

RESOLUTION NUMBER R- 306678

DATE OF FINAL PASSAGE MAR 08 2011

SUMMARY VACATION OF AN IRREVOCABLE OFFER OF DEDICATION FOR A PORTION OF DEL MAR MESA ROAD AS SHOWN ON DOCUMENT NO. 2000-0538110 AND A PORTION OF SHAW RIDGE ROAD.

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 a portion of Del Mar Mesa Road, known as a portion of Shaw Ridge Road, Public Right-of-Way Vacation No. 781640, Project No. 219543, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing Nos. 36294-1-B and 36294-2-B, marked as Exhibit "B," be vacated; and

WHEREAS, the public right-of-way has been superseded by relocation, and the vacation will not cut off all access to an individual property that, before the relocation, adjoined the public right-of-way; and

WHEREAS, the public right of way to be vacated does not contain public utility facilities; 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 MAR 08 2011, 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 a portion of Del Mar Mesa Road, known as a portion of Shaw Ridge Road, Public Right-of-Way Vacation No. 781640, Project No. 219543, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing Nos. 36294-1-B and 36294-2-B, marked as Exhibit "B," 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.

In 2000, an Irrevocable Offer of Dedication (IOD) was accepted by the City that provided right of way (ROW) for the proposed public street, Del Mar Mesa Road, that was to replace the non-public, prescriptive easement known as Shaw Ridge Road that the existing residents on the Mesa used for access at that time. Due to a dispute with a property owner regarding the dedication of right of way for Del Mar Mesa Road, a condemnation proceeding was started by the City which eventually was resolved in a Settlement Agreement that dedicated a slightly different ROW for the same section of the road. This accepted alignment was constructed and the City has accepted Del Mar Mesa Road for service as a public road. Therefore, there is no present or prospective use for this portion of the public right-of-way.

(b) The public will benefit from the vacation through improved use of the land made available by the vacation.

The public will benefit from the vacation through improved use of the land made available by the vacation, as the land is already being developed upon and across these unused easements

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

The Del Mar Mesa Community Plan designates the site and area for low-density residential development. Improving the right-of-way alignment by adherence to the settlement agreement will reduce the liability of the City of San Diego at this location.

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

The dedicated and accepted Del Mar Mesa Road, Document No. 2002-0127121, adequately accesses the residential development planned for this area. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, that portion of Del Mar Mesa Road, known as a portion of Shaw Ridge Road, Public Right-of-Way Vacation No. 781640, Project No. 219543, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing Nos. 36294-1-B and 36294-2-B, marked as Exhibit "B," which said drawing are attached hereto 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 M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
02/1/11
Or.Dept:DSD
R-2011-640
PL#2011-05535

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 08 2011.

ELIZABETH S. MALAND
City Clerk

By Mary Zymara
Deputy City Clerk

EXHIBIT "A"

STREET VACATIONS

LEGAL DESCRIPTION

Being a vacation of an irrevocable offer of dedication for road purposes as described in deed recorded October 6, 2000 as document 2000-0538110 of official records in the City of San Diego, County of San Diego, State of California and shown on city drawing 00001-C and all of Shaw Ridge Road as shown on Record of Survey Map no. 7721 lying within the Easterly 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 21, T14S, R3W, S.B.M. as described in deed recorded October 4, 2002 as document 2002-0859615 of official records in the City of San Diego, County of San Diego, State of California.



Joel G. Morrison
Joel G. Morrison LS 6830

Expires 9/30/12

1-26-11

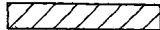
Date

P.T.S. No. 219543

Dwg. No. 36294-B

R- 306678

LEGEND:



INDICATES STREET VACATION OF AN IRREVOCABLE OFFER OF DEDICATION FOR ROAD PURPOSES AND SHAW RIDGE ROAD.

REFERENCE DRAWINGS:

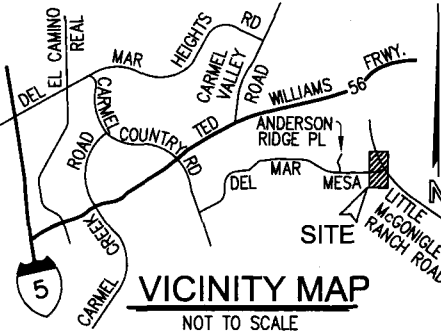
DWG. NO. 00001-1-C
ROS NO. 7721

ASSESSOR'S PARCEL NO.

308-010-17

EXHIBIT B

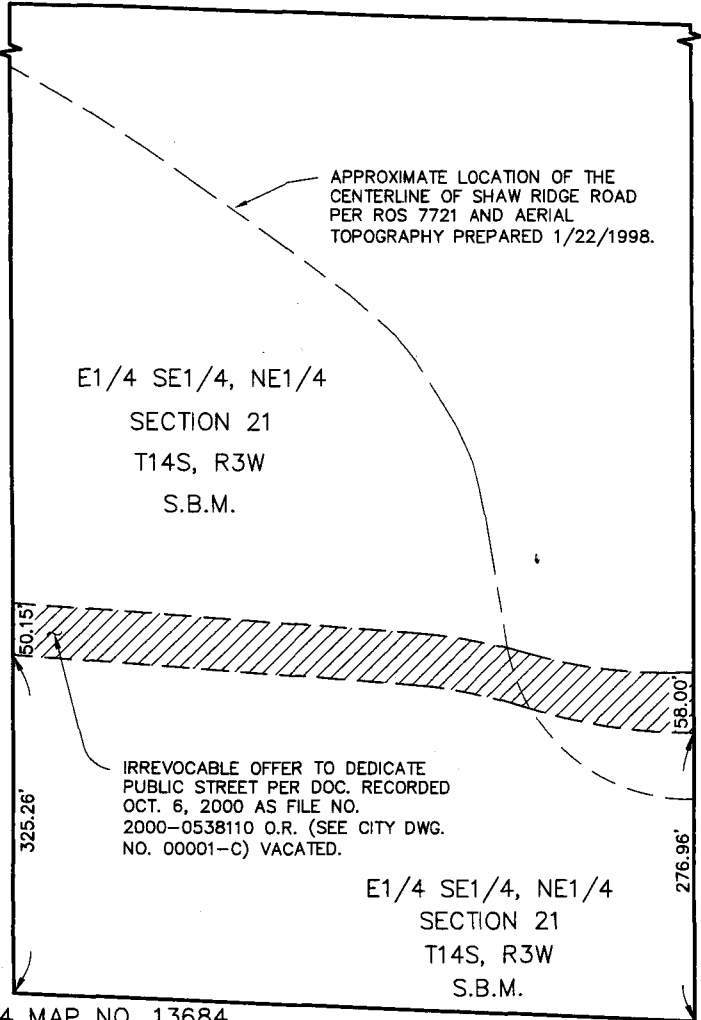
PACIFIC OCEAN



VICINITY MAP

NOT TO SCALE

N1/2 NE1/4, SEC 21



APPROXIMATE LOCATION OF THE CENTERLINE OF SHAW RIDGE ROAD PER ROS 7721 AND AERIAL TOPOGRAPHY PREPARED 1/22/1998.

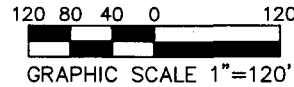
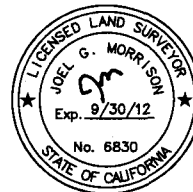
E1/4 SE1/4, NE1/4
SECTION 21
T14S, R3W
S.B.M.

IRREVOCABLE OFFER TO DEDICATE PUBLIC STREET PER DOC. RECORDED OCT. 6, 2000 AS FILE NO. 2000-0538110 O.R. (SEE CITY DWG. NO. 00001-C) VACATED.

E1/4 SE1/4, NE1/4
SECTION 21
T14S, R3W
S.B.M.

LOT 104 MAP NO. 13684

NW1/4 SEC 22



ENGINEER OF WORK

Joel G. Morrison 1-26-11
JOEL G. MORRISON L.S. 6830 DATE

MORRISON ENGINEERING INC.
1927 FRANKFORT STREET, SUITE A
SAN DIEGO, CA 92110
PHONE: (619) 276-0425 JN 10004

STREET VACATION

OF AN IRREVOCABLE OFFER OF DEDICATION FOR ROAD PURPOSES AND SHAW RIDGE ROAD
IN THE E 1/4, SE 1/4, NE 1/4, SEC. 21, T.14S., R.3W., S.B.M.

| DESCRIPTION | BY | APPROVED | DATE | FILMED | CITY OF SAN DIEGO, CALIFORNIA | PTS 219543 |
|-------------|----------|----------|------|--------|-----------------------------------|------------|
| ORIGINAL | MORRISON | | | | SHEET 1 OF 2 SHEETS | |
| | | | | | <i>Gregory P. Hopkins</i> 1-31-11 | 1924-6273 |
| | | | | | | 283-1712 |
| | | | | | | 36294-1-B |

STATUS

R-306678

REFERENCE DRAWINGS:

DWG. NO. 00060-1-C
ROS 7721

BASIS OF BEARINGS:

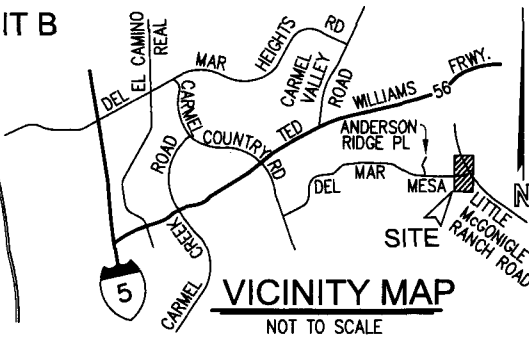
THE BASIS OF BEARINGS FOR THIS DRAWING IS THE NORTH LINE OF LOT 104 OF THE BOUGAINVILLEA MAP NO. 13684, I.E. N87°41'54"W.

ASSESSOR'S PARCEL NO.

308-010-17

EXHIBIT B

PACIFIC OCEAN



VICINITY MAP

NOT TO SCALE

N1/2 NE1/4, SEC 21

E1/4 SE1/4, NE1/4

SECTION 21

T14S, R3W

S.B.M.

W1/2 SE1/4 NE1/4

NW1/4 SEC 22

DEL MAR MESA ROAD

IRREVOCABLE OFFER TO DEDICATE PUBLIC STREET PER DOC. RECORDED FEB. 13, 2002 AS FILE NO. 2002-0127121 O.R. (SEE CITY DWG. NO. 00060-C) TO REMAIN. ACCEPTED SEPT. 20, 2002 PER DOC. NO. 2002-0809535 O.R.

E1/4 SE1/4, NE1/4

SECTION 21

T14S, R3W

S.B.M.

325.26'

461.96'

SCALE: 1" = 80'



SCALE 1" = 80'

BASIS OF BEARINGS

LOT 104 MAP NO. 13684 S 87°41'54" E 653.13'

ENGINEER OF WORK

Joel G. Morrison 1-26-11
JOEL G. MORRISON L.S. 6830 DATE

MORRISON ENGINEERING INC.
1927 FRANKFORT STREET, SUITE A
SAN DIEGO, CA 92110
PHONE: (619) 276-0425 JN 10004

DEL MAR MESA ROAD

IN THE E 1/4, SE 1/4, NE 1/4, SEC. 21, T.14S., R.3W., S.B.M.

| DESCRIPTION | BY | APPROVED | DATE | FILMED | CITY OF SAN DIEGO, CALIFORNIA | PTS 219543 |
|-------------|----------|----------|------|--------|--|---------------------------------|
| ORIGINAL | MORRISON | | | | SHEET 2 OF 2 SHEETS | |
| | | | | | <i>George R. Hayward</i> 1-31-11 FOR CITY ENGINEER DATE | 1924-6273 CCS NAD 83 |
| | | | | | | 283-1712 LAMBERT COORDINATES |
| | | | | | | 36294-2-B |
| STATUS | | | | | | |

R-306678