

Item# 332
SUB-D
10/8/13

RESOLUTION NUMBER R- 308496
DATE OF FINAL PASSAGE OCT 08 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO SUMMARILY VACATING HIGHWAY SLOPE
EASEMENT LOCATED AT 10385 VISTA SORRENTO
PARKWAY (PROJECT NO. 158983).

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 summary vacation of public easements by City Council resolution; and

WHEREAS, PH FBI SD, LLC filed an application to vacate highway slope easement within the southeasterly 700.00 feet of acre Lot 8 of Sorrento Lands and Townsite, Map 483 recorded February 9, 1888, granted to the State of California per document file/page no. 61248, recorded April 9, 1970 and relinquished to the City of San Diego per document file/page 318551, recorded November 29, 1972 (“Easement Vacation No. 1013471”); and

WHEREAS, Easement Vacation No. 1013471 is located on property owned by PH FBI SD, LLC; and

WHEREAS, the highway slope easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed abandonment; and

WHEREAS, the highway slope 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 and where a

public hearing was required by law implicating due process rights of individuals affected by the decision and where 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 October 8, 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 City Council of the City of San Diego, that with respect to Easement Vacation No. 1013471, 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 highway slope easement to be vacated was relinquished to the City in 1972 by the State of California for purposes of slope grading in support of prospective Interstate 805 roadway improvements. Concurrent with the relinquishment of this highway slope easement, the State of California also relinquished the frontage roadway, currently known as Vista Sorrento Parkway, to the City in 1972. There are no present or prospective public uses for the highway slope easement's 0.629-acre area to be vacated by this action and this area is currently developed with private frontage improvements associated with the existing development. Therefore, the easement no longer serves any current public purpose and no future public use of the easement can be anticipated.

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

The public will benefit from the abandonment of the easement because it will eliminate unnecessary and unproductive encumbrances on the property at issue. The elimination of these burdens has the potential to facilitate more productive use of the property in the future.

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

The abandonment of the highway slope easement would not adversely affect the Mira Mesa Community Plan, or any other applicable land use plan or the goals and policies of applicable land use plans. Therefore, abandonment would be consistent with applicable land use plans.


(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 highway slope easement to be vacated was relinquished to the City for purposes of slope grading in support of prospective Interstate 805 roadway improvements, which are no longer occurring. The slope easement is not abutting Interstate 805 and is not necessary for any contemplated future public roadway improvements. As such, public slope improvements for which the easement was originally acquired will not be detrimentally affected by abandonment.

BE IT FURTHER RESOLVED, that Easement Vacation No. 1013470, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 21128-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 

Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
9/18/2013
Or.Dept:DSPL
Doc. No. 637280

EXHIBIT 'A'

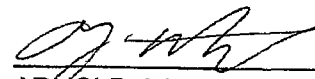
LEGAL DESCRIPTION FOR
HIGHWAY SLOPE EASEMENT VACATION

ALL OF THE FOLLOWING DESCRIBED EASEMENT WITHIN THAT PORTION OF THE SOUTHEASTERLY 700.00 FEET OF ACRE LOT 8 OF SORRENTO LANDS AND TOWNSITE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 483, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; FEBRUARY 9, 1888; DESCRIBED AS FOLLOWS:

HIGHWAY SLOPE EASEMENT GRANTED TO THE STATE OF CALIFORNIA PER DOCUMENT RECORDED APRIL 9, 1970 AS FILE/PAGE NO. 61248 OF OFFICIAL RECORDS; RELINQUISHED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED NOVEMBER 29, 1972 AS FILE/PAGE 318551, OF OFFICIAL RECORDS.

ATTACHED HERETO IS DRAWING NO. 21128-B LABELED EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINS AN AREA OF 0.629 ACRE, MORE OR LESS.

 7/3/12
ARNOLD J. WHITAKER
LS 7883 EXPIRES 03-31-13

FILE: PTS 158983
DRAWING 21128-B
I.O. 23431133

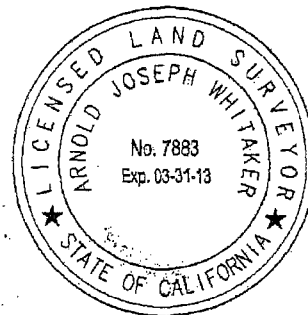
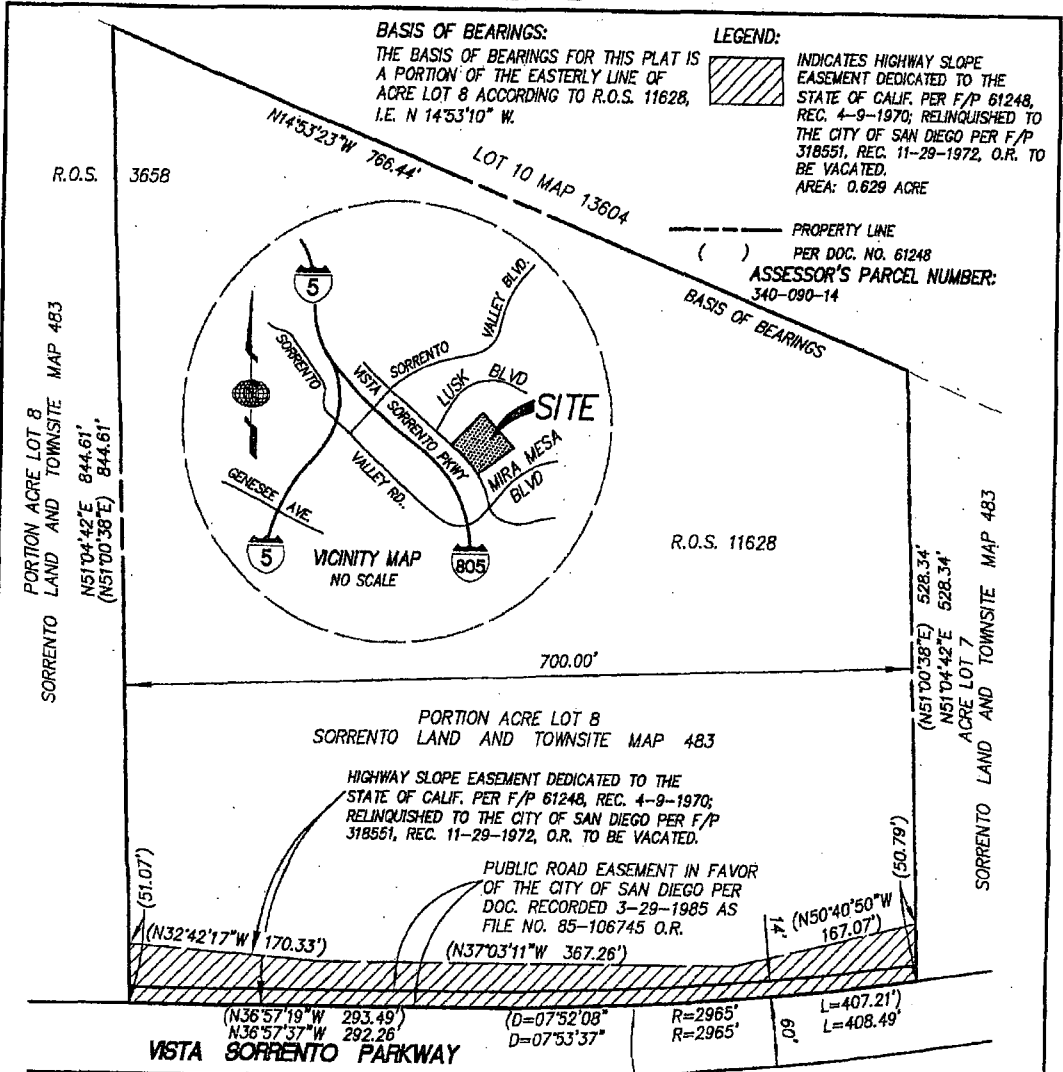



EXHIBIT 'B'

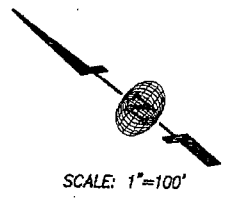



LATITUDE 33
PLANNING AND ENGINEERING
5355 MIRA SORRENTO PLAZA, SUITE 650
SAN DIEGO, CA 92121
TEL. 858.751.0623
FAX. 858.751.0624

Arnold J. Whitaker 7/3/12
ARNOLD J. WHITAKER LS 7883 DATE
REGISTRATION EXPIRES 03-31-2013



PORTION OF ROAD RELINQUISHED TO THE CITY OF SAN DIEGO PER DOC. RECORDED 11-29-1972 AS FILE NO. 318551, O.R. ALSO AS SHOWN ON CITY OF SAN DIEGO DWG. NO.'S 21600-2-D AND 21600-3-D



HIGHWAY SLOPE EASEMENT VACATION
PORTION OF THE SOUTHEASTERLY 700.00 FEET OF ACRE LOT 8 OF SORRENTO LANDS AND TOWNSITE, MAP NO. 483

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	LAT33			
	AEA		7-19-2012	

CITY OF SAN DIEGO, CALIFORNIA PLANNING & DEVELOPMENT REVIEW DEPARTMENT SHEET 1 OF 1 SHEET <i>Gregory P. Hoffman</i> FOR CITY ENGINEER	7-19-2012 DATE	P.T.S. 158983 NO. 23431133 J.O. NO. 1904-6263 NAD '83 COORDINATES 266-1703 LAMBERT COORDINATES 21128-B
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Passed by the Council of The City of San Diego on OCT 08 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr 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 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 08 2013.

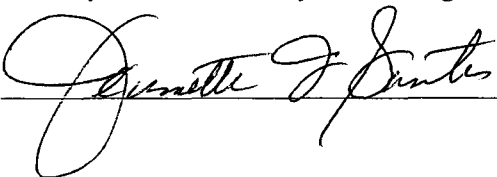
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 308496