

RESOLUTION NUMBER R- 307984

DATE OF FINAL PASSAGE JAN 29 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO FOR VACATION OF A 10.0 ACRE OPEN SPACE
EASEMENT WITHIN THE DEL MAR MESA SPECIFIC PLAN
AREA.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego
Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public
easements by City Council resolution; and

WHEREAS, it is proposed that 10.0-acre Open Space Easement (Easement
Abandonment No. 976513) be vacated; 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 January 29, 2013, 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 Open
Space Easement Abandonment No. 976513, 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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a 0.9-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining 9.1-acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space. The easement requested to be vacated was placed on the property in 1990 as a means to preserve 10 acres of Open Space for environmental credits for SDG&E. There is no present or prospective 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 in that the proposed development will use 0.9 acres of the property while preserving 9.1-acres on-site with a Covenant of Easement dedicated to the City and one-acre offsite by deeding the one-acre parcel (No. 306-050-23) to the City in fee title. As such, the original acreage of open space land that was planned for preservation will remain unchanged.

Therefore, the intent of the original easement, to preserve 10 acres of open space in the Del Mar Mesa Preserve, will be preserved intact in perpetuity. Through a Covenant of Easement placed over 9.1 acres and the dedication of a one-acre parcel to the City of San Diego as designated Open Space.

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

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes

a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining 9.1 acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

In addition to the 9.1-acre Covenant of Easement, additional mitigation will result from the transfer in fee title to the City of a one-acre parcel to the east located in the Del Mar Mesa Preserve. The one-acre parcel (APN 306-050-23) is the only remaining privately owned parcel in the heart of the Del Mar Mesa preserve that is not under City, State, or Federal Agency control. The one-acre parcel replaces the portion of the 10-acre easement released for development.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted 0.9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by open-space. Conversely, large estate residential homes surround the 0.9 acre site on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve Subarea V.

The abandonment of the easement and the conditions of the project require the property owner to deed the last remaining parcel of land in the Del Mar Mesa Preserve to the City in fee thereby preserving the Open Space of the Preserve permanently. Therefore, the public will benefit from the action through improved utilization of the land made available by the abandonment.

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

The property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining 9.1 acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The transfer of property to the City of San Diego of the one-acre parcel will result in the completion of the Del Mar Mesa preserve property acquisition and has greater value than the impacted .9 acres. There will be a net gain of 0.1 acres to the MHPA, and although the one-acre compensation site is already in the MHPA, the benefit is greater with the dedication than it is presently. The one-acre parcel currently contains 5 vernal pools and is surrounded by open-space. Conversely, large estate residential homes surround the .9 acres on three sides. Ultimately the dedication of the one-acre will allow the City of San Diego to have greater control over the land and would facilitate development of a planned trail on the Del Mar Mesa preserve Subarea V.

The project would implement the goals of the Del Mar Mesa Specific Plan by providing a single-family residential lot that is compatible with the surrounding estate residential uses and consistent with the Plan's community design standards. The project is consistent in character, density, scale and intensity with the established residential development of adjacent projects. Therefore, the proposed development would be consistent with the applicable land use plan.

(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 property is located at the west end of Caminito Stella in the AR-1-2 Zone of the Del Mar Mesa Specific Plan. The 10-acre parcel is currently undeveloped and is within a mostly developed area of single-family residences on predominantly one-acre lots. The project proposes a one-acre, single-family home site with guest quarters on the 10-acre parcel, preserving the remaining 9.1 acres of the parcel with a Covenant of Easement dedicated to the City of San Diego. The Del Mar Mesa Specific Plan designates the area as Resource Based Open Space.

The easement was placed on the property in 1990 as a means to preserve 10-acres of Open Space for environmental credits for SDG&E. There is no present or prospective 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 that would not be served with the proposed abandonment and rededication of the remaining parcel. The proposed development will use 0.9-acres of the property and preserve 9.1-acres on-site with a Covenant of Easement dedicated to the City and one-acre offsite by deeding the one-acre parcel (APN 306-050-23) to the City in fee so the original acreage of open space land that was planned for preservation will remain unchanged.

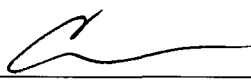
Therefore, the intent of the original easement, to preserve 10 acres of open space on Del Mar Mesa Preserve, will remain intact in perpetuity through a Covenant of Easement placed over 9.1 acres and the dedication of a one-acre offsite parcel to the City of San Diego.

BE IT FURTHER RESOLVED, that the Open Space easement located within the Del Mar Mesa Specific Plan area in connection with, as more particularly described in the legal description marked as Exhibit "A," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that said easement abandonment is conditioned upon the transfer of the one-acre parcel (APN 306-050-23) to the City in fee title and the recordation of the Conservation Easement on the remaining 9.1-acre site. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

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

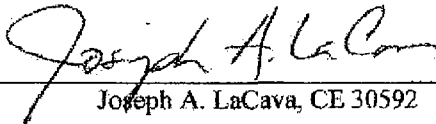
CLN:jls
January 9, 2013
Or.Dept: DSD
Doc. No. 496039

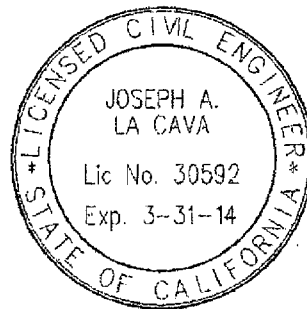
EXHIBIT "A"
LEGAL DESCRIPTION
OPEN SPACE EASEMENT VACATION

Being the easement for open space and incidental purposes over the Southwest Quarter of the Northwest Quarter of the Northwest Quarter of Section 22, Township 14 South, Range 3 West, San Bernardino Meridian as described in grant to the City of San Diego recorded December 12, 1990, Document No. 1990-0661434 of Official Records, in the City of San Diego, County of San Diego, State of California, according to the United States Government Survey, VACATED.

Area = 10 acres (435600 square feet) more or less

Attached hereto is Drawing No. 36956-B (Exhibit "B") and by reference is made a part hereof.


Joseph A. LaCava, CE 30592



LO. NO. 23432128
P.T.S. 174584
DWG NO. 36956-B

R 307984

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REFERENCE DRAWINGS

ROS 15795, ROS 9915, MAP 1477, MAP 14667
 DEED REC 2/15/2005, DOC NO: 2005-0125634, O.R.
 EASEMENT REC 12/12/1990, DOC NO. 1990-0661434, O.R.

ASSESSOR'S PARCEL NO.

308-020-02

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT MAP IS THE CALIFORNIA COORDINATE SYSTEM, CCS83, ZONE 6, EPOCH 1991.35, ESTABLISHED FROM G.P.S. STATION 116 AND G.P.S. STATION 113 PER RECORD OF SURVEY MAP NO. 14492. I.E. N75°28'37"E

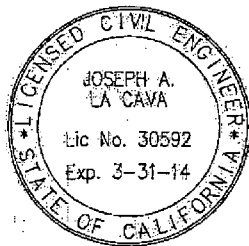
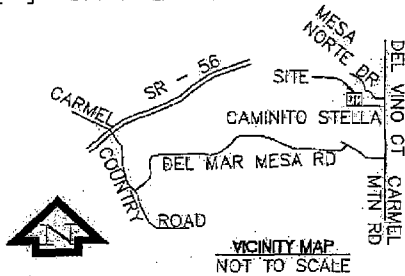
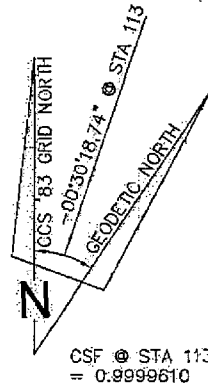
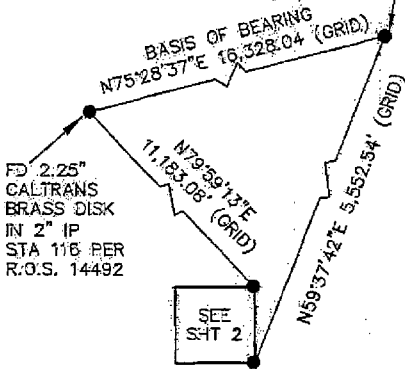
LEGEND

INDICATES OPEN SPACE EASEMENT VACATED (10 ACRES)

- 50' WIDE BRUSH MANAGEMENT EASEMENT TO SOLANA MESA PARTNERS PER DOCUMENT 2000-0233915, RECORDED 5-05-2000, O.R.
- 100' WIDE BRUSH MANAGEMENT EASEMENT TO MESA NORTE LLC PER DOCUMENT 2001-0095376, RECORDED 2-29-2001, O.R.
- BRUSH MANAGEMENT EASEMENT TO SILBERBERGERS PER DOCUMENT 2002-0486687, RECORDED 6-07-2002, O.R.
- GENERAL EASEMENT FOR UTILITY ACCESS, GRADING, LANDSCAPING AND MAINTENANCE TO DICKINSON, CUTER, & SOLANA PARTNERS PER DOCUMENT 1998-0274063, RECORDED 5-11-1998, O.R.

() RECORD PER MAP 14667
 [] RECORD PER MAP 14771

FD 2.5" CITY SD
 BRASS DISK IN
 CONC MON
 STA 113 PER
 R.O.S. 14492
 ELEV 426.24
 N1927659.36
 E6279646.38



AVETTERRA
 5274 LA JOLLA BOULEVARD
 LA JOLLA, CA 92037
 (858) 488-0160

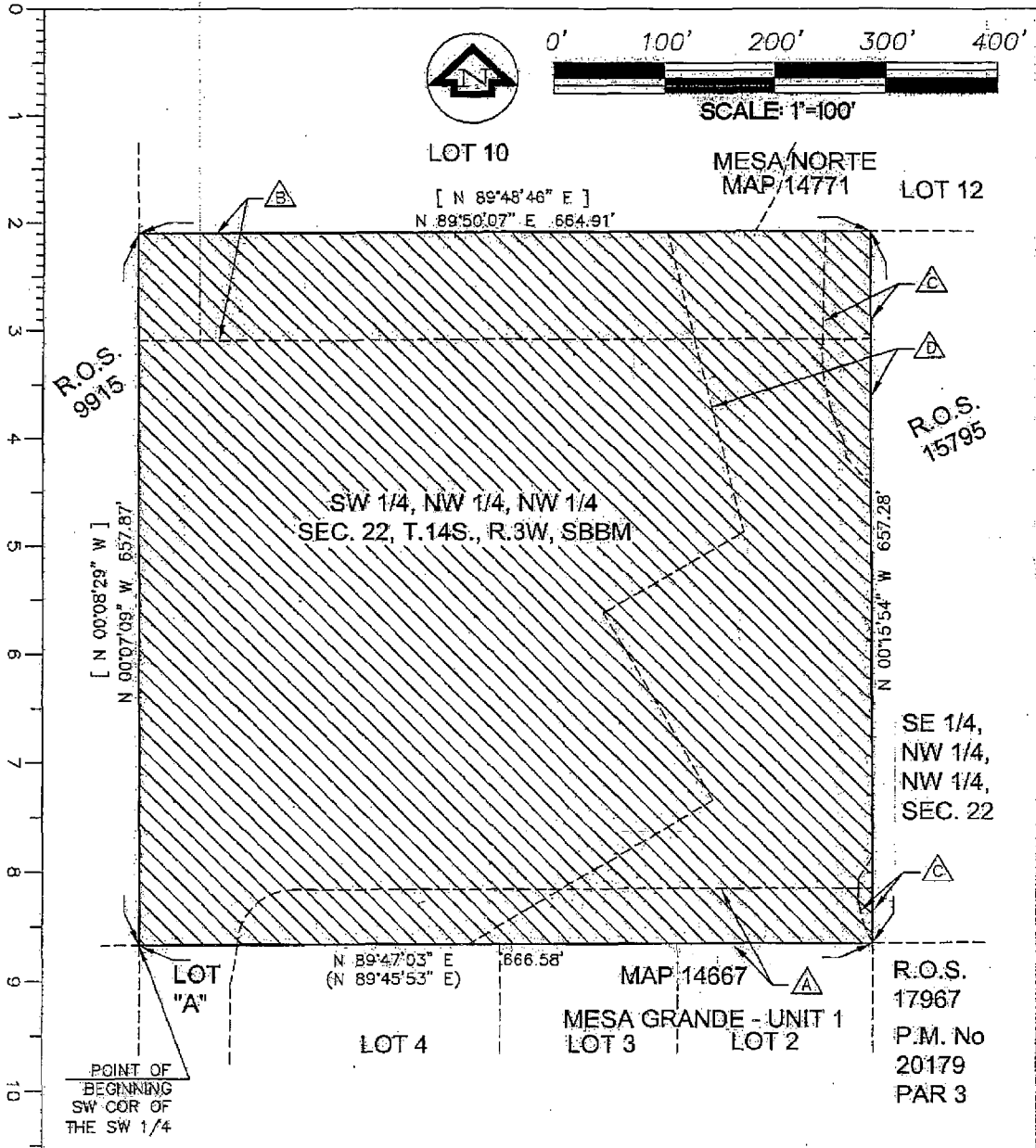
Joseph LaCava
 JOSEPH LACAVA, RCE 30592

OPEN SPACE EASEMENT VACATION

OVER THE SW1/4, NW1/4, NW1/4, SEC 22, T14S, R3W, SBBM

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 2 SHEETS	I.O. NO. 23432128 PTS # 174584
ORIGINAL					<i>Gregory P. Hoffman</i> 1-10-13 PER CITY ENGINEER DATE	1924-8273 CCS (NAD '83)
						284-1713 LAMBERT COORDINATES
STATUS						36956-1-B

R. 307984



AVETTERA
 5274 LA JOLLA BOULEVARD
 LA JOLLA, CA 92037
 (858) 488-0160
Joseph LaCava
 JOSEPH LACAVA, ROE 30592

OPEN SPACE EASEMENT VACATION

OVER THE SW1/4, NW1/4, NW1/4, SEC 22, T14S, R3W, SBBM

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 2 SHEETS	I.O. NO. 23432128 PTS # 174584
ORIGINAL					<i>Gregory P. Higgins</i> FOR CHIEF ENGINEER	1924-6273 GCS (NAD 83)
			1-10-13			284-1713 LAMBERT COORDINATES
						36956-2-B

R. 307984