

RESOLUTION NUMBER R- 308441

DATE OF FINAL PASSAGE SEP 17 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING A PORTION OF OVERLAND
AVENUE IN LOT 72, SSC MAP NO. 348 (PUBLIC RIGHT-OF-
WAY VACATION NO. 641905) - PROJECT NO. 178129.

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 vacation of public rights-of-way by City Council resolution; and

WHEREAS, the County of San Diego filed an application to vacate a portion of Overland Avenue, being a portion of Lot 72 of the Rancho Mission of San Diego, according to the partition map of said Rancho made in the action entitled Juan M. Luco et al. vs. Commercial Bank of San Diego et al., Case No. 348, of file in the Office of the County Clerk of San Diego County, being described as Public Right-of-Way Vacation No. 641905; and

WHEREAS, Public Right-of-Way Vacation No. 641905 is located on property owned by the County of San Diego; and

WHEREAS, the public right-of-way contains public utility facilities that would not be affected by the vacation; and

WHEREAS, the public right-of-way has been superseded by relocation, and the vacation would not cut off all access to an individual property that, before relocation, adjoined the public right-of-way; and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 SEP 17 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 Public Right-of-Way Vacation No. 641905, the Council finds that:

1. 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. The portion of Overland Avenue proposed to be vacated originally served as part of the prior hammerhead street design at the entrance to the San Diego County Operations Center at 555 Overland Avenue. However, redevelopment of the site has occurred with new County buildings and a street dedication for the construction of the radial cul-de-sac entrance in place of the prior hammerhead design. Therefore, there is no present or prospective use for this portion of 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.

2. The public will benefit from the action through improved use of the land made available by the vacation. The public will benefit from the vacation through improved use of the land made available by the vacation due to the improved streetscape and landscape of the cul-de-sac entrance that has replaced the prior hammerhead street design, and due to improved access to the San Diego County Operations Center. Further, the public will benefit as improving the right-of-way design will reduce the liability of the City of San Diego at this location.

3. The vacation does not adversely affect any applicable land use plan. The Kearny Mesa Community Plan designates the site adjacent to the proposed public right-of-way vacation for County Facilities. With the redevelopment of the County site with new structures, the existing non-standard hammerhead terminus of Overland Avenue has been reconstructed as a 100' diameter cul-de-sac. Therefore, the public right-of-way vacation is consistent with, and will not adversely affect, the Kearny Mesa Community Plan.

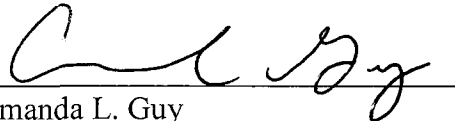
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. This portion of the public right-of-way originally served as part of the prior hammerhead street design at the entrance to the San Diego County Operations Center. Overland Avenue will continue to be an entrance to the County of San Diego facilities after the vacation. The proposed public right-of-way vacation and redesign of the terminus of Overland Avenue to a cul-de-sac will provide improved access for the public which uses Overland Avenue as a main access to the San Diego County Operations Center.

Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Public Right-of-Way Vacation No. 641905, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 21000-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 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:hm
08/13/2013
Or.Dept:DSD
Document No: 614966

EXHIBIT "A"

LEGAL DESCRIPTION
OVERLAND AVENUE STREET VACATION

BEING A PORTION OF LOT 72 OF THE RANCHO MISSION OF SAN DIEGO, ACCORDING TO THE PARTITION MAP OF SAID RANCHO MADE IN THE ACTION ENTITLED JUAN M. LUCO ET AL VS. COMMERCIAL BANK OF SAN DIEGO ET AL, CASE NO. 348, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

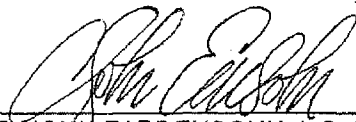
BEGINNING AT THE NORTHEAST CORNER OF PARCEL 1 OF PARCEL MAP NO. 2532, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON APRIL 10, 1974, SAID POINT ALSO LIES ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID OVERLAND AVENUE, DEDICATED PER DEED RECORDED 1/31/61 AS F/P 18065; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY

1. NORTH 28°26'20" EAST 71.99 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID OVERLAND AVENUE; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE
2. SOUTH 61°33'40" EAST 91.45 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE
3. SOUTH 61°33'40" EAST 5.29 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF OVERLAND AVENUE DEDICATED PER CONVEYANCE DOCUMENT RECORDED 12/13/62 AS INSTRUMENT NO. 62-173825; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE ALONG SAID EASTERLY RIGHT-OF-WAY LINE
4. SOUTH 01°22'50" WEST 101.73 FEET; THENCE
5. NORTH 88°37'10" WEST 69.74 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE
6. SOUTHWESTERLY 21.97 FEET THROUGH A CENTRAL ANGLE OF 62°56'30"; TO A POINT OF CUSP; THENCE
7. NORTH 28°26'20" EAST 61.69 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE
8. NORTHEASTERLY 16.26 FEET THROUGH A CENTRAL ANGLE OF 46°34'03" TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 60.00 FOOT, A RADIAL LINE TO SAID POINT BEARS SOUTH 14°59'37" EAST; THENCE ALONG THE ARC OF SAID CURVE

9. NORTHEASTERLY 69.52 FEET THROUGH A CENTRAL ANGLE OF 66°23'22"
TO THE TRUE POINT OF BEGINNING.

ATTACHED HERETO IS A DRAWING NO. 21000-B LABELED EXHIBIT "B" AND BY THIS REFERENCE
MADE A PART HEREOF.

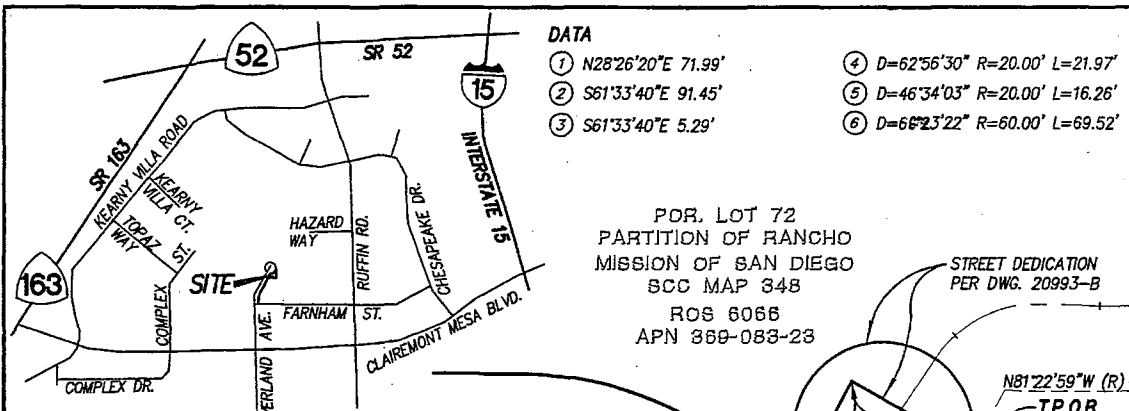
SAID LAND CONTAINS AN AREA OF 0.10 ACRES MORE OR LESS.

 9/2/09
C. JOHN EARDENSOHN, L.S. 5278 DATE
My Registration Expires 12-31-11



J.O. NO. 431705
PTS NO. 178129
DWG NO. 21000-B

EXHIBIT 'B'



VICINITY MAP
NOT TO SCALE

DATA

- ① N28°26'20"E 71.99'
- ② S61°33'40"E 91.45'
- ③ S61°33'40"E 5.29'
- ④ D=62°56'30" R=20.00' L=21.97'
- ⑤ D=46°34'03" R=20.00' L=16.26'
- ⑥ D=66°23'22" R=60.00' L=69.52'

POR. LOT 72
PARTITION OF RANCHO
MISSION OF SAN DIEGO
SCC MAP 348
ROS 6066
APN 369-083-23

STREET DEDICATION
PER DWG. 20993-B

- LEGEND**
- INDICATES RIGHT-OF-WAY LINE
 - RIGHT-OF-WAY VACATION
4,554.97 S.F.; 0.10 ACRES
 - P.O.B.** INDICATES POINT OF BEGINNING
 - T.P.O.B.** INDICATES TRUE POINT OF BEGINNING
 - (R) INDICATES RADIAL BEARING
 - ⊕ INDICATES CENTERLINE

REFERENCE DRAWINGS
P.M. 2532, R.O.S. 6066
CITY SD IMPVMT DWG 35088-D

BASIS OF BEARINGS
THE EASTERLY LINE OF PARCEL 1,
PARCEL MAP
NO. 2532, I.E. N28°26'20"E
(N27°59'48"E)



SCALE 1"=80'

PAR 1
P.M. 2532
APN 369-040-15

NE CORNER
PARCEL 1,
P.M. 2532

PORTION OF OVERLAND
AVE. DEDICATED PER
DEED RECORDED 1/31/61
AS F/P 18065, O.R.

PORTION OF OVERLAND AVE. DEDICATED PER
CONVEYANCE DOCUMENT RECORDED 12/13/62
AS INSTRUMENT NO. 62-173825, O.R.

PORTION OF FARNHAM STREET DEDICATED
PER QUITCLAIM DEED RECORDED
10/30/62 AS F/P 67102, O.R.

5' STREET
DEDICATION PER
DWG 20975-B

Latitude 33

Planning and Engineering
4933 Paramount Dr. 2nd Flr.
San Diego, Ca. 92123
Tel 858-751-0833 Fax 858-751-0834



Clifford Eardensohn 9/2/09 DATE
C. JOHN EARDENSOHN LS 5278
REGISTRATION EXPIRES 12-31-11

STREET VACATION

PORTION OF OVERLAND AVENUE IN LOT 72, SCC MAP 348

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS	PTS NO. 178129
ORIGINAL	XXX				J.O. NO. 432247
	AEA	12-13-2010		<i>Gregory P. Hopkins</i> 12-20-10 FOR CITY ENGINEER DATE	1884-6290 CCS '83 COORDINATES
					244-1729 LAMBERT COORDINATES
					21000-B

Passed by the Council of The City of San Diego on SEP 17 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 SEP 17 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California

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