

RESOLUTION NUMBER R- 307504

DATE OF FINAL PASSAGE JUN 12 2012

A RESOLUTION SUMMARILY VACATING EASEMENT
NO. 942619 – PROJECT NO. 268005.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the summary vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that the Public Access Easement granted on Final Map No. 14273 and located at the rear of 13713-13783 Torrey Glenn Road, west of 13653 Calderon Road and south of 8375 Watson Ranch Road be vacated (Vacation No. 942619); and

WHEREAS, the easement does not contain public utility facilities; and

WHEREAS, the easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and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 June 12, 2012, 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 Public Access Easement located at the rear of 13713-13783 Torrey Glenn Road, west of 13653 Calderon Road and south of 8375 Watson Ranch Road, the Council finds that:

(a) There is no present or prospective public 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;

The Torrey Glenn Homeowners Association is requesting the vacation of this public access easement granted on Final Map No. 14273 for Torrey Glenn. A permanent pedestrian access via public rights-of-way has been constructed and this easement through private properties is no longer required. Torrey Glenn was one of the earliest communities to develop in the Torrey Highlands Sub Area. At the time, direct access to Westview High School from Rancho Penasquitos was not available because the adjacent Terramar development to the west owned by Pardee Homes had not yet been mapped or constructed. Due to this disconnect, the City asked the original developer of Torrey Glenn (Western Pacific Housing) to provide a public access easement for Westview students from Rancho Penasquitos. The Terramar development is now constructed, and resulting public rights-of-way now provide the public access afforded by the easement to be vacated. Therefore, the easement is no longer needed. Further, the City does not anticipate a need for the easement in the future.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation;

This project proposes to vacate a public access easement at the rear of 13713-13783 Torrey Glenn Road, west of 13653 Calderon Road and south of 8375 Watson Ranch Road. Due to the completion of the development directly to the south the subject site, the public access

easement is no longer needed. This easement vacation will eliminate a potential public nuisance and would improve the utilization of the land. Therefore, the vacation would be a benefit to the public.

(c) The vacation is consistent with any applicable land use plan; and

The proposed public access easement vacation is on property that is designated for low density residential land use by the Torrey Highlands Community Plan. The project site is currently developed with single family residential developments.

(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation or the purpose for which the easement was acquired no longer exists.

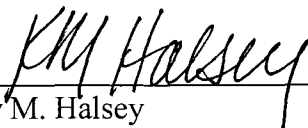
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BE IT FURTHER RESOLVED, that the public access easement located at the rear of 13713-13783 Torrey Glenn Road, west of 13653 Calderon Road and south of 8375 Watson Ranch Road as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 36794-1-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



Keely M. Halsey
Deputy City Attorney

KMH:als
05/21/2012
Or.Dept:DSD
Doc. No. 374042

EXHIBIT "A"
EASEMENT ABANDONMENT
LEGAL DESCRIPTION

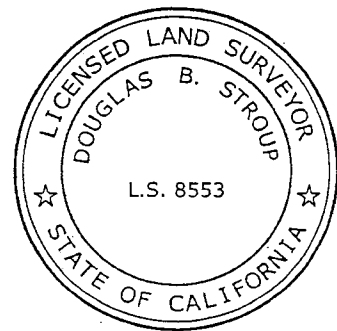
ALL THAT PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT OF WAY DEDICATED TO THE PUBLIC PER TORREY GLENN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14273 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY SEPTEMBER 20, 2001 LYING WITHIN LOTS 30 THROUGH 37, INCLUSIVE, 40, AND 66 OF SAID MAP.

THE HEREINABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.256 ACRES, MORE OR LESS.



DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

8/4/2011
P.L.S. 8553



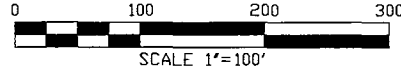
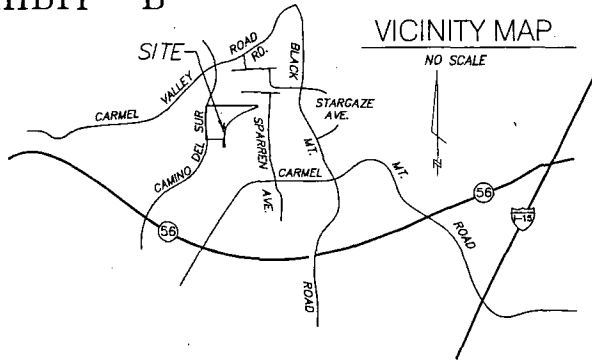
PTS#: _____
JO#: _____
DWG#: _____-B

15 MAY 11 PM 10:31
BECERAGE 1 OF 1

EXHIBIT "B"

VICINITY MAP

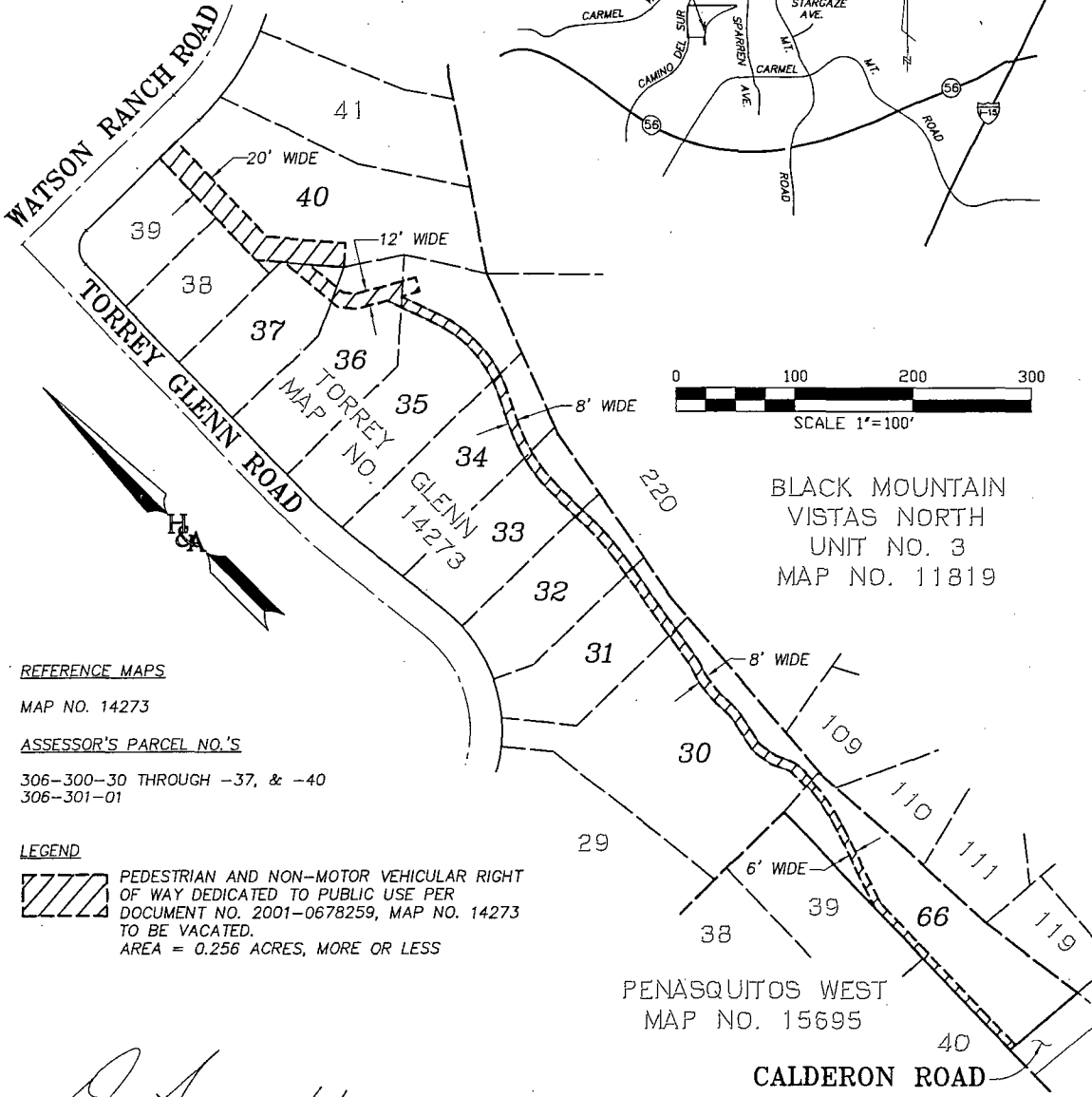
NO SCALE



BLACK MOUNTAIN
VISTAS NORTH
UNIT NO. 3
MAP NO. 11819

PENASQUITOS WEST
MAP NO. 15695

CALDERON ROAD




REFERENCE MAPS

MAP NO. 14273

ASSESSOR'S PARCEL NO.'S

306-300-30 THROUGH -37, & -40
306-301-01

LEGEND

 PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT OF WAY DEDICATED TO PUBLIC USE PER DOCUMENT NO. 2001-0678259, MAP NO. 14273 TO BE VACATED.
AREA = 0.256 ACRES, MORE OR LESS

D. B. Stroup 2/10/2012
DOUGLAS B. STROUP, L.S. 8553
EXP. 12/31/2012



H&A
HUNSAKER & ASSOCIATES
SAN DIEGO, INC.

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ENGINEERING San Diego, Ca 92121
SURVEYING PH(858)558-4500 · FX(858)558-1414
R:\0022\&MAP\VP Torrey Glenn abandonment SHT 01.dwg[Feb-10-2012:08:53 w.o. 2878-1

PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT-OF-WAY VACATION
LOTS 30-37, 40, AND 66
TORREY GLENN - MAP NO. 14273

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	
ORIGINAL	H&A				I.O. NO. 24002423	PTS NO. 268005
					1932-6286	NAD 83 COORDINATES
					292-1725	LAMBERT COORDINATES
					36794-1-B	
STATUS						