

Item #203 - June 16, 2014

(R-2014-779)

Sub item 'A'

RESOLUTION NUMBER R- 309036

DATE OF FINAL PASSAGE JUN 16 2014

A RESOLUTION VACATING A PORTION OF NORTH TORREY PINES ROAD AND GENESEE AVENUE RIGHTS-OF-WAY WITH A RESERVATION OF EASEMENT (VACATION NO. 1011450 - PROJECT NO. 286156).

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, the City of San Diego Real Estate Assets Department filed an application to vacate a portion of North Torrey Pines Road and Genesee Avenue as described as Parcel E in Exhibit A and as shown on Drawing Nos. 19894-1-B and 19894-2-B in Exhibit B hereto ("Right-of-Way Vacation No. 1011450" or "Project"); and

WHEREAS, Right-of-Way Vacation No. 1011450 is located on property owned by the City of San Diego ("Owner"); and

WHEREAS, in connection with Right-of-Way Vacation No. 1011450, the City desires to reserve public water and slope easement as described as Parcel K in Exhibit A hereto and shown as Drawing Nos. 19894-1-B, 19894-2-B, and 19894-3-B in Exhibit B hereto; 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 June 16, 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. 1011450, the Council finds that:

PUBLIC RIGHT-OF-WAY VACATION SDMC SECTION 125.0901

(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.

This Project vacates excess right-of-way pursuant to a land exchange memorandum of understanding between the City and the Regents of the University of California, City Council Document No. RR-281891-2, adopted by the City Council May 3, 1993 ("MOU"). As a result of the MOU, North Torrey Pines Road and Genesee Avenue were realigned. The realignment involved street widening and installation of improvements to create the existing intersection of these two six-lane major streets. The intersection has been completed, and to complete the exchange required by the MOU, the excess parcel will be vacated and easements for water and slope purposes will be reserved. The parcel being vacated is excess public right-of-way and is not required for street or highway purposes. The public right-of-way has been impassable for vehicular travel for a period of five years. The parcel is small, unimproved, and used as buffer from the street. The water line called out in this easement reservation will not be affected by the vacation. This is the final build-out for the intersection and road; therefore there is no other present or prospective public use for the remaining parcel, either as a public right-of-way or any other public use of a similar nature that can be anticipated.

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

This Project vacates excess right-of-way pursuant to a land exchange memorandum of understanding between the City and the Regents of the University of California, City Council Document No. RR-281891-2, adopted by the City Council May 3, 1993 ("MOU"). As a result of the MOU, North Torrey Pines Road and Genesee Avenue were realigned. The public will benefit by the City satisfying its land exchange obligations under the MOU. The intersection re-alignment involved street widening and the installation of improvements to create the existing intersection of two six-lane major streets. The property exchange will satisfy the MOU and remove the maintenance and liability of the remaining excess right-of-way from the City of San Diego.

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

The reconfiguration of North Torrey Pines and Genesee Avenue occurred as intended. Page 50 of the University Community Plan (1990), discusses the street widening and the installation of improvements to create the re-aligned intersection of two six-lane major streets. The Project has been completed consistent with the Community Plan consistent with City Council Document No. RR-281891-2. Therefore the vacation does not adversely affect the 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 excess parcel was originally acquired as a public right-of-way. The parcel does not provide access to any abutting properties and the City agreed in the MOU to provide this parcel to the Regents of the University of California in exchange for other small parcels for street

dedication. Therefore, the public right-of-way as originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1011450, as more particularly described as Parcel E in Exhibit A and shown on Drawing Nos. 19894-1-B and 19894-2-B in Exhibit B, which is by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following conditions which are made a part of this resolution:

No permanent structure shall be constructed within the reserved water and slope easements. Any proposed encroachment into this easement shall be approved to the satisfaction of the City Engineer.

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along, and across that portion of North Torrey Pines Road and Genesee Avenue, vacated by this resolution and as more particularly described as Parcel E in the legal description marked as Exhibit A and shown on Drawing Nos. 19894-1-B, 19894-2-B in Exhibit B.

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 B. Lintvedt
Deputy City Attorney

IBL:mm

5/30/2014

Or.Dept: DSD

Document No: 796049

“EXHIBIT A”

PARCEL E (STREET VACATION)

All that portion of Pueblo Lot 1323 of Pueblo Lands of San Diego, in the City of San Diego, the County of San Diego, the State of California, according to Map thereof made by James Pascoe in 1870, filed in the office of the County Recorder of San Diego County on November 14, 1921 as Miscellaneous Map 36, being portions of North Torrey Pines Road as dedicated per F/P 101883 06/05/1964, City of San Diego Ordinance No. 7634 02/19/1919, City of San Diego Ordinance No. 2588 New Series 12/15/1942, and Genesee Avenue as dedicated per F/P 64-165210 09/10/1964, City of San Diego Resolution No. 180076 05/21/1964, La Jolla Pines Technology Centre Map 12960, 08/12/1992, and F/P 1995-0509293, recorded 11/08/1995, described as follows:

Commencing at the Northeasterly terminus of that certain line designated as North 29°20'48" East 575.46 feet, per Parcel Map 9813, filed 03/14/1980 on the southeasterly Right-of-Way of North Torrey Pines Road as dedicated by City of San Diego Resolution No. 180150 per F/P No. 101883 recorded June 5, 1964, Series 5, Book 1964 O.R., said point being the beginning of a tangent 521.25 foot radius curve, concave southeasterly, to which a radial line bears North 60°39'12" West; Thence northeasterly along said curve and Right-of-Way, through a central angle of 24°14'27", a distance of 220.53 feet to the POINT OF BEGINNING; Thence continuing northeasterly along said curve and Right-of-Way through a central angle of 32°36'43", a distance of 296.69 feet to a point on the southerly Right-of-Way of Genesee Avenue per City of San Diego Ordinance 2588 N.S., 12/15/1942; Thence along said Right-of-Way and continuing easterly along said curve through a central angle of 19°38'59", a distance of 178.76 feet; Thence South 74°09'03" East 260.69 feet, to the point of cusp with a curve, having a radius of 1071.00 feet, concave Northeasterly, to which a radial line bears South 26°56'21" West; Thence leaving said Right-of-Way, Northwesterly along said curve through a central angle of 22°24'42", a distance of 418.93 feet, to the beginning of a reverse curve, concave southerly having a radius of 20.00 feet; Thence north, west and south along said curve through a central angle of 85°44'32", a distance of 29.93 feet, Thence S 53°36'32" W 290.30 feet, to the beginning of a tangent curve, concave southeasterly, having a radius of 989.00 feet; Thence southwesterly along said curve through a central angle of 8°45'51" a distance of 151.28 feet to the POINT OF BEGINNING.

Said parcel contains 49,824.05 square feet (1.143803 AC.)

See City of San Diego Drawing 19894-1-B & 19894-2-B

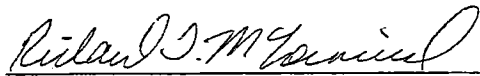
PARCEL K (WATER EASEMENT RESERVATION)

Reserving therefrom an easement for water purposes described as follows:

Commencing at the Northeasterly terminus of that certain line designated as North 29°20'48" East 575.46 feet, per Parcel Map 9813, filed 03/14/1980 on the southeasterly Right-of-Way of North Torrey Pines Road as dedicated by City of San Diego Resolution No. 180150 per F/P No. 101883 recorded June 5, 1964, Series 5, Book 1964 O.R., said point being the beginning of a tangent 521.25 foot radius curve, concave southeasterly, to which a radial line bears North 60°39'12" West; Thence northeasterly along said curve and Right-of-Way, through a central angle of 24°30'01", a distance of 222.89 feet to the POINT OF BEGINNING; Thence continuing northeasterly along said curve and Right-of-Way through a central angle of 2°26'46", a distance of 22.25 feet; Thence North 43°44'45" West 4.02 feet to the beginning of a curve, having a radius of 989.00 feet concave southeasterly to which a radial line bears North 43°44'45" West; Thence southwesterly along said curve through a central angle of 01°16'28", a distance of 22.00 feet; Thence South 45°01'12" East 0.36 feet to the POINT OF BEGINNING.

Said parcel contains 47.27 square feet (0.0011 AC.)

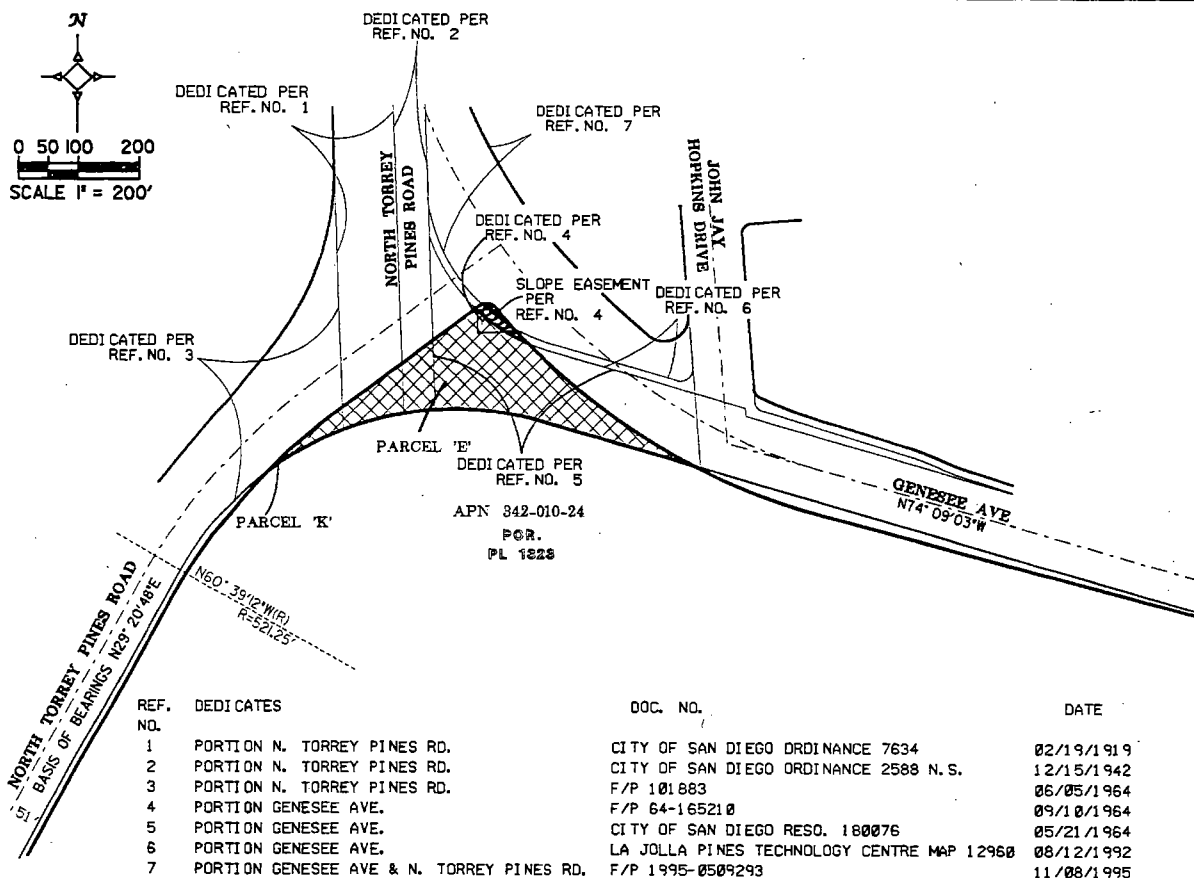
See City of San Diego Drawing 19894-3-B


Richard T, McCormick, PLS 7450
Land Surveyor, Field Engineering
My Registration Expires 12/31/2012

8-09-2012
Date



PTS 286156
WBS# S-00720.03.01

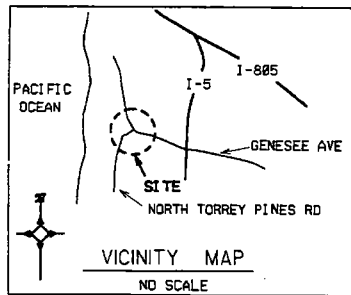


REF. NO.	DEDICATES	DOC. NO.	DATE
1	PORTION N. TORREY PINES RD.	CITY OF SAN DIEGO ORDINANCE 7634	02/19/1919
2	PORTION N. TORREY PINES RD.	CITY OF SAN DIEGO ORDINANCE 2588 N.S.	12/15/1942
3	PORTION N. TORREY PINES RD.	F/P 101883	06/05/1964
4	PORTION GENESSEE AVE.	F/P 64-165210	09/10/1964
5	PORTION GENESSEE AVE.	CITY OF SAN DIEGO RESO. 180076	05/21/1964
6	PORTION GENESSEE AVE.	LA JOLLA PINES TECHNOLOGY CENTRE MAP 12960	08/12/1992
7	PORTION GENESSEE AVE & N. TORREY PINES RD.	F/P 1995-0509293	11/08/1995

BASIS OF BEARINGS:
 FOR THIS SURVEY IS THE CENTERLINE
 OF NORTH TORREY PINES ROAD AS SHOWN
 ON PARCEL MAP 9813 I.E. N 29° 20' 48" E

REFERENCES:
 ROS 17039
 MAP 8395 MAP 12960
 PM 9813 PM 8713
 MM 36

- LEGEND:
- INDICATES STREET VACATION AREA (PARCEL E) = 49,824.05 SQ. FT. (1.143803 AC.)
 - INDICATES SLOPE EASEMENT PER REF. 4 AREA = 999.33 SQ. FT.
 - INDICATES WATER EASEMENT RESERVED (PARCEL K) AREA = 47.27 SQ. FT.
 - P. O. C. = POINT OF COMMENCEMENT
 - P. O. B. = POINT OF BEGINNING
 - (R) = RADIAL



PREPARED BY:
 CITY OF SAN DIEGO ENGINEERING AND
 CAPITAL PROJECTS DEPARTMENT, FIELD
 DIVISION, SURVEY SECTION, UNDER
 THE DIRECTION OF
 RICHARD T. MCCORMICK
 PLS 7450, LAND SURVEYOR

Richard T. McCormick 8-09-2012



RESOLUTION NO.: _____

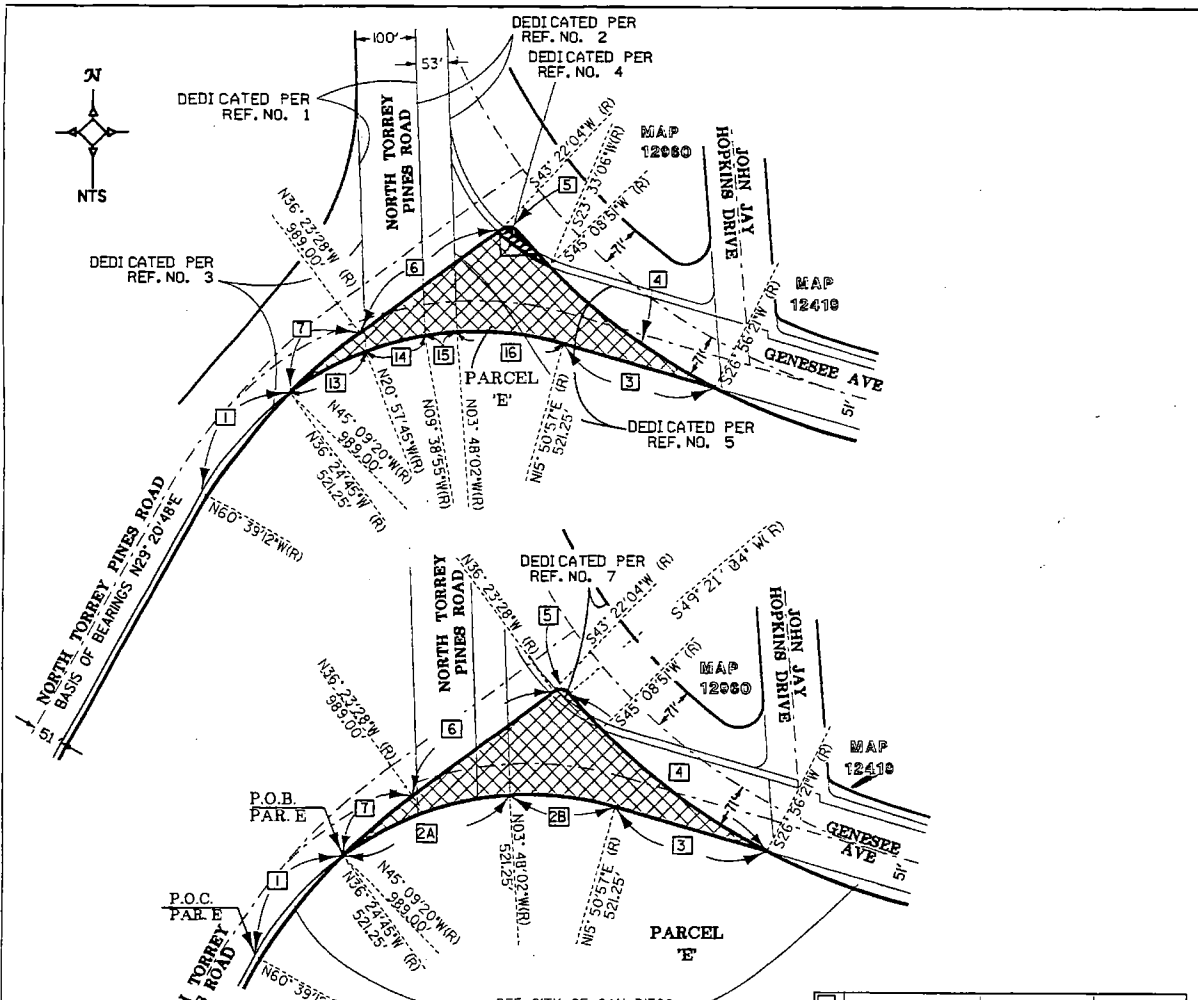
ADOPTED: _____

F/P: _____

RECORDED: _____

STREET VACATION - WATER EASEMENT NORTH TORREY PINES ROAD & GENESSEE AVENUE

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	DGB	RJD	10/13/08		SHEET 1 OF 3 SHEET	NONE
REVISED	~	RTMS	8/2012			5-00720
					<i>Richard T. McCormick</i> 8-09-2012	1904-6255
					FOR CITY ENGINEER DATE	CCS 83 COORDINATES
						264-1695
						LAMBERT COORDINATES
						19894 -1- B
STATUS						



LEGEND:

- INDICATES STREET VACATION AREA (PARCEL E) = 49,824.05 SQ. FT. (1.143803 AC.)
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SEE CITY OF SAN DIEGO DRAWING No. 19790-B FOR N. TORREY PINES RD. & GENESEE AVE STREET DEDICATIONS

#	BRNG/RADIUS	DELTA	LENGTH
1	521.25'	24° 14' 27"	220.53'
2A	521.25'	32° 36' 43"	296.69'
2B	521.25'	19° 38' 59"	178.76'
3	S74° 09' 03" E		260.69'
4	1,071.00'	22° 24' 42"	418.93'
5	20.00'	85° 44' 32"	29.93'
6	S53° 35' 32" W		290.30'
7	989.00'	8° 45' 51"	151.28'
8	521.25'	24° 30' 01"	222.89'
9	521.25'	02° 26' 46"	22.25'
10	N43° 44' 45" W		4.02'
11	989.00'	01° 16' 28"	22.00'
12	S45° 01' 12" E		0.36'
13	521.25'	15° 27' 01"	140.56'
14	521.25'	11° 18' 49"	102.93'
15	521.25'	05° 50' 53"	53.20'
16	521.25'	19° 38' 59"	178.76'

PREPARED BY:
CITY OF SAN DIEGO ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, FIELD DIVISION, SURVEY SECTION, UNDER THE DIRECTION OF RICHARD T. MCCORMICK
PLS 7450, LAND SURVEYOR

Richard T. McCormick 8-09-2012



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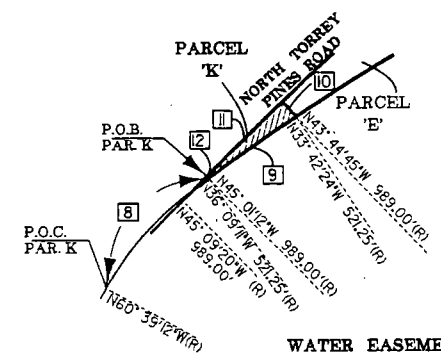
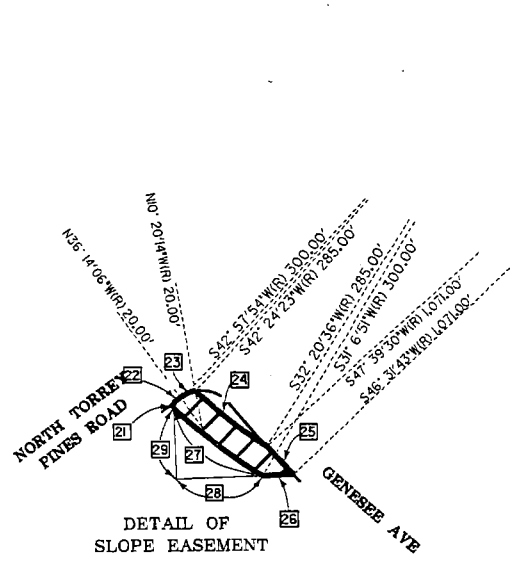
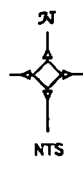
ADOPTED: _____

F/P: _____

RECORDED: _____

STREET VACATION - WATER EASEMENT NORTH TORREY PINES ROAD & GENESEE AVENUE

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	DGB	RJD	10/13/08		SHEET 2 OF 3 SHEET	NONE S-00720
					<i>Richard T. McCormick</i> 8-09-2012 FOR CITY ENGINEER DATE	1904-6255 CCS 83 COORDINATES 264-1695 LAMBERT COORDINATES
STATUS						19894 -2- B



- LEGEND:
- INDICATES STREET VACATION AREA (PARCEL E) = 49,824.05 SQ. FT. (1.143803 AC.)
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#	BRNG/RADIUS	DELTA	LENGTH
1	521.25'	24° 14' 27"	220.53'
2A	521.25'	32° 36' 43"	296.69'
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3	S74° 09' 03" E		250.69'
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10	N43° 44' 45" W		4.02'
11	989.00'	01° 16' 28"	22.00'
12	S45° 01' 12" E		0.36'
17	1,071.00'	07° 46' 24"	145.30'
18	N74° 09' 03" W		120.43'
19	558.77'	34° 42' 07"	338.43'
20	S53° 36' 32" W		17.88'
21	N01° 59' 59" W		2.51'
22	N53° 36' 32" E		5.12'
23	20.00'		9.04'
24	285.00'		50.05'
25	1,071.00'		21.12'
26	S88° 00' 01" W		16.94'
27	300.00'		62.05'
28	S88° 00' 01" W		48.11'
29	N01° 59' 59" W		39.01'

PREPARED BY:
CITY OF SAN DIEGO ENGINEERING AND
CAPITAL PROJECTS DEPARTMENT, FIELD
DIVISION, SURVEY SECTION, UNDER
THE DIRECTION OF
RICHARD T. MCCORMICK
PLS 7450, LAND SURVEYOR



Richard T. McCormick 8-09-2012

RESOLUTION NO.: _____

ADOPTED: _____

F/P: _____

RECORDED: _____

STREET VACATION - WATER EASEMENT NORTH TORREY PINES ROAD & GENESEE AVENUE

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	DGB	RJD	10/13/08		SHEET 3 OF 3 SHEET	NONE
					<i>Richard T. McCormick 8-09-2012</i>	S-00720
					FOR CITY ENGINEER DATE	1904-6255
						CCS 83 COORDINATES
						264-1695
						LAMBERT COORDINATES
						19894 -3- B
STATUS						

Passed by the Council of The City of San Diego on JUN 16 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"/>
Ed Harris	<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 JUN 16 2014.

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

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By Karen Cushman, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 309036