

RESOLUTION NUMBER R- 307755

DATE OF FINAL PASSAGE OCT 16 2012

A RESOLUTION VACATING A PORTION OF 60<sup>TH</sup> STREET  
PUBLIC RIGHT-OF-WAY FOR THE ROCK STREET  
RESIDENCE (VACATION NO. 968432-PROJECT NO. 267163)

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public right-of-way by City Council resolution; and

WHEREAS, San Diego Habitat For Humanity, filed an application with the City of San Diego proposing that a portion of 60<sup>th</sup> Street, an easement for public street granted per document recorded March 26, 1958 as Document No. 48363 in Block 7009, Page 129 of official records, within Lot 20 of Waterville Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 748, filed in the Office of the County Recorder of San Diego County, April 22, 1893, be formally vacated (Public Right-Of-Way Vacation No. 968432); 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 October 16, 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 Public Right-Of-Way Vacation No. 968432, the Council finds that:

(a) There is no present or prospective use for the public right-of-way, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.

Approximately 167-square feet of the public right-of-way at the intersection of Rock Place and 60<sup>th</sup> Street steps inward towards portions of Lot 20, and the partial public right-of-way vacation is for the realignment of the corner to be consistent with the public right-of-way along both streets. A portion of the public rights-of-way currently contains an active Public Utilities Department's 16-inch drainage pipe, which is used as a reservoir overflow and drain pipe for the water tank located south of the development. The proposed development would relocate the existing 16-inch drainage pipe within public right-of-way along 60<sup>th</sup> Street; therefore, 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.

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

The vacation of the public rights-of-way would allow for the full use of Lot 20 and allow for the construction of a two-story, 1,369 square-foot, three bedroom, single-family dwelling unit with an attached 376 square foot two car garage, which will sold to low-income persons in accordance with Agreement No. 7007. This agreement was approved by and between the Board of Supervisors of the County of San Diego and San Diego Habitat for Humanity for the purchase of the property for the construction and sale of a single-family dwelling unit to low-income persons or to preserve as open space. The improved utilization of the land would be in harmony

with the surround development, provide for a single-family dwelling unit to low-income persons, and produce additional property taxes.

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

The vacant lot is located at 6010 Rock Street in the RS-1-7 Zone within the Eastern Area Neighborhood of the Mid-City Communities Plan. The community plan designates the site for Residential use at 6-10 dwelling unit per acre. The 0.06-acre site could accommodate one dwelling unit based on the underlying zone and one dwelling unit based on the community plan; therefore, the vacation to allow for the proposed development does not adversely affect any applicable land use plan.

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

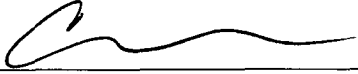
The partial public rights-of-way vacation is for the realignment of the corner to be consistent with the public right-of-way along Rock Place and 60<sup>th</sup> Street. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, that portion of the easement for public street granted per document recorded March 26, 1958 as Document No. 48363 in Block 7009, Page 129 of official records, within Lot 20 of Waterville Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 748, filed in the Office of the County Recorder of San Diego County, April 22, 1893, Public Right-Of-Way Vacation No. 968432, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing

No. 36934-B, marked as Exhibit "B," which said drawing is attached hereto and made a part hereof, is ordered formally 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   
\_\_\_\_\_  
Corrine L. Neuffer  
Deputy City Attorney

CLN:jl  
September 28, 2012  
Or.Dept: DSD  
Doc. No. 446818

EXHIBIT "A"  
LEGAL DESCRIPTION  
(STREET VACATION)

THAT PORTION OF THE EASEMENT FOR PUBLIC STREET GRANTED PER DOCUMENT RECORDED MARCH 26, 1958 AS DOCUMENT NO. 48363 IN BOOK 7009, PAGE 129 OF OFFICIAL RECORDS, WITHIN LOT 20 OF WATERVILLE HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 748, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 22, 1893, BEING DESCRIBED AS FOLLOWS:

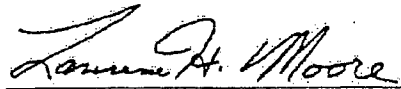
BEGINNING AT THE SOUTHWEST CORNER OF LOT 1160 OF REDWOOD VILLAGE, UNIT NO. 9, ACCORDING TO MAP THEREOF NO. 2806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 6, 1951, BEING A POINT ON THE EASTERLY LINE OF SAID LOT 20; THENCE ALONG THE SOUTHWESTERLY PROLONGATION OF THE SOUTHEASTERLY LINE OF SAID LOT 1160, SOUTH 70°38'52" WEST, 3.76 FEET TO THE BEGINNING OF A NON-TANGENT 20.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE FROM SAID POINT BEARS NORTH 14°22'14" WEST; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 97°46'04", A DISTANCE OF 34.13 FEET; THENCE TANGENT TO SAID CURVE, NORTH 06°36'10" WEST, 59.93 FEET TO A POINT ON THE SOUTHERLY LINE OF THE HEREINABOVE-DESCRIBED EASEMENT FOR PUBLIC STREET; THENCE ALONG SAID SOUTHERLY LINE, NORTH 83°23'50" EAST, 4.23 FEET TO THE **TRUE POINT OF BEGINNING**, BEING A POINT ON THE ARC OF A 20.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 84°00'24" WEST; THENCE LEAVING SAID SOUTHERLY LINE, NORTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 64°21'24", A DISTANCE OF 22.46 FEET, THENCE TANGENT TO SAID CURVE, NORTH 70°21'00" EAST, 5.69 FEET TO A POINT ON THE ARC OF A NON-TANGENT 23.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL

LINE TO SAID POINT BEARS NORTH 51°05'33" WEST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 45°30'37", A DISTANCE OF 18.27 FEET; THENCE ALONG THE PROLONGATION OF THE RADIAL LINE TO SAID CURVE, SOUTH 83°23'50" WEST, 13.67 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 167 SQUARE FEET (0.004 ACRES), MORE OR LESS.

ATTACHED HERETO IS DRAWING NO. 36934-B, LABELED EXHIBIT "B", AND BY REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

 05/16/2012  
LAWRENCE H. MOORE, PLS 5486



I.O.: 24002415  
PTS: 267163  
DWG: 36934-B

# EXHIBIT "B" STREET VACATION

**LEGEND:**

INDICATES PORTION OF 60TH STREET GRANTED TO THE CITY OF SAN DIEGO PER DOC. REC. 03-26-1958 AS DOC. NO. 48363 O.R. - VACATED P.O.B. INDICATES POINT OF BEGINNING T.P.O.B. INDICATES TRUE POINT OF BEGINNING



**ASSESSOR'S PARCEL NO.:**

473-291-14

**AREA:**

167 SQ. FT. (0.004 AC.)

**REFERENCES:**

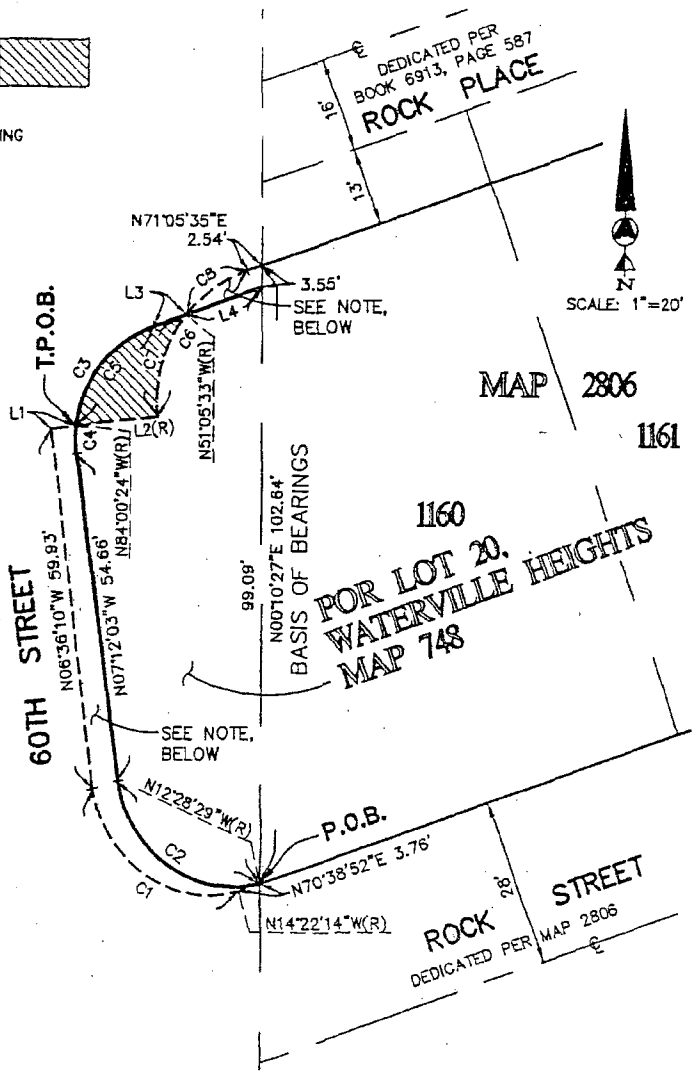
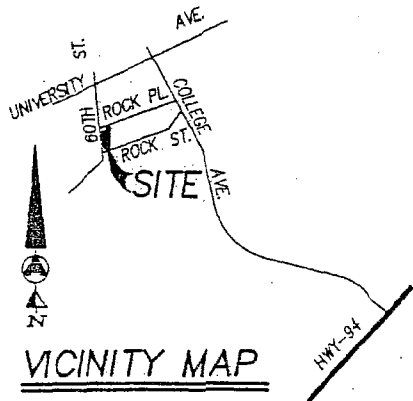
MAP 748, 2806, ROS 20896  
DEED DOC. NO. 2005-0406783, REC. 05-13-2006 O.R.

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS PLAT IS A PORTION OF THE EASTERLY LINE OF LOT 20, MAP 748 AS SHOWN ON RECORD OF SURVEY MAP NO. 20896, I.E. NORTH 00°10'27" EAST

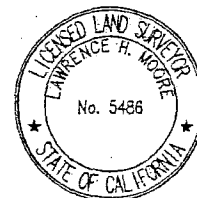
I.D.	DELTA	RADIUS	LENGTH
C1	97°46'04"	20.00'	34.13'
C2	95°16'26"	20.00'	33.26'
C3	77°33'03"	20.00'	27.07'
C4	13°11'39"	20.00'	4.61'
C5	64°21'24"	20.00'	22.46'
C6	77°41'45"	23.00'	31.19'
C7	45°30'37"	23.00'	18.27'
C8	32°11'08"	23.00'	12.92'

I.D.	BEARING	DISTANCE
L1	N83°23'50"E	4.23'
L2	N83°23'50"E	13.67'
L3	N70°21'00"E	5.69'
L4	N70°21'00"E	13.63'



**NOTE:**

PORTION OF 60TH STREET DEDICATED PER DOC. NO. 2012-0403352, REC. 7/11/2012 O.R.



PREPARED BY:

*Lawrence H. Moore* 06/29/2012  
LAWRENCE H. MOORE, PLS 5486 DATE

**STREET VACATION - PORTION OF 60TH STREET**

ADJOINING THAT PORTION OF LOT 20 OF WATERVILLE HEIGHTS, MAP 748 DESCRIBED IN DEED RECORDED MAY 13, 2005 AS DOC. NO. 2005-0406783 OF O.R.

DESCRIPTION	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS NO. 267163
ORIGINAL	<i>LAM</i>	7-11-12		SHEET 1 OF 1 SHEETS	I.G. NO. 24002415
	<i>Lawrence H. Moore</i>	7-11-2012		FOR CITY ENGINEER DATE	1852-6309
					OCS(NAD 83) COORDINATES
					212-1749
					LAMBERT COORDINATES
					36934-B

STATUS