

RESOLUTION NUMBER R- 308442

DATE OF FINAL PASSAGE SEP 17 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUMMARILY VACATING PORTIONS OF POTOMAC RIDGE ROAD AND BABCOCK STREET LOCATED IN BLACK MOUNTAIN RANCH NORTH VILLAGE UNIT NO.14 (RIGHT-OF-WAY VACATION NO. 1159909, PROJECT NO. 307503).

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, Black Mountain Ranch LLC filed an application to vacate portions of Potomac Ridge Road and Babcock Street, being described as Public Right-of-Way Vacation No. 1159909; and

WHEREAS, Public Right-of-Way Vacation No.1159909 is located on property owned by Black Mountain Ranch LLC; 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; the public right-of-way lies within one ownership and does not continue through that ownership or touch the property of another owner; the public right-of-way has been superseded by relocation, provided the vacation would not cut off all access to an individual property that, before relocation, adjoined the public right-of-way; and

WHEREAS, there are no existing public utility facilities that are in use that would be affected by the vacation; and

WHEREAS, the public right-of-way to be vacated does not contain active public utility facilities; 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 September 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. 1159909, the Council finds that:

(a) 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 original Black Mountain Ranch North Village project approved a residential area with a private street system, as shown on approved Map No. 15875. A Substantial Conformance Review was subsequently approved which reconfigured the residential lots and changed the street system from private to public. This reconfiguration, including the dedication of all rights-of-way required to facilitate public circulation, was implemented by approved Map No. 15908. The public right-of-way areas to be vacated were previously designed as cul de sac streets that provided access to the private street system. By designating the private streets as public, the cul

de sac's turnaround radius design is no longer required as they function as through streets. Therefore, the portions of the Potomac Ridge Road and Babcock Street right-of-way to be vacated are no longer needed.

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

The proposed Babcock Street and Potomac Ridge Road vacations would facilitate the implementation of approved Map No. 15908, which reconfigured the residential lots and changed the street system from private to public. This vacation is necessary in order to fully implement Map No. 15908 and allow build-out of the site in conformance with the underlying zone and Community Plan. Therefore, the public will benefit through the improved use of the land made available by the proposed vacation.

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

The Black Mountain Ranch Community Plan designates the portions of Babcock Street and Potomac Ridge Road to be vacated for single-family residential development and are zoned RX-1-2, which also allows for single-family development. The vacation of the small portions of these rights-of-way will facilitate development of the site that is consistent with the underlying zone and the Community Plan.

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

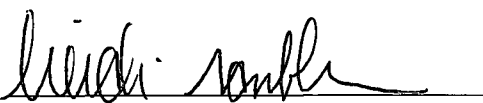
The original Black Mountain Ranch North Village project approved a residential area with a private street system, as shown on approved Map No. 15875. A Substantial Conformance Review was subsequently approved which reconfigured the residential lots and changed the

street system from private to public. This reconfiguration, including the dedication of all rights-of-way required to facilitate public circulation, was implemented by approved Map No. 15908. The public right-of-way areas to be vacated were previously designed as cul de sac streets that provided access to the private street system. By designating the private streets as public, the cul de sac's turnaround radius design is no longer required as they function as through streets. Therefore, the vacation of these portions of the Potomac Ridge Road and Babcock Street right-of-way would not detrimentally affect the public facility for which the public right-of-way was originally acquired.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1159909, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37376-3-C, 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 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
08/28/13
09/17/13 Cor. Copy
Or.Dept: DSD
Doc. No. 624643

Exhibit "A"

EXHIBIT "A"

LEGAL DESCRIPTION

BABCOCK STREET VACATION

Being a portion of Babcock Street as dedicated per Black Mountain Ranch North Village East Unit No. 14 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15875 filed in the Office of the County Recorder of San Diego County July 26, 2012 said portion being more particularly described as follows:

Parcel "A"

Beginning at the Northwestern Corner of Lot "BM" of said Map No. 15875, being the Easterly terminus of that course shown on said Map No. 15875 bearing North $90^{\circ}00'00''$ East a distance of 6.43 feet; thence along the Northerly limits of that portion of Babcock Street as dedicated per said Map No. 15875 South $90^{\circ}00'00''$ West 16.01 feet to the beginning of a tangent 20.00 foot radius curve concave Southeasterly; thence Southwesterly along the arc of said curve through a central angle of $92^{\circ}20'07''$ a distance of 32.23 feet to the beginning of a compound 426.00 foot radius curve concave Easterly; thence Southerly along the arc of said curve through a central angle of $12^{\circ}13'51''$ a distance of 90.94 feet to a point in the Southerly Right of Way of said Babcock Street dedicated per said Map No. 15875, said point being the beginning of a non-tangent 47.00 foot radius curve concave Westerly to which a radial line bears South $26^{\circ}59'51''$ East; thence Northerly along said Right of Way through a central angle of $117^{\circ}12'01''$ a distance of 96.14 feet to the beginning of a reverse 8.00 foot radius curve concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of $51^{\circ}15'12''$ a distance of 7.16 feet; thence non-tangent to said curve North $02^{\circ}41'16''$ West 3.68 feet to the beginning of a non-tangent 20.00 foot radius curve concave Southeasterly to which a radial line bears South $87^{\circ}34'08''$ West; thence Northeasterly along the arc of said curve through a central angle of $92^{\circ}25'52''$ a distance of 32.26 feet to the POINT OF BEGINNING.

Containing 2636.072 Square Feet, more or less.

Parcel "B"

Beginning at the Northeasterly Corner of Lot "K" per said Map No. 15875, being the beginning of a 20.00 foot curve to which a radial line bears North $00^{\circ}00'00''$ East; thence Southeasterly along the Westerly Right of Way of Babcock Street as dedicated per said Map No. 15875 through a central angle of $87^{\circ}47'32''$ a distance of 30.65 feet to the beginning of a reverse 482.00 foot radius curve concave Easterly; thence Southerly along the arc of said curve through a central angle of $06^{\circ}47'35''$ a distance of 57.15 feet to the beginning of a compound 47.00 foot radius curve concave Northeasterly; thence Southeasterly along the arc of said curve through a central angle of $23^{\circ}01'59''$ a distance of 18.89 feet to the point of cusp of a non-tangent 482.00 foot radius curve concave Easterly to which a radial line bears South $79^{\circ}12'56''$ West; thence leaving said Right of Way and continuing Northerly along the arc of said curve through a central angle of $08^{\circ}53'45''$ a distance of 74.84 feet to the beginning of a reverse 20.00 foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle

①

of 88°06'42" a distance of 30.76 feet; thence South 90°00'00" West 3.90 feet to the POINT OF BEGINNING.

Containing 329.446 Square Feet, more or less.

Attached hereto is a Drawing No. 37376-C labeled Exhibit "B" and by this reference made part of hereof.

Patrick A. McMichael 6-13-2018
Patrick A. McMichael, LS 6187 Date



I.O. NO. 24003351
DWG. NO. 37376-C
P.T.S. NO. 307503

2

EXHIBIT "A"

LEGAL DESCRIPTION

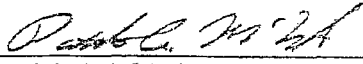
POTOMAC RIDGE ROAD STREET VACATION

Being a portion of Potomac Ridge Road as dedicated per Black Mountain Ranch North Village East Unit No. 14 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 15875 filed in the Office of the County Recorder of San Diego County July 26, 2012 said portion being more particularly described as follows:

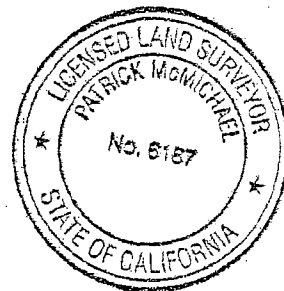
Beginning at the most Northerly Corner of Lot "BN" per said Map No. 15875, being the beginning of a 47.00 foot radius curve concave Westerly to which a radial line bears North 54°40'27" West; thence Southwesterly along the Westerly Right of Way of that portion of Potomac Ridge Road dedicated per said Map No. 15875 and the Westerly prolongation thereof through a central angle of 78°36'48" a distance of 64.49 feet; thence non-tangent to said curve North 34°57'11" East 41.07 feet to the beginning of a tangent 622.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of 05°06'12" a distance of 55.40 feet to the beginning of a compound 20.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of 16°43'04" a distance of 5.84 feet to a point in the Southeasterly Right of Way of said Potomac Ridge Road, said point being the point of cusp of a non-tangent 13.00 foot radius curve concave Southeasterly to which a radial line bears North 56°29'16" West; thence Southwesterly along said Right of Way through a central angle of 18°47'22" a distance of 4.26 feet to the beginning of a compound 20.00 foot radius curve concave Easterly; thence Southerly along the arc of said curve through a central angle of 40°53'12" a distance of 14.27 feet to the beginning of a reverse 47.00 foot radius curve concave Westerly; thence Southerly along the arc of said curve through a central angle of 61°29'23" a distance of 50.44 feet to the TRUE POINT OF BEGINNING.

Containing 2631.346 Square Feet, more or less.

Attached hereto is a Drawing No. 37376-C labeled Exhibit "B" and by this reference made part of hereof.


Patrick A. McMichael, LS 6187

6-17-2013
Date



Ec:\kfiles_15009_legal_15009gm_Unit10_Street_Vacations

I.O. NO. 24003351
DWG. NO. 37376-C
P.T.S. NO. 307503







③

Exhibit "B"

**RESUBDIVISION OF BLACK MOUNTAIN RANCH NORTH UNIT NO. 14
MAP NO. 15908**

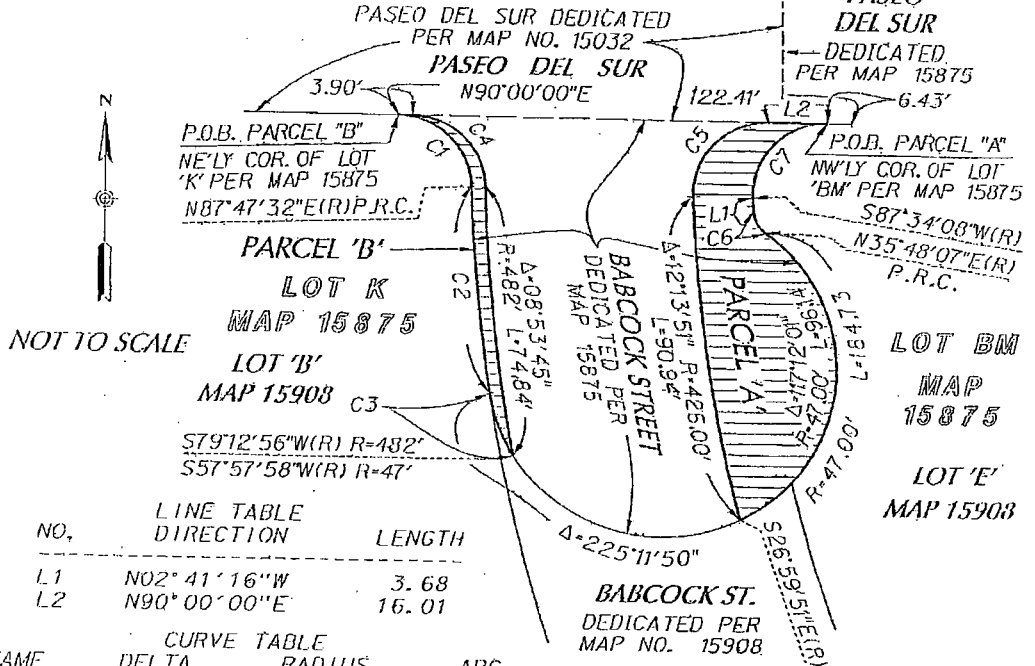
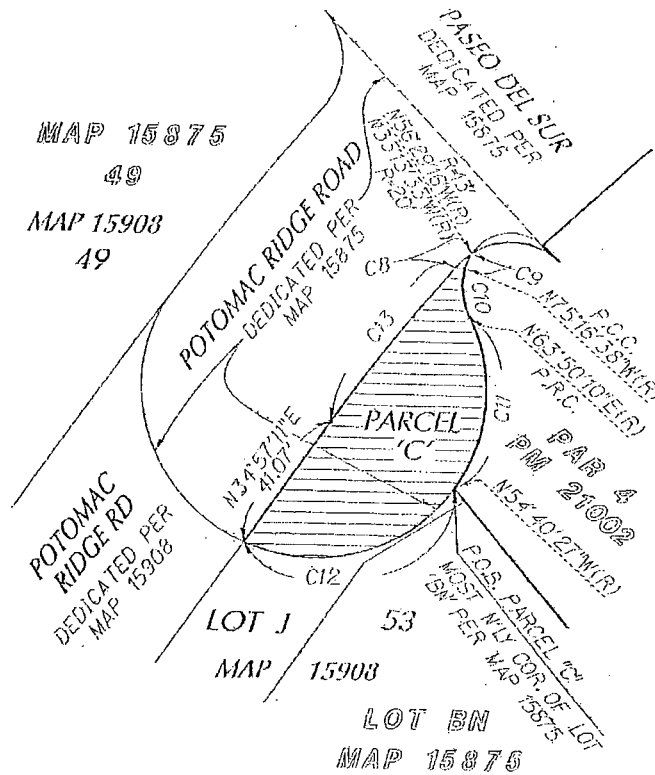
**STREET EASEMENTS VACATED
DETAIL SHEET**

LEGEND

-  PORTION OF BABCOCK STREET
-  PARCEL 'A' (329,446 SQUARE FEET)
-  PARCEL 'B' (2636,072 SQUARE FEET)
-  AND PORTION OF POTOMAC RIDGE ROAD
-  PARCEL 'C' (2631,346 SQUARE FEET)
-  GRANTED PER MAP 15875 VACATED

MAP 15875
49
MAP 15908
49

11



NOT TO SCALE

NO.	LINE DIRECTION	LENGTH
L1	N02°41'16"W	3.68
L2	N90°00'00"E	16.01

NAME	CURVE TABLE		ARC
	DELTA	RADIUS	
C1	87°47'32"	20.00	30.65
C2	6°47'35"	482.00	57.15
C3	23°01'59"	47.00	18.89
C4	88°06'41"	20.00	30.76
C5	92°20'07"	20.00	32.23
C6	51°15'12"	8.00	7.16
C7	92°25'52"	20.00	32.26
C8	16°43'04"	20.00	5.84
C9	18°47'22"	13.00	4.26
C10	40°53'12"	20.00	14.27
C11	61°29'23"	47.00	50.44
C12	78°36'48"	47.00	64.49
C13	05°06'12"	622.00	55.40

EXHIBIT

STREET EASEMENT VACATION PLANS FOR:
BLACK MOUNTAIN RANCH
MAP NOS. 15875 AND 15908

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 3 OF 3 SHEETS		P.L.S. NO. 24003351 P.L.S. NO. 301503
FOR CITY ENGINEER	DATE	V.T.M. 40-0528
DESIGNER	BY	APPROVED
ORIGNAL	S.S.	DATE FILED
UPDATED	S.S.	6/16/03
AS-BUILTS		
CONTRACTOR	DATE STARTED	194B-6217
INSPECTOR	DATE COMPLETED	MAPS COORDINATES
		308-172T
		1 AVERT COORDINATES
		37376-3-C

RICK ENGINEERING COMPANY

3420 IRVING ROAD
SAN DIEGO, CA 92110
619-591-8777
619-591-2211/1155

rick@rickeng.com
www.rickeng.com

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

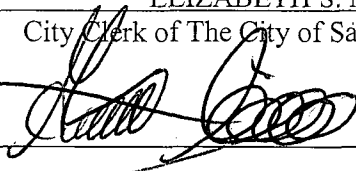
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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
Resolution Number R- 308442