

RESOLUTION NUMBER R- 308290

DATE OF FINAL PASSAGE JUN 18 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO VACATING A PORTION OF THORN STREET  
(RIGHT-OF-WAY VACATION NO. 1010432) WITH  
RESERVATION OF EASEMENT - PROJECT NO. 287114.

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 rights-of-way by City Council resolution; and

WHEREAS, OCEAN DISCOVERY INSTITUTE, a California Nonprofit Educational Foundation, owner of the underlying property, filed an application with the City of San Diego to vacate a portion of Thorn Street, formerly known as Centre Street, in the City of San Diego, County of San Diego, State of California, as dedicated to public use on Map No. 1007 filed in the Office of the County Recorder of San Diego County, October 3, 1906, being described as Right-Of-Way Vacation No. 1010432; and

WHEREAS, in connection with Right-of-Way Vacation No. 1010432, the City desires to reserve and except a public 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 June 18, 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 Right-of-Way Vacation No. 1010432, the Council finds that:

**1. 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.** Approximately 4,501 square feet of Thorn Street shall be vacated to allow for the construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The public right-of-way for these portions of Thorn Street was originally acquired for public use of the street. Presently, on the southeastern corner of Thorn Street and Van Dyke Avenue, the southern portion of Thorn Street is unimproved and the far eastern portion of the Thorn Street is partially improved. Further, Thorn Street ends at a canyon and there are no future plans to connect this portion of the street to the far eastern portion of Thorn Street located on the other side of the canyon.

Overall, the requested public right-of-way vacation was analyzed as it relates to the current street configuration and design, topographic conditions, and the prospective public use. The analysis concluded that there are no present or prospective uses for that portion of 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.

**2. The public will benefit from the action through improved use of the land made available by the vacation.** The vacation of the public right-of-way would allow for the construction of an 11,737 square foot educational facility, which would benefit the public by providing natural resources-based instructional services, access to local nature, youth development services, and public programs, which have been designed to facilitate learning about science and conservation.

The vacation would also allow for the installation of new public improvements along the southern and far eastern portions of Thorn Street. Public improvements would include new curb, gutter, sidewalk, an approximately 4 foot high retaining wall, storm drain improvements, pavement, street parking, and the relocation of the water and sewer mains. At the intersection of Van Dyke Avenue and Thorn Street, new street signage, striping, crosswalk and accessible curb ramps will be provided, which will improve the access to this facility as well as to Joyner Elementary school that is located immediately north of the site.

Overall, the requested public ROW vacation was analyzed as it relates to the current street configuration and design, topographic conditions, and the prospective public use. The analysis found the public would benefit from the action through the improved use of the land as

an educational facility and from the installation of the public right-of-way improvements that currently do not exist.

**3. The vacation does not adversely affect any applicable land use plan.**

Approximately 4,501 square feet of Thorn Street shall be vacated to allow for the construction of an 11,737 square foot educational facility, and the installation of new public improvements along the southern and far eastern portions of Thorn Street. The corresponding project to the public ROW vacation is classified as an educational facility and would not adversely affect the goals and policies of the Mid-City Communities Plan. The proposed project would not adversely impact the Community Plan land use designation as educational uses are allowed within the residential land use designation and on the site through the corresponding Conditional Use Permit No. 1008720. The proposed project helps to implement the Public Facilities and Services Element of the Community Plan, which promotes additional educational facilities within the community, including the location of alternative resources. Therefore, the vacation does not adversely affect any applicable land use plan.

**4. The public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.** The public right-of-way for these portions of Thorn Street was originally acquired for public use of the street. On the southeastern corner of Thorn Street and Van Dyke Avenue, the southern portion of Thorn Street is unimproved and the far eastern portion of Thorn Street is partially improved. The corresponding project to the public right-of-way vacation would install new public improvements along the southern and far eastern portions of Thorn Street that currently do not exist and would still maintain the traffic circulation along Thorn Street. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

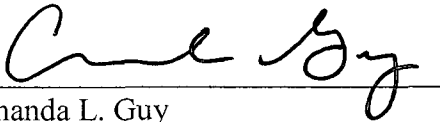
BE IT RESOLVED, that Right-of-Way Vacation No. 1010432, requested in connection with Conditional Use Permit No. 1008720 and Site Development Permit No. 1008721, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37352-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Right-of-Way Vacation No. 1010432 the permanent easement for public utility purposes, as more particularly described hereinafter as a General Utility and Access Easement over the vacated portion of Thorn Street.

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along and across that portion of Thorn Street, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37352-B, marked as Exhibit "B."

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   
Amanda L. Guy  
Deputy City Attorney

ALG:jdf:hm  
5/30/2013  
Or.Dept:DSD  
Doc. No. 571871

**EXHIBIT "A"**  
**VACATION OF PORTION OF THORN STREET**  
**WITH A GENERAL UTILITY AND ACCESS EASEMENT**  
**RESERVATION**

THAT PORTION OF THORN STREET FORMALLY KNOWN AS (CENTRE STREET) IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS DEDICATED TO PUBLIC USE ON MAP NO. 1007 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

BEGINNING AT THE **TRUE POINT OF BEGINNING** BEING THE NORTHEAST CORNER OF LOT 1 OF SAID MAP 1007; THENCE CONTINUED AT THE PROLONGATION OF SAID LOT 1, N 89° 03' 14" E 25.15 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF LEXINGTON AVENUE VACATED ON MAY 1, 1916 PER CITY RESOLUTION NO. 536; THENCE ALONG THE SAID RIGHT-OF-WAY LINE N 38° 16' 44" E 7.55'; THENCE N 89° 03' 14" W 101.15 FEET; THENCE N 00° 56' 46" EAST 16.00 FEET; THENCE N 89° 03' 14" W 173.75 FEET; THENCE S 01° 26' 39" W 41.83 FEET TO A POINT OF CUSP; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 89° 30' 07" AN ARC LENGTH OF 31.24 FEET; THENCE S 89° 03' 14" E 225.53 FEET RETURNING TO THE TRUE POINT OF BEGINNING.


RESERVING THERE FROM A GENERAL UTILITY AND ACCESS EASEMENT OVER THE VACATED PORTION OF THORN STREET.

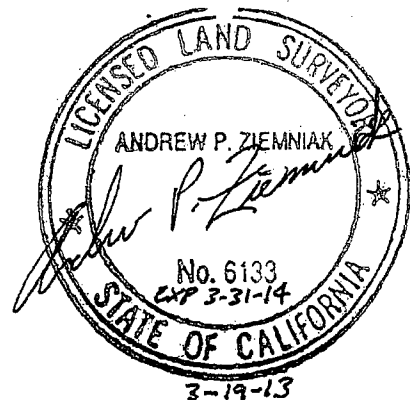
THIS DESCRIBED RIGHT OF WAY VACATION CONTAINS 4501.86 SQUARE FEET MORE OR LESS.

ALL BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83) ZONE 6, 1991.35 EPOCH, AND PARTICULARLY RECORD MONUMENTS KNOWN AS NATIONAL GEODETIC SURVEY MONUMENT JAM, ID NO DC1555 AND MONUMENT 1075 PER ROS 14492. THE LINE BETWEEN MONUMENTS JAM AND 1075 HAS A BEARING OF NORTH 13° 34' 34" EAST FOR A GRID DISTANCE OF 14,993.60 FEET. THE PROJECT COMBINATION FACTOR FOR GRID TO GROUND IS 0.99999988. THE GPS SURVEY RELATED TO THIS DESCRIPTION WAS COMPLETED ON JUNE 16, 2011.

ATTACHED HERETO IS A DRAWING NO. 37352-B LABELED EXHIBIT-"B" AND BY THIS REFERENCE MADE A PART HEREOF.

I.O. # 24002968  
PTS # 287114  
DWG# 37352-B

  
Andrew P. Ziemniak PLS 6133



# EXHIBIT "B"

## ACCESSORS MAP.

476-183-04-00

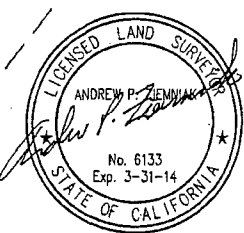
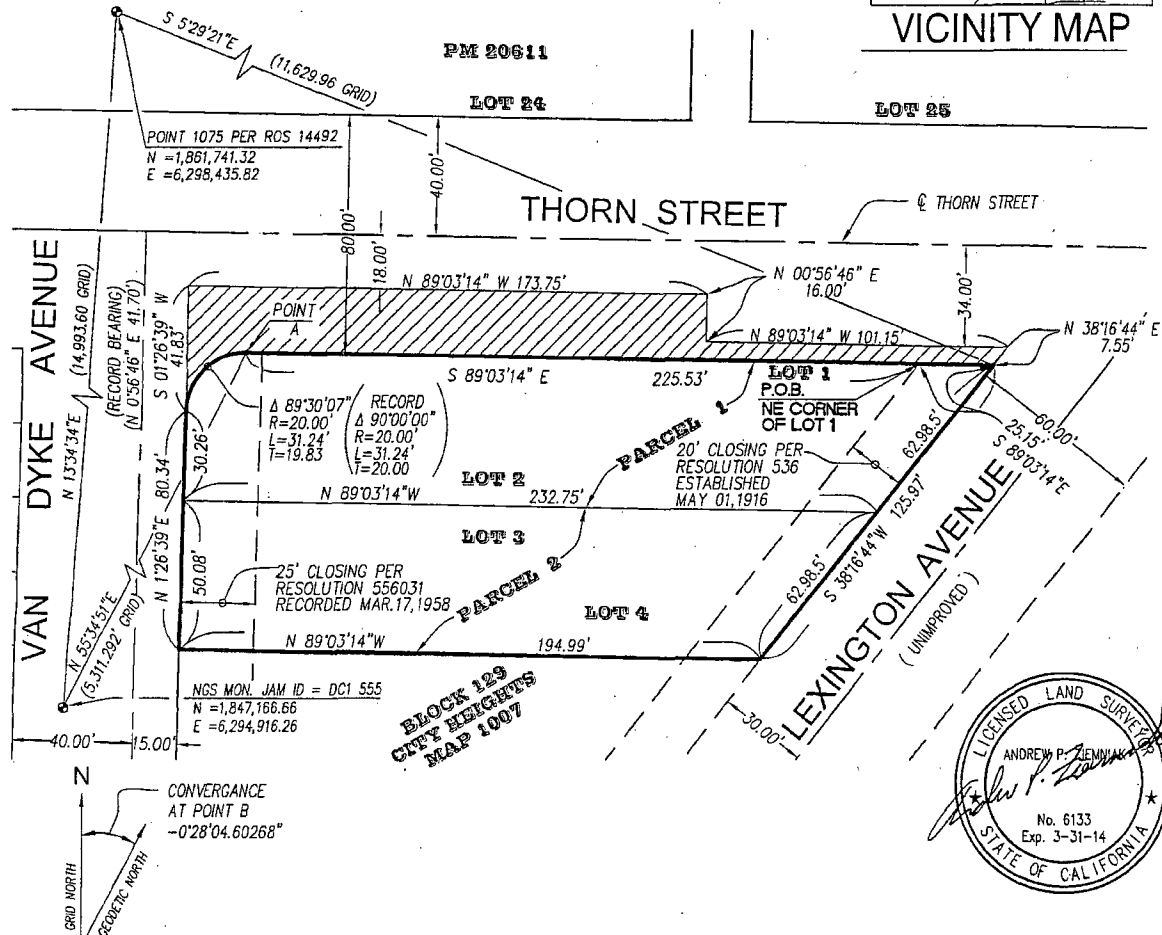
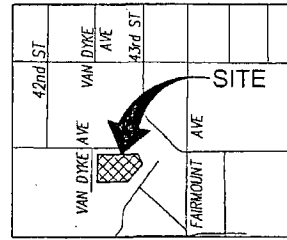
### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE CALIFORNIA COORDINATE SYSTEM OF 1983 (CCS83) ZONE-6 (1991.35 EPO CH) AND THE LINE BETWEEN NGS MONUMENT JAM POINT ID DC1555 AND ROS14492 POINT 1075 AND THE LINE BETWEEN THE POINTS HAVING A BEARING OF N 13°34'34" EAST.

## REFERENCES

- MAP 1007
- MISC.MAP 109
- MAP 1686
- PM 20611
- MC CRAY PRIVATE SURVEYS
- LOTS 25 & 28 BLK 129, CITY HEIGHTS
- CITY OF SAN DIEGO TIE NOTES 208-1737,9-22-55
- CITY OF SAN DIEGO TIE NOTES 208-1737,10-08-55.
- CITY DRAWING 6926-B
- CITY RESOLUTION R-146155

## LEGEND



*Andrew P. Ziemiak*  
ANDREW P. ZIEMNIAK P.L.S. 6133 EX 3/31/2014 DATE 3-19-13

**MARTIN & ZIEMNIAK**  
CIVIL ENGINEERING AND LAND SURVEYING  
304-West El Norte Pkwy Suite N-33  
Escondido, CA 92026  
Phone (858) 935-7690  
FAX (858) 935-7694

### THORN STREET VACATION WITH AN ACCESS EASMENT RESERVATION OVER THE VACATED AREA EAST OF VAN DYKE AVENUE MAP 1007

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPEMENT SERVICE DEPARTMENT SHEET 1 OF 1 SHEETS	ID. NO. PTS 287114 W.O. NO. 24002968
ORIGINAL						
					FOR CITY ENGINEER	1848-6297 NAD 83 COORDINATES
					DIVISION HEAD	208-1737 LAMBERT COORDINATES
					SECTION HEAD	37352-B

Passed by the Council of The City of San Diego on JUN 18 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

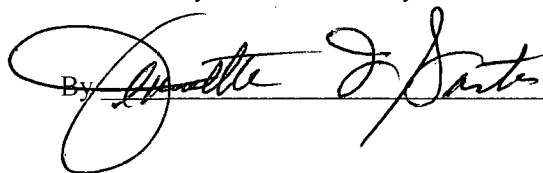
Date of final passage JUN 18 2013.

AUTHENTICATED BY:

BOB FILNER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 308290