

RESOLUTION NUMBER R- 307505

DATE OF FINAL PASSAGE JUN 12 2012

A RESOLUTION SUMMARILY VACATING A PORTION OF SLOPE EASEMENTS LOCATED NORTH AND SOUTH OF CALLE CRISTOBAL AND EAST AND WEST OF CAMINO SANTA FE (VACATION NO. 909254 – PROJECT NO. 258126).

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, Pardee Homes, as owner of the underlying property, filed an application to vacate a portion of slope easements located north and south of Calle Cristobal and east and west of Camino Santa Fe, being described as Crescent Heights Slope Easement Vacation No. 909254 (Easement Vacation No. 909254); and

WHEREAS, the easements have ceased to be necessary 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 JUN 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 Easement Vacation No. 909254, 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 easements were originally granted to the City of San Diego and listed as Parcels "G-3" and "G-5" on Grant Deed recorded October 20, 1988 as File No. 88-535025, O.R. and Parcels "G-7" and "O-1" on Grant Deed recorded August 4, 1989 as File No. 89-414507, O.R. recorded in the office of the recorder of San Diego County to provide necessary easements for the construction of slopes and drainage structures necessary for the construction of Calle Cristobal and Camino Santa Fe, public streets. With the completion of construction of these public streets and the subsequent approval and construction of the Crescent Heights, Sunset Terraces, and Sunset Ridge projects, the slope easements will no longer be necessary for the public purpose for which they were acquired and there are no other public uses of a like nature that can be anticipated. There are no other public uses existing or planned within the area of these easements and, as such, the slope easements are not needed. Therefore, there is no present or prospective use for the easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated.

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

With the completion of construction of these public streets and the subsequent approval and construction of the Crescent Heights, Sunset Terraces, and Sunset Ridge projects, the public will benefit through the improved utilization of the land made available by the vacation. The

easements proposed to be vacated will no longer be needed for public purposes. The existing easements are no longer necessary. As a result of the vacation, an improved utilization of the land will be realized and will be a benefit to the public.

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

The Mira Mesa Community Plan Land Use Map indicates the site is designated for Residential uses. Removing unnecessary land use restrictions is consistent with the land use policies of the Mira Mesa Community Plan and will not adversely affect the applicable land use plan. The proposed easement vacation is in an area where the public easements are no longer necessary.

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

The easements were originally granted to the City of San Diego and listed as Parcels "G-3" and "G-5" on Grant Deed recorded October 20, 1988 as File No. 88-535025, O.R. and Parcels "G-7" and "O-1" on Grant Deed recorded August 4, 1989 as File No. 89-414507, O.R. recorded in the office of the recorder of San Diego County to provide necessary easements for the construction of slopes and drainage structures necessary for the construction of Calle Cristobal and Camino Santa Fe, public streets. With the completion of construction of these public streets and the subsequent approval and construction of the Crescent Heights, Sunset Terraces, and Sunset Ridge projects, the slope easements will no longer be necessary for the public purpose for which they were acquired and there are no other public uses of a like nature that can be anticipated. There are no other public uses existing or planned within the area of these easements and, as such, the slope easements are not needed. The public purposes for which

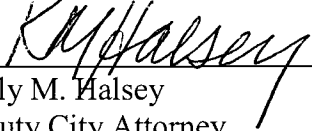
the easements were originally acquired have been satisfied and are no longer necessary.

Therefore, the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by this vacation and the purpose for which the easements were acquired no longer exists.

BE IT FURTHER RESOLVED, that Easement Vacation No. 909254, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36710-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  
05/04/2012  
07/12/2012 Cor.Copy  
Or.Dept:DSD  
Doc. No. 364157\_2

J-13745D

EXHIBIT "A"

LEGAL DESCRIPTION

VACATION OF SLOPE EASEMENTS

Parcel "A"

All that slope easement granted to the City of San Diego and listed as Parcel "G-7" on Grant Deed recorded August 4, 1989 as File No. 89-414507, O.R. filed in the Office of the County Recorder of San Diego County, lying within Crescent Heights Unit 1, in the City of San Diego, County of San Diego, State of California according to Map thereof No. 15855, filed in the Office of the County Recorder of San Diego County.

Said Parcel contains 2.761 acres more or less.

Parcel "B"

All that slope easement granted to the City of San Diego and listed as Parcel "G-5" on Grant Deed recorded on October 20, 1988 as File No. 88-535025, O.R. filed in the Office of the County Recorder of San Diego County, Crescent Heights Unit 1, in the City of San Diego, County of San Diego, State of California according to Map thereof No. 15855, filed in the Office of the County Recorder of San Diego County.

Said Parcel contains 0.944 acres more or less.

Parcel "C"


All that slope easement granted to the City of San Diego and listed as Parcel "G-3" on Grant Deed recorded on October 20, 1988 as File No. 88-535025, O.R. filed in Office of the County Recorder of San Diego County, lying within Sunset Terrace Unit 2, in the city of San Diego, County of San Diego, State of California, according to Map thereof No. 15856, filed in the Office of the County Recorder of San Diego County.

Said Parcel contains 0.872 acres more or less.

Parcel "D"

All that slope easement granted to the City of San Diego and listed as Parcel "O-1" on Grant Deed recorded on August 4, 1989 as file No. 89-414507, O.R. filed in the Office of the County Recorder of San Diego County, lying within Sunset Ridge Unit 3, in the City of San Diego, County of San Diego, State of California according to Map thereof No. 15857, filed in the Office of the County Recorder of San Diego County.

Said Parcel contains 2.302 acres more or less.

 4-10-2012  
Patrick A. McMichael, L.S. 6187                      Date

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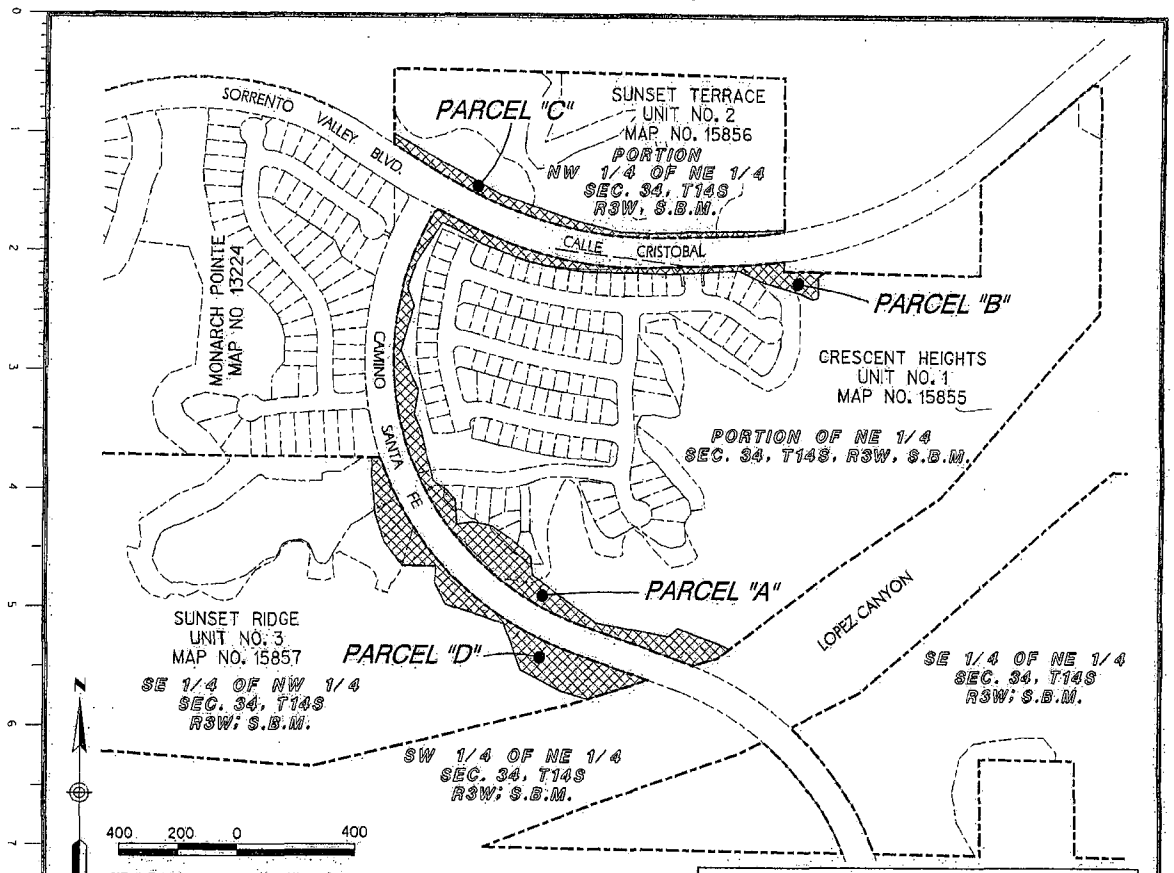
I.O. No. 24002180

P.T.S. No. 258126

Drawing No. 36710-B



# EXHIBIT "B"



**LEGEND**

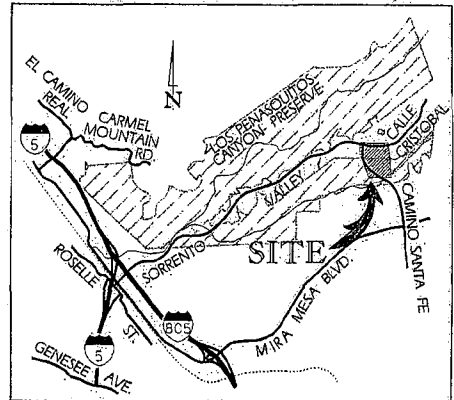


INDICATES EXISTING SLOPE EASEMENTS PER DEEDS, F/P 88-535025 AND F/P 89-414507, O.R., TO BE VACATED

- PARCEL "A" - 2.761 ACRES
- PARCEL "B" - 0.944 ACRES
- PARCEL "C" - 0.872 ACRES
- PARCEL "D" - 2.302 ACRES

**REFERENCE DRAWINGS**

MAP NOS. 15855, 15856 & 15857  
CITY OF SAN DIEGO DWGS.: 25716-D, 23877-D, 34438-D, 34439-D, 34466-D, 34467-D, 24056-D, 23855-D & 27533-D



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SAN DIEGO, CA 92110  
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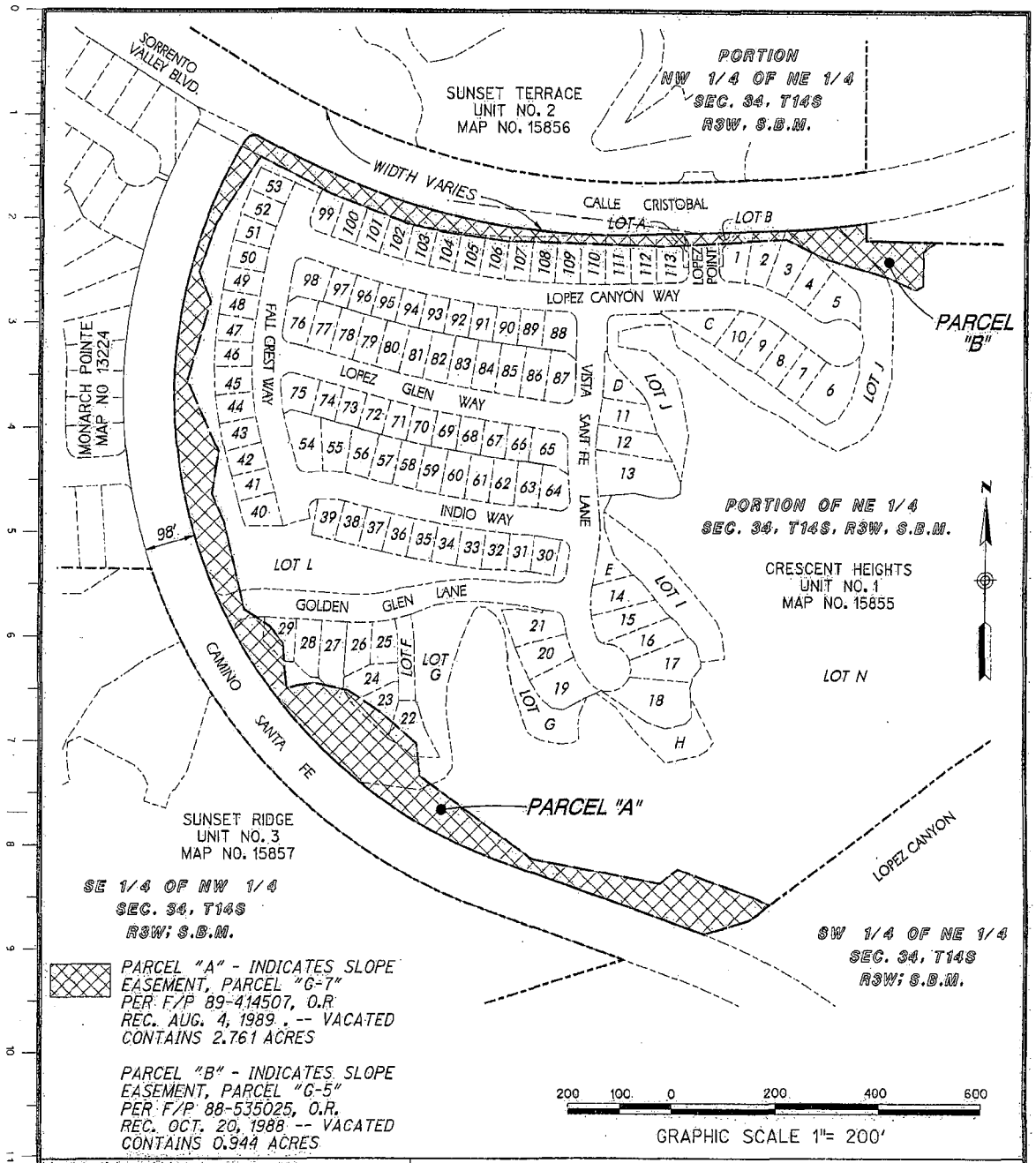
*Patrick A. McMichael*  
PATRICK A. McMICAL, LS 6187      4-10-2012      DATE

VACATION OF SLOPE EASEMENTS IN PORTIONS OF  
CRESCENT HEIGHTS, UNIT 1 MAP NO. 15855, SUNSET TERRACE, UNIT 2 MAP NO. 15856  
AND SUNSET RIDGE, UNIT 3 MAP NO. 15857

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 4 SHEETS	I.O. NO. 24002180 PTS NO. 258126
ORIGINAL	✓	Jm	4/17/12		<i>Gary P. Hoffman</i> FOR CITY ENGINEER      4-17-2012      DATE	1914-6275 CCS NAD 83 COORDINATES
						274-1715 LAMBERT COORDINATES
						36710-1-B
STATUS						

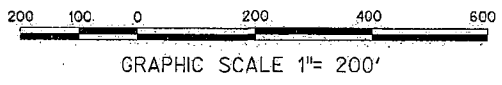
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# EXHIBIT "B"



**PARCEL "A" - INDICATES SLOPE EASEMENT, PARCEL "G-7"**  
 PER F/P 89-414507, O.R.  
 REC. AUG. 4, 1988 -- VACATED  
 CONTAINS 2.761 ACRES

**PARCEL "B" - INDICATES SLOPE EASEMENT, PARCEL "G-5"**  
 PER F/P 88-535025, O.R.  
 REC. OCT. 20, 1988 -- VACATED  
 CONTAINS 0.944 ACRES



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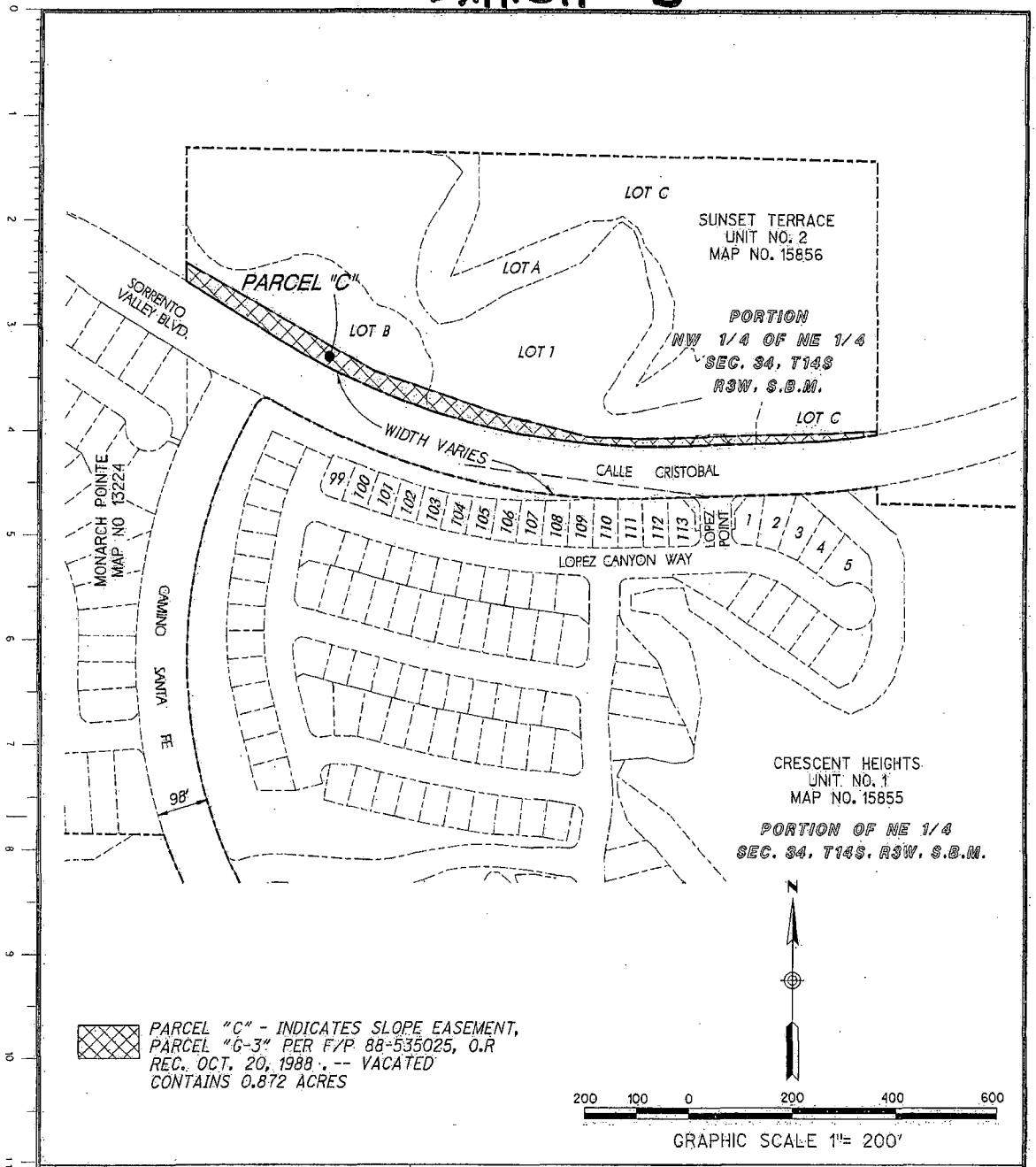
**VACATION OF SLOPE EASEMENTS IN PORTIONS OF LOT A, LOT B, LOT G, LOT J, LOT L, AND LOT N;  
 PORTIONS OF LOTS 1 THROUGH 4; LOTS 22 THROUGH 24, LOTS 27 AND 29, AND LOTS 101 THROUGH 113  
 AND A PORTION OF LOPEZ POINT AND A PORTION OF GOLDEN GLEN LANE,  
 ALL OF CRESCENT HEIGHTS, UNIT 1 MAP NO. 15855**

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	✓	Jm	4/17/12	
CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 4 SHEETS				
			<i>Gregory P. Hopkin</i> FOR CITY ENGINEER	
			9-19-2012 DATE	
STATUS				
				I.G. NO. 24002180 PTS NO. 258126 1914-6275 CCS NAD 83 COORDINATES 274-1715 LAMBERT COORDINATES 36710-2-B

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# EXHIBIT "B"



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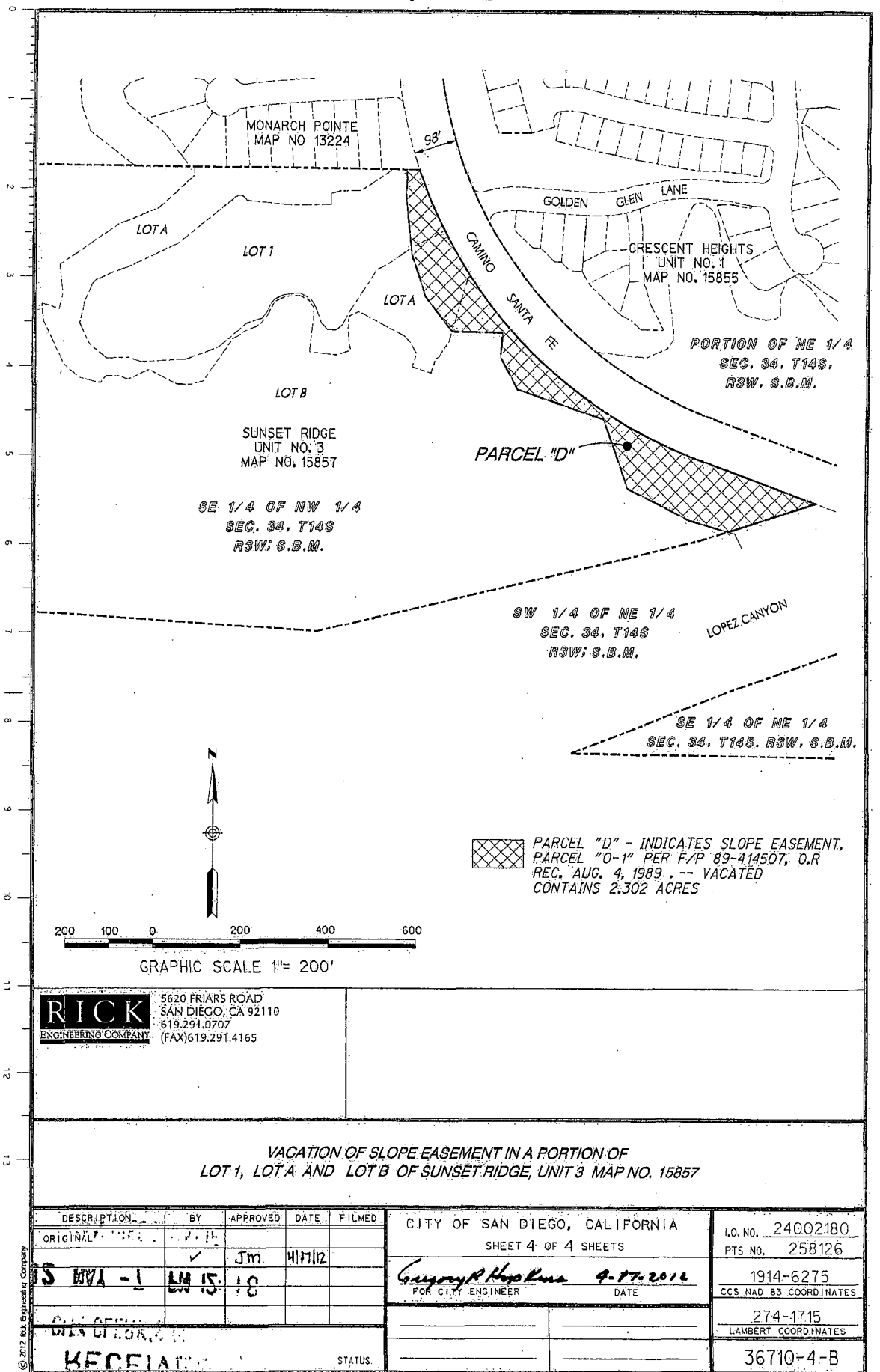
**VACATION OF SLOPE EASEMENT IN A PORTION OF LOT 1, LOT B AND LOT C OF SUNSET TERRACE, UNIT 2 MAP NO. 15856**

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA SHEET 3 OF 4 SHEETS	I.O. NO. 24002180 PTS. NO. 258126
ORIGINAL	✓	JM	4/17/12			
						274-1715 LAMBERT COORDINATES
						36710-3-B

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# EXHIBIT "B"



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(FAX) 619.291.4165

**VACATION OF SLOPE EASEMENT IN A PORTION OF  
LOT 1, LOT A AND LOT B OF SUNSET RIDGE, UNIT 3 MAP NO. 15857**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 4 OF 4 SHEETS	I.O. NO. 24002180 PTS NO. 258126
ORIGINAL					<i>Gregory R. Hopkins</i> 9-17-2012 FOR CITY ENGINEER DATE	1914-6275 CCS NAD 83 COORDINATES
AS SHOWN ON	✓	Jm	4/17/12			274-1715 LAMBERT COORDINATES
RECEIVED					STATUS	36710-4-B

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