



RESOLUTION NUMBER R- 307594

DATE OF FINAL PASSAGE JUL 23 2012

A RESOLUTION SUMMARILY VACATING EASEMENT  
NO. 926458 OF RANCHO SANTE FE FARMS ROAD FOR  
SANDY LANE - PROJECT NO. 237907.

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, Sandra L. McDowell Barczewski, Trustee of Sandra L. McDowell Barczewski Trust, Owner, and Marc Perlman, Managing Member of Sandy Lane PHR LLC, Permittee, filed an application with the City of San Diego whereby it was proposed that Rancho Santa Fe Farms Road, Public Right-of-Way Vacation No. 926458, be vacated; and

WHEREAS, the public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; 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

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WHEREAS, the matter was set for public hearing on \_\_\_\_\_, 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 Rancho Santa Fe Farms Road, the Council finds that:

(a) **There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.** City Staff has reviewed the proposed street vacation and determined that there is no present or prospective public use for this former alignment portion of Rancho Santa Fe Farms Road, south of Rancho Del Sol Way and north of Caminito Mendiola, west of the current alignment of Rancho Santa Fe Farms Road. This portion of Rancho Santa Fe Farms Road used to be an active portion of public right-of-way; however, with further development in the area, Rancho Santa Fe Farms Road has been realigned farther to the east such that the subject portion is within the old alignment and is no longer used as a public right-of-way. This portion of street does not contain underground franchise facilities or public water and sewer improvements. No public facilities would be affected by the proposed vacation.

(b) **The public will benefit from the vacation through improved use of the land made available by the vacation.** Ownership of the unimproved portion of Rancho Santa Fe Farms Road would revert to the underlying adjacent property owners. This proposed vacated portion of Rancho Santa Fe Farms Road would become part of a proposed 12 lot subdivision, including ten residential lots, a common driveway lot, and open space lot, in compliance with the Pacific Highlands Ranch Subarea Plan. The public would benefit by these stated improvements of this property through improved utilization of the land.

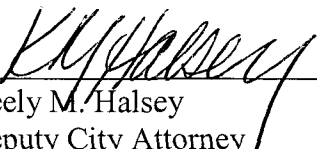
(c) **The vacation does not adversely affect any applicable land use plan.** The proposed area to be vacated is zoned RX-1-2, a Residential Zone, and the Pacific Highlands Ranch Community Plan designates this area for Peripheral Residential Land Use, 5-9 dwelling units per net acre. This proposed street vacation was reviewed by City Staff and determined to be consistent with the Pacific Highlands Community Plan. This vacation, if approved, will allow this property to be further developed for Peripheral Residential use allowed by the underlying RX-1-2 Zone. Therefore the proposed vacation does not adversely affect the applicable land use plan.

(d) **The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.** The area of the proposed vacation is currently excess right-of-way in an old or previously used alignment of Rancho Santa Fe Farms Road. It is currently vacant and has no prospective public use. The unimproved street does not contain underground franchise facilities or public water or sewer improvements. Public facilities would be not be affected by the proposed vacation.

BE IT FURTHER RESOLVED, that an unimproved portion of Rancho Santa Fe Farms Road, as more particularly described in the legal description marked as Exhibit A and shown on Drawing No. 36759-B marked as Exhibit B, which exhibits 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  \_\_\_\_\_  
Keely M. Halsey  
Deputy City Attorney

KMH:als  
07/06/12  
07/23/12 COR.COPY  
Or.Dept:DSD  
Doc. No. 379715\_5

**EXHIBIT "A"**  
**STREET VACATION**  
**LEGAL DESCRIPTION**

A PORTION RANCHO SANTA FE FARMS ROAD SHOWN ON PARCEL MAP NO. 20874, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER SAID SAN DIEGO COUNTY APRIL 13, 2011 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE MOST NORTHERLY CORNER OF PARCEL 1 OF SAID PARCEL MAP , SAID POINT LYING ON THE NORTHEASTERLY SIDELINE OF RANCHO SANTA FE FARMS DEDICATED TO PUBLIC USE PER RANCHO DEL SOL UNIT 1 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 12477 FILED IN THE OFFICE OF SAID COUNTY RECORDER OCTOBER 18, 1989, SAID POINT ALSO BEING THE BEGINNING OF A 986.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 65°12'00" EAST; THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY SIDELINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°09'15" A DISTANCE OF 2.65 FEET; THENCE ALONG SAID SIDELINE SOUTH 24°57'15" EAST, 27.54 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID NORTHEASTERLY SIDELINE SOUTH 24°57'15" EAST, 161.86 FEET TO THE BEGINNING OF A 1514.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°03'41" A DISTANCE OF 107.32 FEET TO THE BEGINNING OF A 40.00 FOOT RADIUS REVERSE CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 69°06'26" WEST; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 52°27'30" A DISTANCE OF 36.62 FEET TO THE BEGINNING OF A NON-TANGENT 48.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 16°38'56" EAST; THENCE LEAVING SAID NORTHEASTERLY SIDELINE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 74°15'51" A DISTANCE OF 62.22 FEET TO THE BEGINNING OF A 40.00 FOOT RADIUS REVERSE CURVE CONCAVE NORTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 57°36'55" EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°29'54" A DISTANCE OF 19.90 FEET TO THE

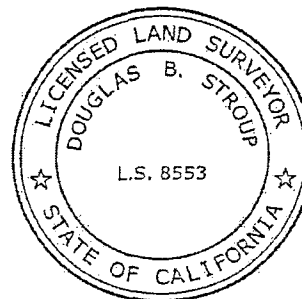
SOUTHWESTERLY SIDELINE OF SAID RANCHO SANTA FE FARMS ROAD AND THE BEGINNING OF A NON-TANGENT 1454.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 70°38'15" EAST; THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY SIDELINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 05°35'30" A DISTANCE OF 141.90 FEET; THENCE NORTH 24°57'15" WEST, 157.09 FEET; THENCE LEAVING SAID SOUTHWESTERLY SIDELINE NORTH 60°30'00" EAST, 60.19 FEET TO THE TRUE POINT OF BEGINNING.

ATTACHED HERETO IS DRAWING NO. 36759 -B (EXHIBIT "B") AND BY REFERENCE IS MADE A PART HEREOF.

THE HEREINABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.404 ACRES, MORE OR LESS.

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

*5/07/2012*  
\_\_\_\_\_  
P.L.S. 8553



P.T.S. NO. 237907



