

RESOLUTION NUMBER R- 306414

DATE OF FINAL PASSAGE NOV 30 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUMMARILY VACATING PRINCESS PARK IRREVOCABLE OFFER TO DEDICATE FOR PUBLIC STREET, PROJECT NO. 205450.

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 right-of-way by City Council resolution; and

WHEREAS, Pardee Homes, A California Corporation, Applicant, requested that the Princess Park Irrevocable Offer to Dedicate (IOD) for Public Street Easement, Approval No. 728972 be vacated; and

WHEREAS, the easement to be vacated is excess right-of-way and is not needed for a roadway extension from Otay Mesa Road as once contemplated as part of the California Terraces Precise Plan, Vesting Tentative Map No. 86-1032 and Map No. 14730 and is no longer identified in the circulation element of the Otay Mesa Community Plan as a future public right-of-way; and

WHEREAS, a portion of the IOD is located within Lot "E," a parcel deeded to the City of San Diego by The Environmental Tmst on December 17, 2009, the title of which is conditioned to preclude any use of the property for any other purpose than natural, undeveloped and unimproved open space; 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 City 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 30, 2010, 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 the existing Princess Park Irrevocable Offer to Dedicate for Public Street granted to the City of San Diego and recorded as Document No. 2003-1524219, located within portions of Lot 180 and Lot "E" of Princess Park in California Terraces Map No. 14730, the Council finds that:

(a) There is no present or prospective use for the right-of-way, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

The easement to be vacated is an Irrevocable Offer to Dedicate for Public Street which was originally secured as a requirement of the California Terraces Precise Plan and Vesting Tentative Map No. 86-1032 to accommodate a future planned extension of Otay Mesa Road. The planned extension of Otay Mesa Road at this location was subsequently determined to be infeasible and was removed from the Circulation Element of the Otay Mesa Community Plan. Therefore, there is no present or prospective use for the easement, either for the facility or purpose 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 vacation through improved utilization of the land made available by the vacation.

The easement to be vacated is an Irrevocable Offer to Dedicate for Public Street which was originally secured as a requirement of the California Terraces Precise Plan and Vesting Tentative Map No. 86-1032 to accommodate a future planned extension of Otay Mesa Road. The planned extension of Otay Mesa Road at this location was subsequently determined to be infeasible and was removed from the circulation element of the Otay Mesa Community Plan. The public will benefit from the vacation through improved utilization of land because the vacation will accommodate the intent of the Otay Mesa Community Plan to not have a roadway constructed within the adjacent canyon and designated open space areas, and shall support the deed restriction on Lot "E," the title of which is conditioned to preclude any use of the property for any other purpose than natural, undeveloped and unimproved open space.

(c) The vacation does not adversely affect any applicable land use plan.

The proposed project, to vacate the Irrevocable Offer to Dedicate for Public Street easement granted per Map No. 14730, is located in the Otay Mesa Community Planning Area. The existing Circulation Plan no longer anticipates a roadway extension off Otay Mesa Road through the canyon and designated open space area south of the project site. The vacation will not adversely affect the goals and objectives of the circulation element and is consistent with the Otay Mesa Community Plan.

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

The easement to be vacated is an Irrevocable Offer to Dedicate (IOD) for Public Street which was originally secured as a requirement of the California Terraces Precise Plan and Vesting Tentative Map No. 86-1032 to accommodate a future planned extension of Otay Mesa Road. The planned extension of Otay Mesa Road at this location was subsequently determined to

be infeasible and was removed from the circulation element of the Otay Mesa Community Plan. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation and the purpose for which the dedication was acquired no longer exists.

BE IT FURTHER RESOLVED, that the Irrevocable Offer to Dedicate (IOD) for Public Street located south of Otay Mesa Road in Lot 180 and Lot "E" of Map No. 14730, particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21136-B marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

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 Shannon Thomas
Shannon Thomas
Deputy City Attorney

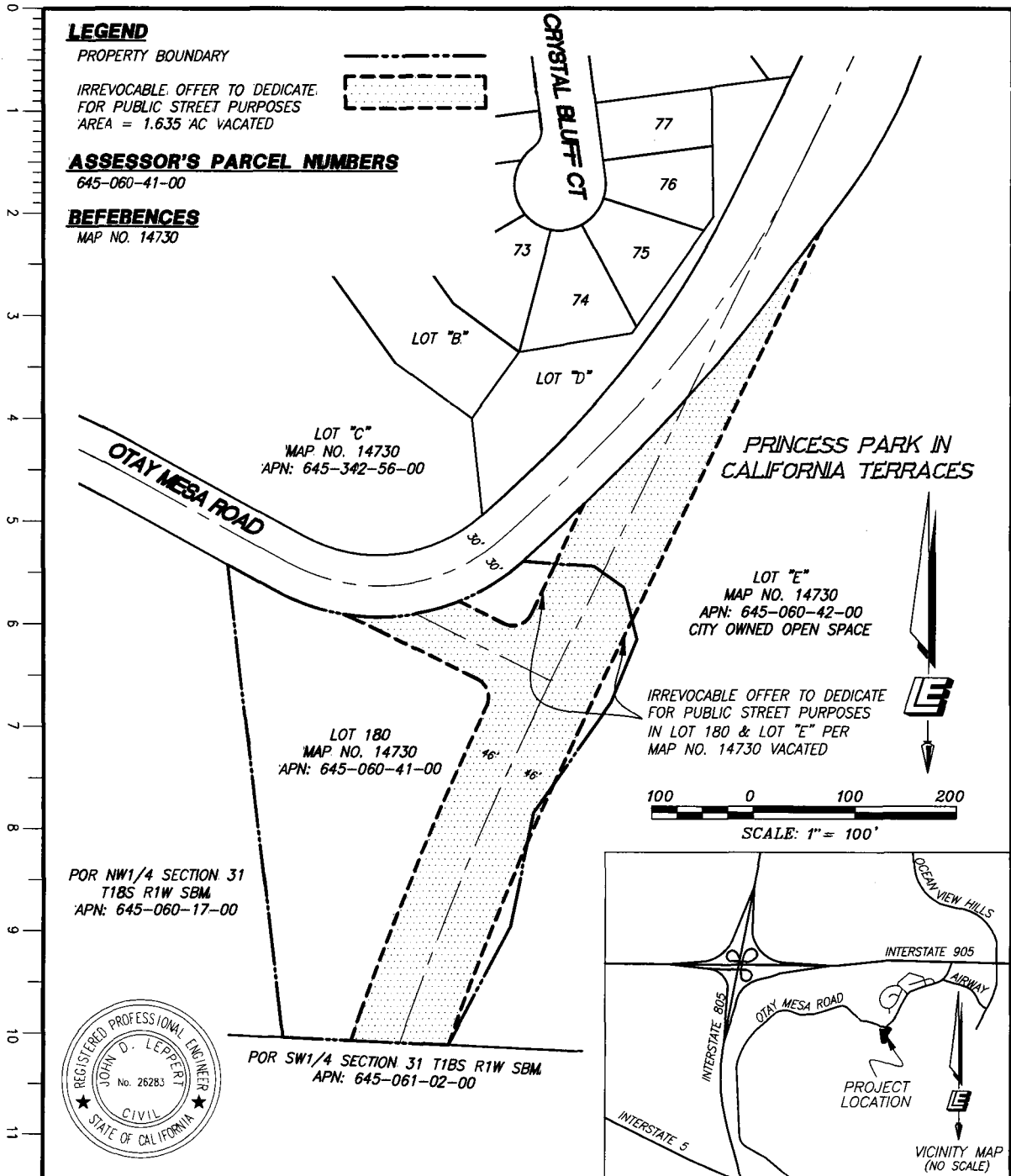
ST:als
11/09/10
Or.Dept:DSD
R-2011-440
PL#2010-03937

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 30 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

EXHIBIT "B"



POR NW1/4 SECTION 31
 T18S R1W SBM
 APN: 645-060-17-00



POR SW1/4 SECTION 31 T18S R1W SBM
 APN: 645-061-02-00

PREPARED BY:
 LEPPERT ENGINEERING CORPORATION
 5190 GOVERNOR DRIVE, SUITE 205
 SAN DIEGO, CA 92122

JOHN D. LEPPERT, RCE 26283 _____ DATE _____

PUBLIC RIGHT-OF-WAY VACATION IN LOT 180 & LOT "E" OF MAP NO. 14730

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	P.T.S. No. 205450
ORIGINAL	LEC					
					FOR CITY ENGINEER _____ DATE _____	CCS NAD 83 COORDINATES
						146-1755
						LAMBERT COORDINATES
						21136 -B
STATUS						