

Item 202 - Feb 10th 2014

(R-2014-409)

RESOLUTION NUMBER R- 308742

DATE OF FINAL PASSAGE FEB 10 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING CAMINO DE LA PLAZA (RIGHT-
OF-WAY VACATION NO. 1230549) – PROJECT NO. 291306.

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, Phillip G. Roberts, Paller-Roberts Engineering, Incorporated, acting on behalf of the owner of the underlying property, filed an application to vacate those portions of Camino de la Plaza Street and Tia Juana Street (102 feet wide) dedicated per Map 562 and Lot 179 of Map 13372, recorded on November 18, 1996, being described as Right-of-Way Vacation No. 1230549; and

WHEREAS, Right-of-Way Vacation No. 1230549 is located on property owned by Shamrock/Las Americas West, LLC, a California limited liability company; 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 January 28, 2014, 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. 1230549, 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 5,125.141 square feet of vacated portions located on south side of Camino de la Plaza Street and west of Spies Lane of Camino de la Plaza Street, was originally created as part of the four lane collector street with primarily a 102 foot-wide public right-of-way. This undeveloped vacated area fronts the westerly portion of the Plaza at the Border development located at 3951 Camino de la Plaza and the existing public right of way line is irregular and does not follow the street's geometry. The proposed vacation along Camino de la Plaza Street will remove the excess right-of-way and conform with the City Standards for a uniform 10-foot parkway area while still maintaining compliance with the City's four lane collector street criteria. Therefore, there is no prospective use for this portion of public right-of-way, either for which the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

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

The 5,125.141 square feet of vacated portions located on south side of Camino de la Plaza Street and west of Spies Lane of Camino de la Plaza Street, was originally created as part of the four lane collector street with primarily a 102 foot-wide public right-of-way. This undeveloped vacated area fronts the westerly portion of the Plaza at the Border development located at 3951 Camino de la Plaza and the existing public right of way line is irregular and

does not follow the street's geometry. The public will benefit from the vacation by relieving the City from maintaining the excess property, decrease the public liability from the undeveloped strip of property, and incorporating the area into the retail development will enhance the property's physical appearance. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

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

The proposed partial street vacation along the Camino de la Plaza Street will have no adverse affect on the adopted General Plan and San Ysidro Community Plan and will provide consistency to the irregular size of the public right-of-way along the length of the street. The San Ysidro Community Plan classifies Camino de la Plaza Street as a four lane collector with recommendations to provide a sufficient buffer between the roadway and the existing riparian corridor of the Dairy Mart Ponds and to include a landscaped median or parkway where Camino de la Plaza abuts the Tijuana River levee to define a southern edge for the community. The proposed area for the street vacation is outside the riparian corridor located further north towards Dairy Mart Road. This vacation will correct an irregular public right-of-way line and would not preclude the street improvements recommended in the community plan for this segment of Camino de la Plaza.

Therefore, the vacation does not adversely affect any applicable land use plan.

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

The 5,125.141 square feet of vacated portions located on south side of Camino de la Plaza Street and west of Spies Lane of Camino de la Plaza Street, was originally created as part of the four lane collector street with primarily a 102 foot-wide public right-of-way. This

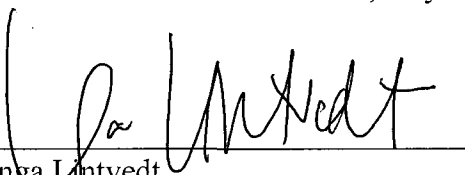
undeveloped vacated area fronts the westerly portion of the Plaza at the Border development located at 3951 Camino de la Plaza and the existing public right of way line is irregular and does not follow the street's geometry. The vacation of this area will not detrimentally affect the City's public rights and facilities within the existing right-of-way. Public facilities will be retained within the remaining public right-of-way and will continue to serve the public in the same manner as originally intended. 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, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37167-1 through -4-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



Inga Lintvedt
Deputy City Attorney

IL:mm

01/08/2014

Or.Dept: Development Services Dept.

Doc. No. 691430_2

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
CAMINO DE LA PLAZA
STREET VACATION

ALL THOSE PORTIONS OF CAMINO DE LA PLAZA RIGHT-OF-WAY AND PORTION OF TIA JUANA STREET DEDICATED PER MAP 562 AND LOT 179 OF MAP 13372, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN MAPS IN THE RECORDER'S OFFICE OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF INTERNATIONAL GATEWAY TO THE AMERICAS PHASE 1B, PER MAP NO. 14406, FILED IN SAID RECORDER'S OFFICE ON JUNE 13, 2002, SAID NORTHWEST CORNER ALSO LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF CAMINO DE LA PLAZA; THENCE SOUTH 89°26'55" EAST, 332.02 FEET ALONG THE NORTH LINE OF SAID LOT 1 AND SOUTHERLY LINE OF CAMINO DE LA PLAZA; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID LOT 1 AND THE NORTH LINE OF LOT 2 OF SAID MAP NO. 14406 AND NORTH LINE OF PARCEL 1 OF PARCEL MAP NO. 19629, FILED IN THE OFFICE OF SAID COUNTY RECORDER ON DECEMBER 16, 2004, SAID LINE ALSO BEING THE SOUTHERLY LINE OF CAMINO DE LA PLAZA, SOUTH 89°41'26" EAST, 529.27 FEET TO THE EASTERLY END OF A CERTAIN LINE DESCRIBED AS SOUTH 89°41'26" EAST, 200.19 FEET ON SAID MAP NO. 19629; THENCE CONTINUING ALONG THE NORTH LINE OF SAID PARCEL 1, NORTH 00°18'34" EAST, 26.08 FEET TO A POINT ON A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 725.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 14°01'08" EAST; THENCE WESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 184.37 FEET TO A TANGENT LINE; THENCE NORTH 89°26'55" WEST, 678.80 FEET; THENCE SOUTH 00°48'05" WEST, 5.00 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 0.118 ACRES, MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 37167-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.

PTS 291306
I.O. 24003109



OCTOBER 24, 2012

EXHIBIT B

CURVE DATA TABLE

CURVE	RADIUS	DELTA	LENGTH
(A)	725.00'	143°13'	189.37'

BASIS OF BEARINGS IS CENTERLINE OF CAMINO DE LA PLAZA AS SHOWN ON PARCEL MAP NO. 19629 AS S 89°26'55" E.

INDICATES STREET VACATION AREA = 5125.141 SF

APN: 666-401-01, 02 & 10

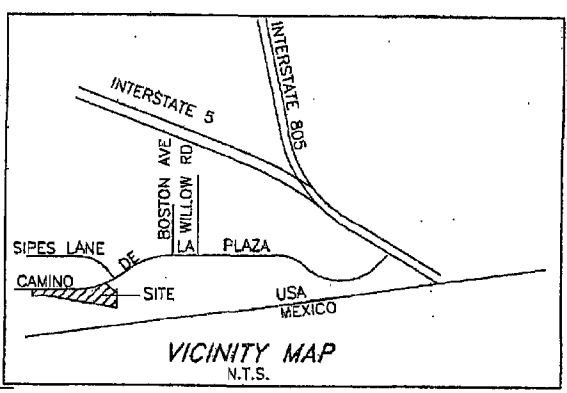
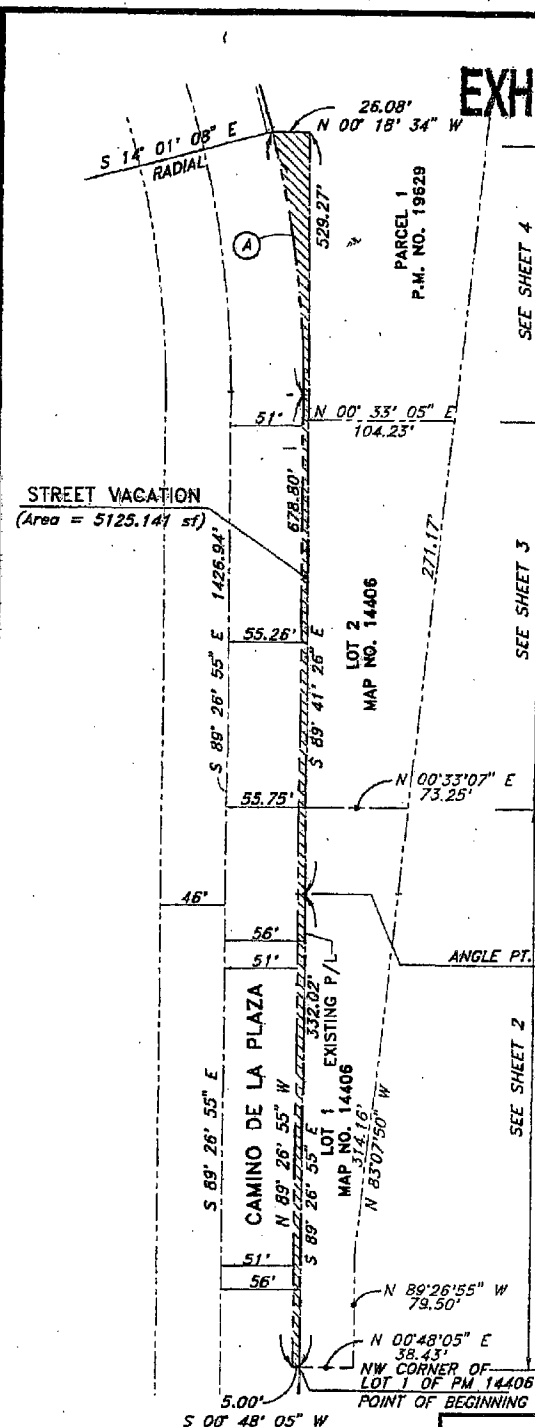
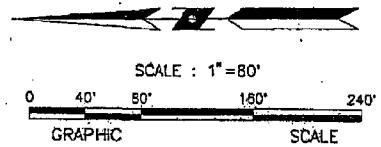


EXHIBIT B

PALLER-ROBERTS ENGINEERING, INC.

STREET VACATION CAMINO DE LA PLAZA

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO	P.T.S. NO.
ORIGINAL		AEA	3/7/13			291306
						24083109
						1778-6313
						CCSBS COORDINATES
						138-1753
						LAMBERT COORDINATES
						37167-1-B

SHEET 1 OF 4
Gregory P. Hopkins
 FOR CITY ENGINEER
 DATE 5-7-13

STATUS

SEE SHEET 3 FOR CONTINUATION

EXHIBIT B

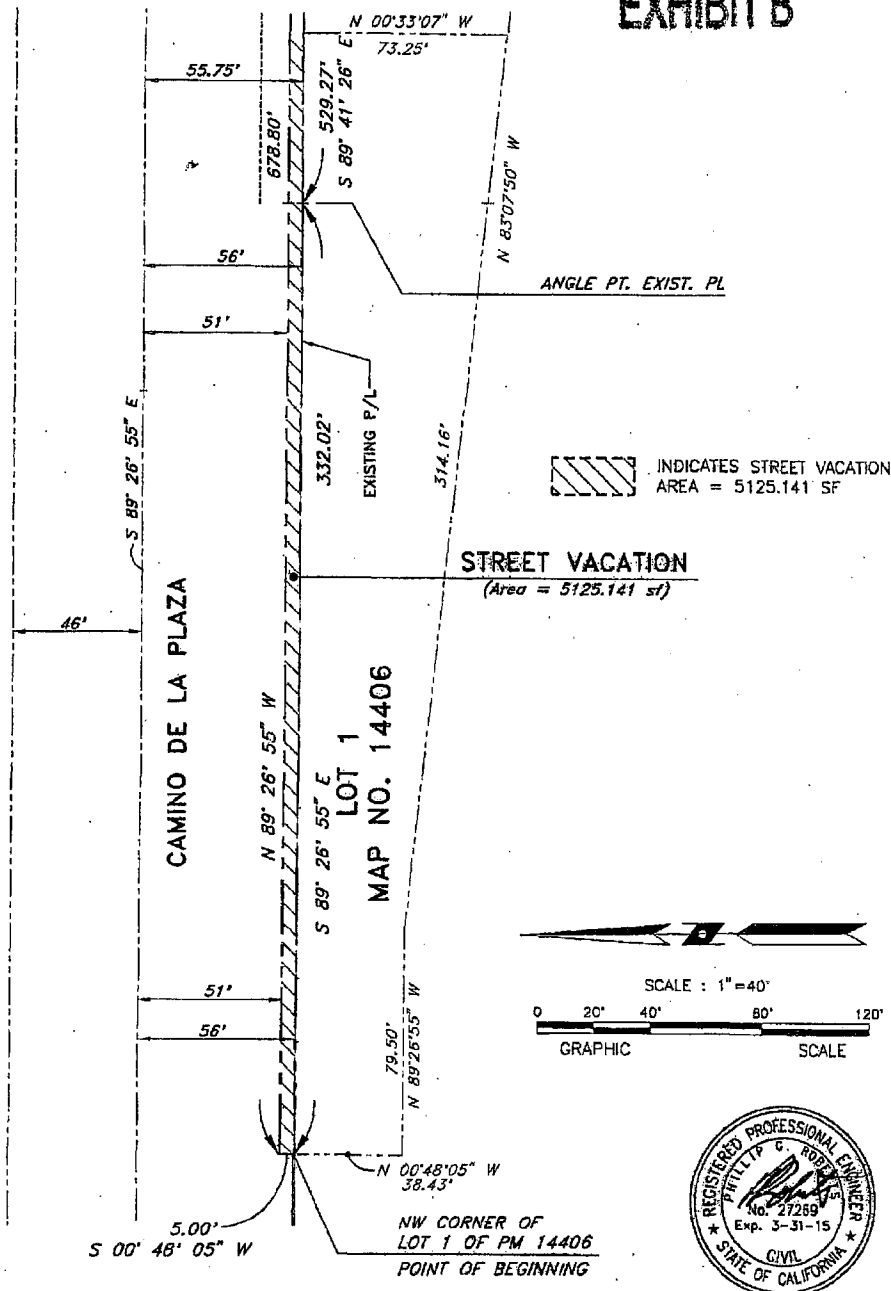


EXHIBIT B

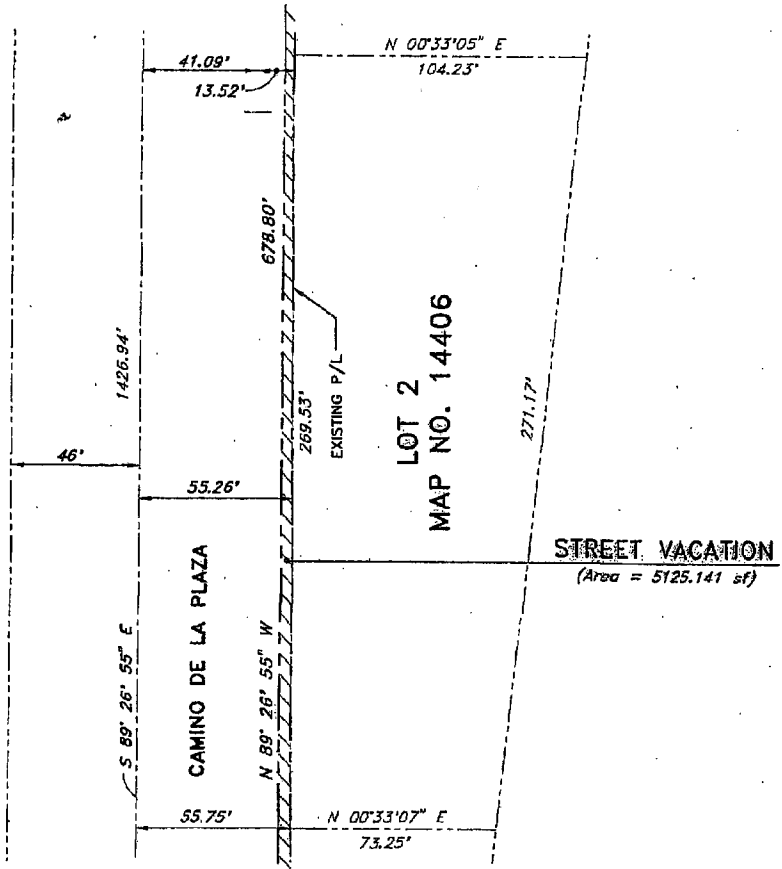
PALLER-ROBERTS ENGINEERING, INC.

STREET VACATION CAMINO DE LA PLAZA


DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO	P.T.S. NO.
ORIGINAL		AEA	5/7/12			291306
					SHEET 2 OF 4	I.O. NO. 24003109
					<i>Concannon P. Haggren</i> FOR CITY ENGINEER	1778-6313 CCS83 COORDINATES
					5-7-13 DATE	138-1753 LAMBERT COORDINATES
					STATUS	37167-2-B

EXHIBIT B

SEE SHEET 4 FOR CONTINUATION



SEE SHEET 2 FOR CONTINUATION

 INDICATES STREET VACATION
AREA = 5125.141 SF

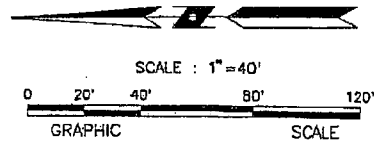


EXHIBIT B

PALLER-ROBERTS ENGINEERING, INC.

STREET VACATION CAMINO DE LA PLAZA

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO	P.I.S. NO.
ORIGINAL		AEA	5/7/18			291305
					SHEET 3 OF 4	I.O. NO. 24003109
					<i>Gregory P. Hoffman</i> FOR CITY ENGINEER	1778-6313 CCS83 COORDINATES
					5-7-18 DATE	138-1753 LAMBERT COORDINATES
					STATUS	37167-3-B

Passed by the Council of The City of San Diego on FEB 10 2014, 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 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 FEB 10 2014.

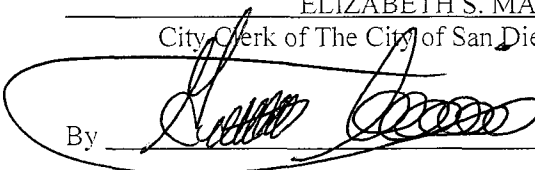
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 308742