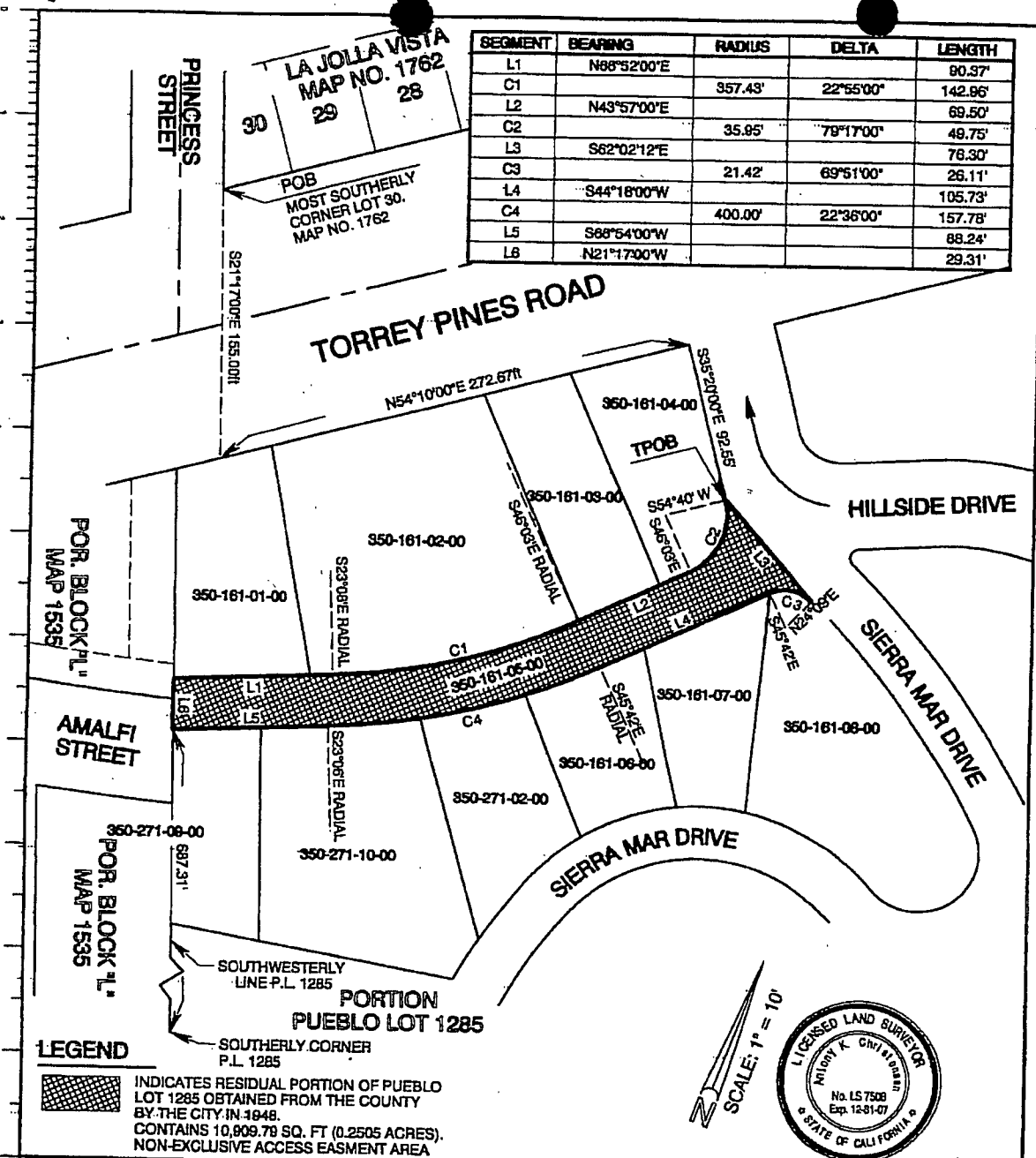
Antony K. Christensen, LS 7508
Registration Expires 12-31-2007

06.13.07
Date



EXHIBIT B

SEGMENT	BEARING	RADIUS	DELTA	LENGTH
L1	N88°52'00"E			80.57'
C1		357.43'	22°55'00"	142.86'
L2	N43°57'00"E			69.50'
C2		35.95'	79°17'00"	49.75'
L3	S62°02'12"E			76.30'
C3		21.42'	69°51'00"	26.11'
L4	S44°18'00"W			105.73'
C4		400.00'	22°36'00"	157.78'
L5	S68°54'00"W			88.24'
L6	N21°17'00"W			29.31'



LEGEND

INDICATES RESIDUAL PORTION OF PUEBLO LOT 1285 OBTAINED FROM THE COUNTY BY THE CITY IN 1948. CONTAINS 10,909.79 SQ. FT (0.2505 ACRES). NON-EXCLUSIVE ACCESS EASEMENT AREA

SCALE: 1" = 10'

LICENSED LAND SURVEYOR
ANTHONY K. CHRISTENSEN
No. LS 7508
Exp. 12-31-07
STATE OF CALIFORNIA

A2004-24

CHRISTENSEN ENGINEERING & SURVEYING
7888 SILVERTON AVENUE, SUITE J
SAN DIEGO, CA 92126
(658) 271-8900

Anthony K. Christensen 06-11-2007
DATE

ANTHONY K. CHRISTENSEN
L.S. 7508, EXPIRES 12-31-07

**AMALFI STREET
NON-EXCLUSIVE ACCESS EASEMENT**

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	W.D. NO. P.T.S.
ORIGINAL					SHEET 1 OF 1 SHEETS	1890-8251
					FOR CITY ENGINEER	CCS 81 COORDINATES
					DIVISION HEAD	250-1691
					SECTION HEAD	LAMBERT COORDINATES