

RESOLUTION NUMBER R- 308443

DATE OF FINAL PASSAGE SEP 17 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUMMARILY VACATING BUILDING RESTRICTED, OPEN SPACE, SEWER AND WATER EASEMENTS LOCATED IN BLACK MOUNTAIN RANCH NORTH VILLAGE UNIT NO. 14 (EASEMENT VACATION NO. 1092444 – PROJECT NO. 307503).

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public service easements by City Council resolution; and

WHEREAS, Black Mountain Ranch LLC filed an application to vacate building restricted, open space, sewer and water easements, being described as Easement Vacation No. 1092444; and

WHEREAS, Easement Vacation No. 1092444 is located on property owned by Black Mountain Ranch LLC; and

WHEREAS, the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; the date of dedication or acquisition is less than five years and more than one year immediately preceding the proposed vacation, and the easement has not been used continuously since the date of dedication; and the easement has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the easement does not contain active public utility facilities that would be affected by the vacation; 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 Easement Vacation No. 1092444, the Council finds that:

(a) There is no present or prospective public use for the easements, 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 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 rededication of all building restricted, open space, sewer and water easements required for the development were implemented by approved Map No. 15908. Therefore, the easements to be vacated are duplicative and no longer needed.

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

The proposed building restricted, open space, sewer and water easement 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 is consistent with any applicable land use plan.

The Black Mountain Ranch Community Plan designates the easement areas to be vacated for single-family residential development and are zoned RX-1-2 and RS-1-14, which also allow for single-family development. The original Black Mountain Ranch North Village project approved the subject 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 rededication of all building restricted, open space, sewer and water easements required for the development were implemented by approved Map No. 15908. The vacation of these duplicative easements would facilitate development of the site that is consistent with the underlying zone and the Community Plan.

(d) The public facility or purpose for which the easements were originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

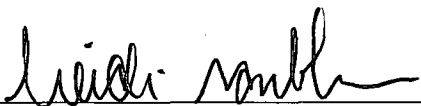
The original Black Mountain Ranch North Village project approved a residential area with a private street system, as shown on approved Map No. 15875. A Substantial Conformance Review was subsequently approved which reconfigured the residential lots and changed the

street system from private to public. This reconfiguration, including the rededication of all required building restricted, open space, sewer and water easements, was implemented as shown by approved Map No. 15908. Therefore, the vacation of these duplicative easements would not detrimentally affect the public facilities for which the public easements were originally acquired.

BE IT FURTHER RESOLVED, Easement Vacation No. 1092444, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing Nos. 37376-1-C and 37376-2-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
08/29/13
09/17/13 Cor. Copy
Or.Dept: DSD
Doc. No. 624976

Exhibit "A"

EXHIBIT "A"

LEGAL DESCRIPTION

BUILDING RESTRICTED EASEMENT VACATION

Those portions of Resubdivision of Black Mountain Ranch North Unit No. 14 in the City of San Diego, County of San Diego, State of California according to Map thereof No. 15908 filed in the Office of the County Recorder of said County March 25, 2013, being more particularly described as follows:

Those Building Restricted Easements granted to the City of San Diego lying within those portions of Lots "B", "C", "D", "E", "F", "G", "H", "I", "K", "L", "N", "O", "AU", "AV", "BI", "BK", "BN", "BO" and "BQ" as shown on Map No. 15875 in the City of San Diego, County of San Diego, State of California according to Map thereof filed in the Office of the County Recorder of San Diego County July 26, 2012.

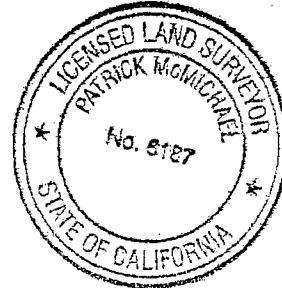
Attached hereto is a Drawing No. 37376-1-C labeled Exhibit "B" and this reference made a part hereof.

Containing 2.540 acres, more or less.

Patrick A. McMichael 6-17-2013
Patrick A. McMichael, L.S. 6187 Date

Es:kfiles_15009_legal_15009gm_Unit10_BRE_vacation

I.O. NO. 24003351
P.T.S. NO. 307503



4

EXHIBIT "A"

LEGAL DESCRIPTION

OPEN SPACE EASEMENT VACATION

Those portions of Resubdivision of Black Mountain Ranch-North Unit No. 14 in the City of San Diego, County of San Diego, State of California according to Map thereof No. 15908 filed in the Office of the County Recorder of said County March 25, 2013, being more particularly described as follows:

Those Open Space Easements granted to the City of San Diego lying within Lots "BZ" and "CA" as shown on Map No. 15875 in the City of San Diego, County of San Diego, State of California according to Map thereof filed in the Office of the County Recorder of San Diego County July 26, 2012.

Attached hereto is a Drawing No. 37376-1-C labeled Exhibit "B" and this reference made a part hereof.

Containing 3.913 acres, more or less.

Patrick A. McMichael 6-17-2013
Patrick A. McMichael, L.S. 6187 Date

Esc:\files_15909_legal_15009gm_Unit10_OPEN SPACE_vacations

I.O. NO. 24003351
P.T.S. NO. 307503



6

EXHIBIT "A"

LEGAL DESCRIPTION

SEWER EASEMENT VACATION

Those portions of Black Mountain Ranch North Village East Unit No. 14 according to Map thereof No. 15875 and Resubdivision of Black Mountain Ranch Unit No. 14 according to Map thereof No. 15908 in the City of San Diego, County of San Diego, State of California filed in the Office of the County Recorder of said County July 26, 2012 and March 25, 2013 being more particularly described as follows:

Those Sewer Easements granted to the City of San Diego lying within those portions of Lots "C", "D", "K", "AT", "AU", "BB", "BC", "BE", "BF", "BI", "BJ", "BK", "BL", "BM", "BP", "BS", "BT", "BV", "BW", "BX", "BY", 7, 8, 9, 10, 146 through 160, inclusive, and 166 through 169, inclusive, as shown on Map No. 15875 in the City of San Diego, County of San Diego, State of California according to Map thereof filed in the Office of the County Recorder of San Diego County July 26, 2012.

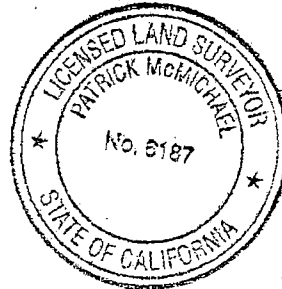
Attached hereto is a Drawing No. 37376-1-C and 37376-2-C labeled Exhibit "B" and this reference made a part hereof.

Containing 15.885 acres, more or less.

Patrick A. McMichael 6-17-2013
Patrick A. McMichael, L.S. 6187 Date

E:\kfiles_15009_legal_15009gm_Unit10_Sewer_vacations

I.O. NO. 24003351
P.T.S. NO. 307503



7

EXHIBIT "A"

LEGAL DESCRIPTION

WATER EASEMENT VACATION

Those portions of Black Mountain Ranch North Village East Unit No. 14 according to Map thereof No. 15875 and Resubdivision of Black Mountain Ranch Unit No. 14 according to Map thereof No. 15908 in the City of San Diego, County of San Diego, State of California filed in the Office of the County Recorder of said County July 26, 2012 and March 25, 2013 being more particularly described as follows:

Those Water Easements granted to the City of San Diego lying within those portions of Lots "D", "AU", "BB", "BC", "BE", "BF", "BI", "BJ", "BK", "BL", "BM", "BP", "BS", "BT", "BV", "BW", "BX", "BY", 9, 10, 146 through 160, inclusive, and 166 through 169, inclusive, as shown on Map No. 15875 in the City of San Diego, County of San Diego, State of California according to Map thereof filed in the Office of the County Recorder of San Diego County July 26, 2012.

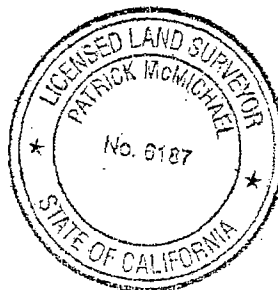
Attached hereto is a Drawing No. 37376-1-C and 37376-2-C labeled Exhibit "B" and this reference made a part hereof.

Containing 15.556 acres, more or less.

Patrick A. McMichael 6-17-2013
Patrick A. McMichael, L.S. 6187 Date

Backfiles_15009_legal_15009gm_Unit10_Wtr_Vacation

I.O. NO. 24003351
P.T.S. NO. 307503



8

EXHIBIT "A1"

LEGAL DESCRIPTION

BUILDING RESTRICTED EASEMENT FOR RECREATION LOT VACATION

Those portions of Resubdivision of Black Mountain Ranch North Unit No. 14 in the City of San Diego, County of San Diego, State of California according to Map thereof No. 15908 filed in the Office of the County Recorder of said County March 25, 2013, being more particularly described as follows:

Those Building Restricted Easements for Recreation Lot granted to the City of San Diego lying within those portions of Lots "A" and "BM" as shown on Map No. 15875 in the City of San Diego, County of San Diego, State of California according to Map thereof filed in the Office of the County Recorder of San Diego County July 26, 2012.

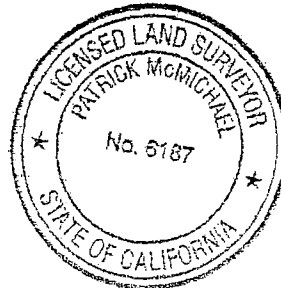
Attached hereto is a Drawing No. 37376-1-C labeled Exhibit "B" and this reference made a part hereof.

Containing 3.150 acres, more or less.

Patrick A. McMichael 6-13-2013
Patrick A. McMichael, L.S. 6187 Date

Backfiles_15009_legal_15009gm_Unit10_BRE_REC_vacations

I.O. NO. 24003351
P.T.S. NO. 307503

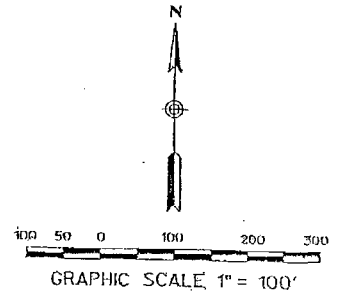
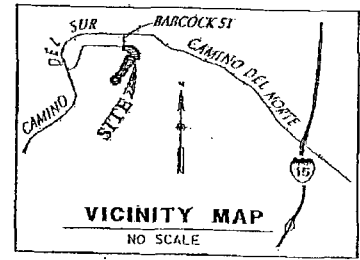


5

Exhibit "B"

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

EASEMENTS VACATED

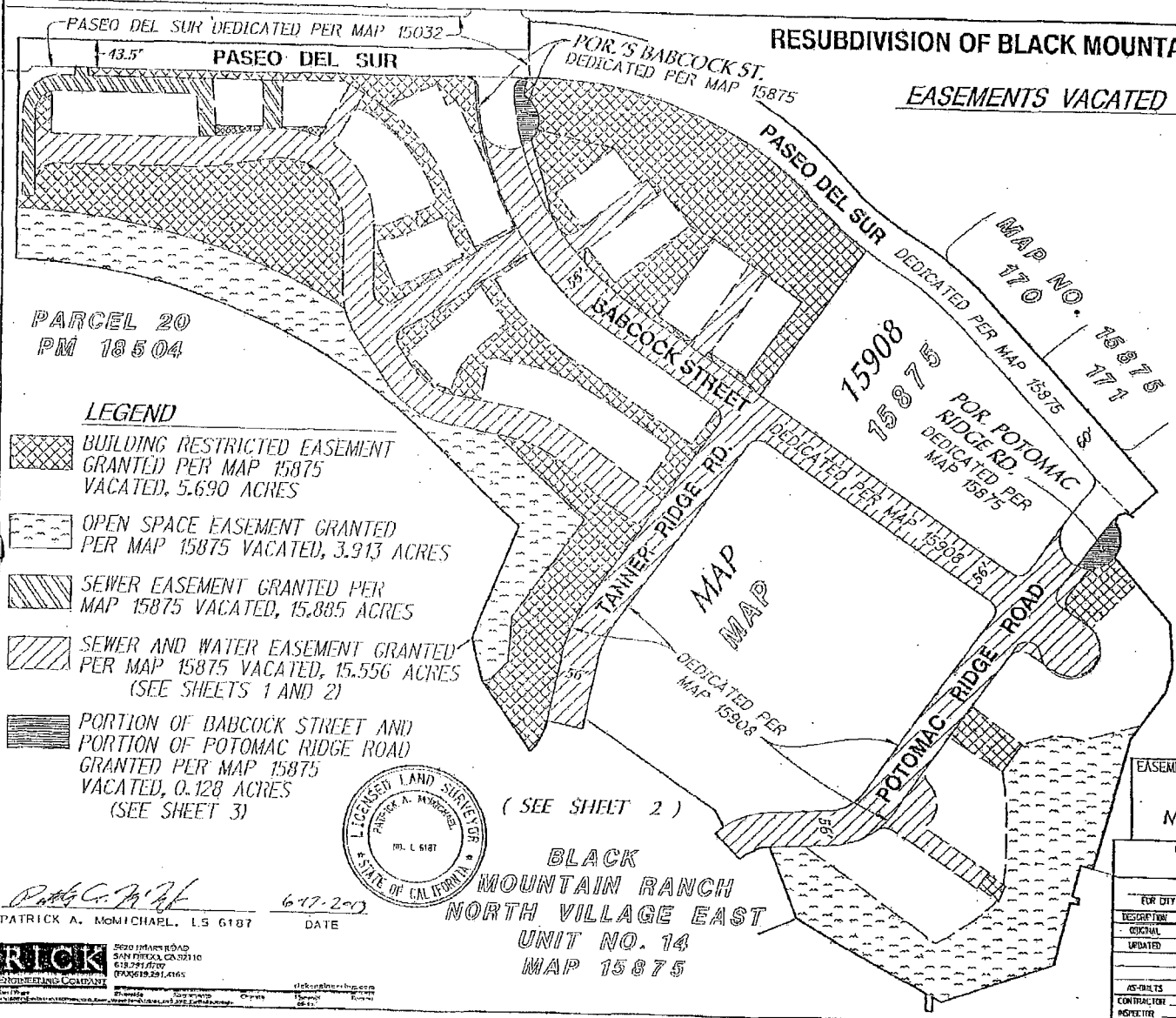


PAR 4
PM 21002

EXHIBIT

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

CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 3 SHEETS		I.O. NO. 24003351 P.E.S. NO. 307503
FOR CITY ENGINEER		V.T.N. 40-0528
DESCRIPTION	BY	DATE
ORIGINAL	S.S.	3/26/03
UPDATED	S.S.	6/14/03
AS-BUILTS		
CONTRACTOR	DATE STARTED	
INSPECTOR	DATE COMPLETED	
		1948-6287 NABRI CORPORATION 300-1727 LAMBERT COMMUNITIES
		87376-1-C



PARCEL 20
PM 18504

LEGEND

- BUILDING RESTRICTED EASEMENT GRANTED PER MAP 15875 VACATED, 5.690 ACRES
- OPEN SPACE EASEMENT GRANTED PER MAP 15875 VACATED, 3.913 ACRES
- SEWER EASEMENT GRANTED PER MAP 15875 VACATED, 15.885 ACRES
- SEWER AND WATER EASEMENT GRANTED PER MAP 15875 VACATED, 15.556 ACRES (SEE SHEETS 1 AND 2)
- PORTION OF BABCOCK STREET AND PORTION OF POTOMAC RIDGE ROAD GRANTED PER MAP 15875 VACATED, 0.128 ACRES (SEE SHEET 3)



(SEE SHEET 2)

BLACK MOUNTAIN RANCH
NORTH VILLAGE EAST
UNIT NO. 14
MAP 15875

Patrick A. Mommichael
PATRICK A. MOMMICHAEL, L.S. 5187 DATE 6-17-2003


RICK
ENGINEERING COMPANY
5200 JAMES ROAD
SAN DIEGO, CA 92110
619-781-8700
7700619-291-4165
rick@rickeng.com
2641

BLACK MOUNTAIN RANCH NORTH UNIT NO. 14 MAP 15875

EASEMENTS VACATED

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

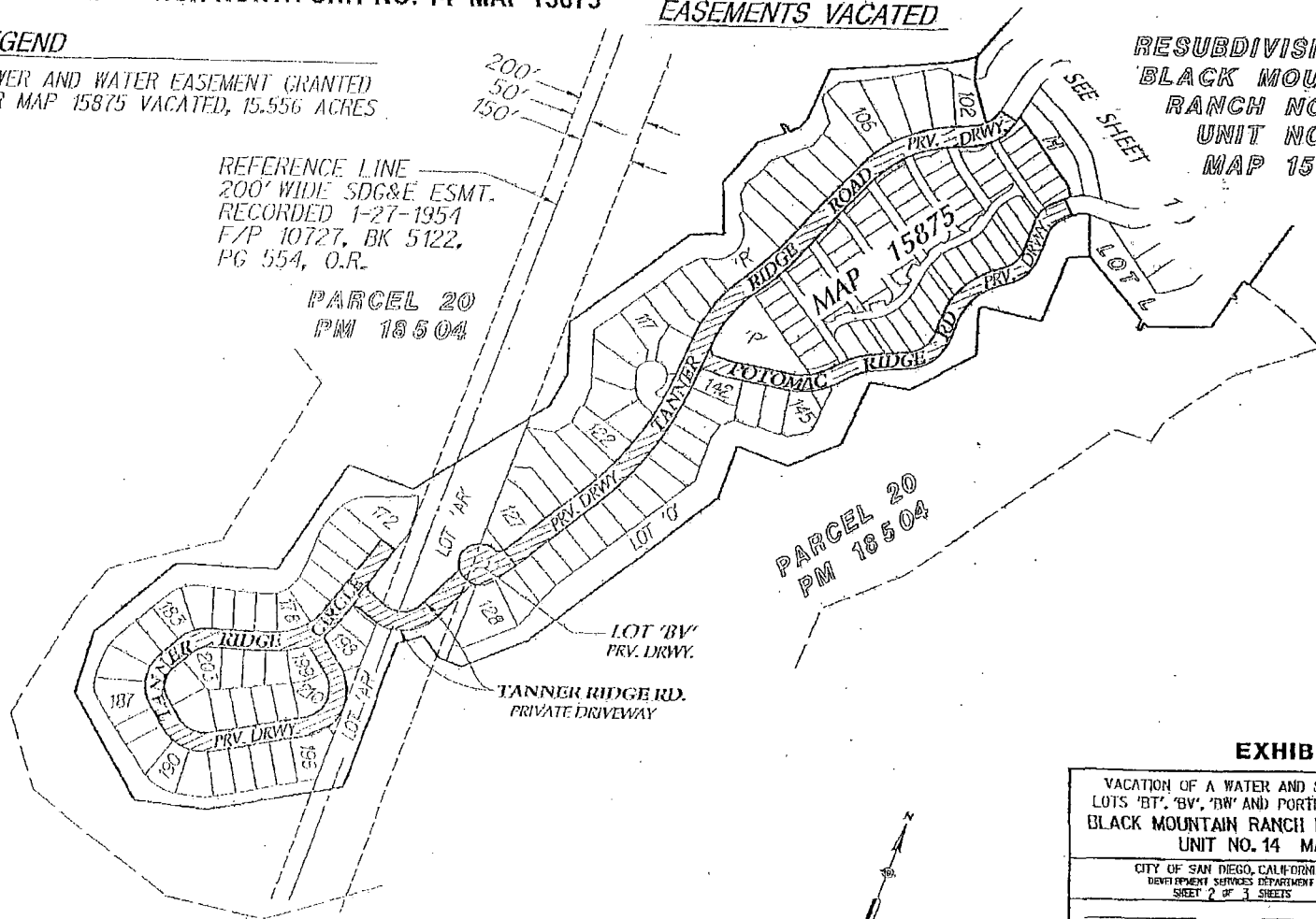
LEGEND

 SEWER AND WATER EASEMENT GRANTED
PER MAP 15875 VACATED, 15.556 ACRES

REFERENCE LINE
200' WIDE SDG&E ESMT.
RECORDED 1-27-1954
F/P 10727, BK 5122,
PG 554, O.R.

PARCEL 20
PM 18504

PARCEL 20
PM 18504



10

EXHIBIT

VACATION OF A WATER AND SEWER EASEMENT OVER LOTS 'BT', 'BV', 'BW' AND PORTION OF LOTS 'DE' AND 'DF' BLACK MOUNTAIN RANCH NORTH VILLAGE EAST UNIT NO. 14 MAP NO. 15875			
CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 3 SHEETS			I.O. NO. 24003351 P.L.S. NO. 307503
FOR CITY ENGINEER		DATE	
DESCRIPTION	DT	APPROVED	DATE
ORIGINAL	SJS		3/26/75
UPDATED	SJS		6/11/78
AS BUILT			
CONTRACTOR		DATE STARTED	
INSPECTOR		DATE COMPLETED	
			V.T.N. 40-0528
			1940-6207 NADINS COORDINATES 308-1727 1 AUBERT COORDINATES
			37376-2 -C

RICK
ENGINEERS & ARCHITECTS
2100 HILARY ROAD
SAN DIEGO, CA 92110
619-291-1707
619-291-5145
www.rick-engineers.com

200 100 0 200 400 600
GRAPHIC SCALE 1" = 200'

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-

308443