

RESOLUTION NUMBER R- 307683

DATE OF FINAL PASSAGE SEP 17 2012

A RESOLUTION SUMMARILY VACATING PUBLIC RIGHT OF WAY LOCATED ON THE ROAD PARCEL KNOWN AS ROAD M-6, SYCAMORE LANDFILL ROAD, AND SEGMENT 3 OF STATE HIGHWAY MAP NO. 307, IN LOT 4 OF THE RESUBDIVISION OF FANITA RANCHO, MAP NO. 1703, AND TRACT "T" OF RANCHO EL CAJON, PUBLIC RIGHT OF WAY VACATION NO. 534709, SYCAMORE LANDFILL MASTER PLAN – PROJECT NO. 5617

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, Sycamore Landfill Inc. has requested the vacation of a public right-of-way on the road parcel known as Road M-6, Sycamore Landfill Road, and Segment 3 of State Highway Map No. 307, described as all that real property relinquished to the City of San Diego, in the County of San Diego, State of California per document recorded March 6, 2008 as Document No. 2008-0117850 of Official Records excepting therefrom Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3, all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708 of Official Records, Public Right of Way Vacation No. 534709; 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 ordinance is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on evidence presented; and

WHEREAS the public right of way vacation is necessary to unencumber the property and facilitate development of the site as conditioned in Site Development Permit No. 9310 and Planned Development Permit No. 9309; and

WHEREAS, the vacated public right of way shall be used for access to adjacent parcels and the Sycamore Landfill;and

WHEREAS, the matter was set for public hearing on SEP 17 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 Deigo, that with respect to the requested public right of way vacation, the Council finds that:

(a) There is no present or prospective public use for the public right-of-way for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated. The public right-of-way originally was acquired from Caltrans only for the purpose of holding it until the proposed project was approved, and therefore vacation of the public right-of-way on the road parcel known as Road M-6, Sycamore Landfill Road, or Segment 3 of State Highway Map No. 307, as part of the proposed project is justified because

such vacation is consistent with and fulfills the requirements of that certain Settlement Agreement entered into on February 24, 1993 by and between the City of San Diego (City), the California Department of Transportation (Caltrans), and the County of San Diego (County), owner and operator of the landfill (Sycamore Landfill, Inc. is the successor in interest to the County's interest in the Agreement). Under the terms of the Settlement Agreement, the access road is to be used for the exclusive use of the landfill owners and operator subject to the following conditions: (1) the landfill owner and operator must make a good faith effort to work with the City and landowners adjacent to Road M-6 not to preclude east-west access; (2) the landfill owner and operator shall use its best efforts to prevent trucks from lining up onto Mast Boulevard so as to obstruct traffic on Mast Boulevard; and (3) the City shall take no action with respect to Road M-6 that will prevent the owner and operator of the landfill from assuring adequate and safe access to the landfill sufficient to conduct state-permitted landfilling operations for the life of the landfill.

Consistent with the City's obligation in the Settlement Agreement to take no action with respect to Road M-6 that will prevent the owner and operator of the landfill from assuring adequate and safe access to the landfill sufficient to conduct state permitted landfilling operations for the life of the landfill, the City finds it necessary to vacate the public rights to Road M-6 in order to transfer the road parcel to the landfill operator, thereby allowing the landfill operator to perform maintenance of the road and also enhance the landfill's overall security and operational safety.

Although the City is vacating the public right-of-way and transferring the road parcel to the landfill operator as a private road, the Settlement Agreement conditions stated above remain. Therefore, although the road will cease to be a public road within the general system of streets,

landowners adjacent to the access road will retain any existing rights to use the road to access Mast Boulevard already in place, and landfill customers can continue to access the landfill facilities. The City is not vacating or transferring the slope and drainage easements adjacent to Road M-6.

There is no present or prospective 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, that requires it to remain under public control, it was always the intent that the road be used primarily as the landfill access road and access to the adjacent lots will continue to be maintained.

(b) The public will benefit from the action through improved use of the land made available by the vacation. Vacating the road easement will benefit the public because it fulfills the obligations of Caltrans and the City of San Diego pursuant to a contract entered into when the extension of SR-52 required creation of a new landfill access road. It also facilitates adequate, safe and secure access to the additional landfill capacity needed by the public, and continues to provide access to adjacent parcels. The California Integrated Waste Management Act of 1989 requires each city and county in the state to adopt a Countywide Integrated Waste Management Plan (CIWMP) and Siting Element demonstrating that 15 years of solid waste disposal capacity is or will be available through existing or planned facilities. (Pub. Res. Code §§ 41700-41721.5, 41750-41770). The City Council unanimously approved the Countywide Integrated Waste Management Plan Summary and Countywide Updated Siting Element on April 5, 2005 via Resolutions R-300295 and R-300296 following SANDAG and the County of San Diego's review and approval of the plan. The Siting Element, updated in 2011, continues to demonstrate adequate capacity for at least 15 years through the proposed project's planned

expansion of Sycamore Landfill as well as development of Gregory Canyon Landfill. According to the report, of these two capacity enhancing projects, Sycamore Landfill would provide more than three-quarters of the new supply that is crucial to the region's ability to continue to adequately dispose of its waste in a centralized location. The public benefits by having adequate disposal capacity available for current and future needs.

San Diegan residents and businesses benefit from the extended capacity of the centrally located Sycamore Landfill facility. If new landfill capacity is not provided, the number of incidents of illegal dumping of waste on vacant lots without any regard for the environment, public health or private property rights may increase. Therefore, the public will benefit from the use of the vacated easement area to facilitate adequate, safe and secure access to new landfill capacity and avoid these unwanted health and environmental impacts, as well as the liability that may arise on roads subject to public road easements.

(c) The vacation does not adversely affect any applicable land use plan. The vacation of the public right-of-way on the access road to the landfill does not affect any applicable land use plan. The existing landfill development is located within the East Elliott Community Planning Area. The 1971 Elliott Community Plan (Community Plan) recognized the landfill use and designated the site for solid waste disposal. The review process by all parties with a vested interest in the aforementioned public right-of-way has determined the vacation of this public right-of-way will be consistent with the General Plan, Community Plan, MSCP Subarea Plan and other applicable land use plans' relevant goals, objectives or recommendations overall.

(d) **The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.** The public right-of-way on the road parcel proposed to be vacated was originally acquired for the purpose of providing access to the landfill and adjacent properties and that purpose continues to be accomplished by and not detrimentally affected by the proposed vacation. Consistent with the City's obligation to take no action with respect to this access road that would prevent the owner and operator of the landfill from assuring adequate and safe access to the landfill sufficient to conduct state permitted landfilling operations for the life of the landfill, the City now finds it necessary to vacate the public rights to the landfill access road in order to transfer the road parcel to the landfill operator. This easement vacation will allow the landfill operator to maintain the road and enhance the landfill's security and operational safety.

The Settlement Agreement conditions stated above remain in place after the public right-of-way vacation and therefore, although the road will cease to be a public road within the general system of streets, landowners adjacent to the access road will retain their rights to use the road to access Mast Boulevard, and landfill customers can continue to access the landfill facilities. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation/abandonment; rather, the purpose of the easement will be fulfilled.

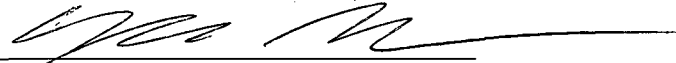
BE IT FURTHER RESOLVED, that the public right-of-way on the road parcel known as Road M-6, Sycamore Landfill Road, and Segment 3 of State Highway Map No. 307, described as all that real property relinquished to the City of San Diego, in the County of San Diego, State of California per document recorded March 6, 2008 as Document No. 2008-0117850 of Official Records excepting therefrom Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4,

26203-2, 26203-4, 26429-2, and 26429-3, all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708 of Official Records, Public Right of Way Vacation No. 534709, as more particularly described in the legal description marked Exhibit "A," and as more particularly shown on Drawing No. 20899-B, labeled Exhibit "B," which is by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED that said street vacation is conditioned upon approval and issuance of Site Development Permit No. 9310 and planned Development Permit No. 9309.

BE IT FURTHER RESOLVED that the Development Services Department shall cause a certified copy of the resolution, with attached exhibits, attested by the City Clerk under seal, to be recorded in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:sc
08/28/12
Or.Dept:DSD
Doc. No. 429611

EXHIBIT "A"

STREET VACATION
UNNAMED STREET

All that real property relinquished to the City of San Diego, in the City of San Diego, County of San Diego, State of California per document recorded March 6, 2008 as Document No. 2008-0117850 of Official Records.

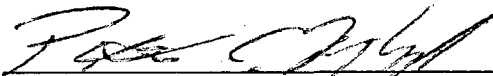
EXCEPTING THEREFROM:

Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708 of Official Records.

Vacated.

Contains 3.974 acres, more or less.

Attached hereto is a Drawing No. 20899-B labeled Exhibit "B" and by this reference made a part hereof is made.



Patrick A. McMichael, L.S. 6187

9-9-08

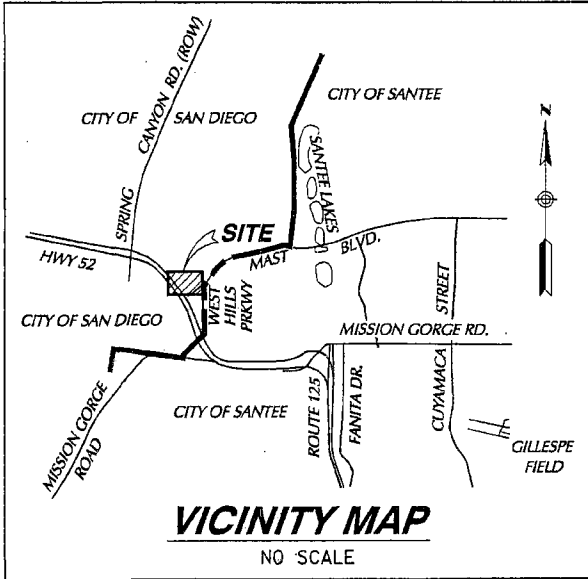
Date


J.O. 421084
P.T.S. 5617
Dwg. 20899-B





EXHIBIT "B"

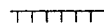
LEGEND




 UNNAMED STREET
RELINQUISHED TO
CITY OF SAN DIEGO
PER DOC. REC.
3-6-2008 AS F/P
2008-0117850 O.R.
VACATED HEREON.
(AREA= 3.974 ACRES)

 (A) SLOPE EASEMENT
RELINQUISHED TO
CITY OF SAN DIEGO
PER DOC. REC.
3-6-2008 AS F/P
2008-0117850 O.R.

 (B) DRAINAGE EASEMENT
RELINQUISHED TO
CITY OF SAN DIEGO
PER DOC. REC.
3-6-2008 AS F/P
2008-0117850 O.R.

 INDICATES ACCESS RIGHTS
RELINQUISHED PER DOC.
REC. 4-21-1992
F/P 1992-0232834 O.R.

 [I] INDICATES PARCEL NUMBER
PER RIGHT OF WAY MAP
NO. 47533 AND NO. 47534
AND STATE HIGHWAY
MAP NO. 307

REFERENCE DRAWING

CITY DNG NO. 11844-D

STATE HWY MAP NO. 307.

STATE RIGHT OF WAY MAP
NO. 47533 .

STATE RIGHT OF WAY MAP
NO. 47534.

MAP NO. 1703.



RICK ENGINEERING COMPANY
5620 FRIARS ROAD J. 14211C
SAN DIEGO, CA 92110
619.291.0707
(FAX) 619.291.4165

Patrick A. McMichael
PATRICK A. McMICHAE, LS 6187 DATE 6-21-2012

STREET VACATION - UNNAMED STREET
IN A PORTION OF MAP NO. 1703 AND
TRACT "T" OF RANCHO EL CAJON

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS: 5617 JO: 421084
ORIGINAL					SHEET 1 OF 2 SHEETS	
					<i>Gregory P. Hopkins</i> 6-22-2012 FOR CITY ENGINEER DATE	1886 - 6321 CCS NAD 83 COORDINATES
						246 - 1761 LAMBERT COORDINATES
						20899-1-B
STATUS						

EXHIBIT "B"

RELINQUISHED TO CITY OF SAN DIEGO
 PER DOC. REC. 3-7-2001 F/P 2001-0129708
 AND 4-16-2001 F/P 2001-0291085 O.R.
 [25595A-1]

APN
 366-081-03

ROAD EASEMENT NO.8
 GRANTED TO CITY OF
 SAN DIEGO PER DOC.
 REC. 6-7-1965
 F/P 101350 O.R.
 (SEE CITY DNG NO. 11844-D)
 (SEE MM NO. 465)

APN
 366-081-26

APN 366-081-27
 [26429-2]

[26203-4 AND 26429-2]

SEWER EASEMENT NO.1
 REC. 7-6-65
 F/P 120547

APN
 366-081-28

POR. RE-SUB OF
 FANITA RHO
 MAP NO. 1703

POR. LOT 4, MAP 1703 AND
 TRACT "T" OF RANCHO EL CAJON
 PER DEED REC JUNE 17, 2008
 F/P 2008-032577 O.R.

CITY OF SAN DIEGO

APN
 366-081-02

APN
 366-081-28

STATE HIGHWAY
 MAP NO. 307

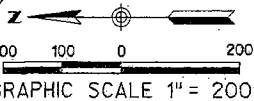
APN
 366-081-25

APN
 366-081-23

APN 366-081-23

APN
 366-081-24

ROAD EASEMENT NO.1
 GRANTED TO CITY OF
 SAN DIEGO PER DOC.
 REC. 6-7-1965
 F/P 101350 O.R.
 (SEE CITY DNG NO. 11844-D)



APN 366-071-33

RICK
 ENGINEERING COMPANY

5620 FRIARS ROAD J. 14211C
 SAN DIEGO, CA 92110
 619.291.0707
 (FAX) 619.291.4165

**STREET VACATION - UNNAMED STREET
 IN A PORTION OF MAP NO. 1703 AND
 TRACT "T" OF RANCHO EL CAJON**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS: 5617
ORIGINAL					SHEET 2 OF 2 SHEETS	JO: 421084
					<i>Gregory P. Hopkins</i> 6-22-2012	1886 - 6321
					FOR CITY ENGINEER DATE	CCS NAD 83 COORDINATES
						246 - 1761
						LAMBERT COORDINATES
						20899-2-B
STATUS						