

RESOLUTION NUMBER R- 309228

DATE OF FINAL PASSAGE SEP 16 2014

ITEM # 334  
SWB-C  
9/16/14

RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO OF SUMMARILY VACATING A 0.25-ACRE  
OPEN SPACE EASEMENT FOR OLD OTAY MESA ROAD  
IMPROVEMENTS – PROJECT NO. 287806.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* 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, it is proposed that 0.25-acre Open Space Easement, Vacation No. 1322903  
be vacated; 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 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 Open  
Space Easement Vacation No. 122903, the Council finds that:

(a) There is no present or prospective 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.

An open space easement was recorded on APN 645-342-56 as part of a private development project by Pardee Homes. By grant deed, the City was conveyed "in fee" the property more specifically identified as APN 645-342-56, subject to a general easement for open space purposes. "The core purpose of open space is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; control urban form and design; and to facilitate the preservation of environmentally sensitive lands." Any use of the property for other than open space purposes is not allowed unless and until the City Council has first conducted a public hearing in accordance with Streets and Highways Code Section 8330 et seq. The public does not currently need the area for open space purposes and the environmental MMRP provides mitigation for any environmentally sensitive lands located on the area to be vacated. Additionally, the public's need for open space on this 0.25 acre portion of the parcel has been superseded by the need of a safe public road which will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; and associated necessary improvements. The road improvements will serve as a public benefit to the community.

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

The project proposes the improvement of an existing public road. The new road will include two striped 11-foot wide vehicular travel lanes; with a two 2-foot buffer, two 5-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; and associated necessary

improvements. The public will benefit from the 0.25 acre vacation of open space which is required to perform the improvements. The unimproved section of roadway along Old Otay Mesa Road includes a dirt path used by pedestrians and students, and that path is located immediately adjacent to the top of a canyon slope. There are no fences, sidewalks, or other pedestrian facilities in this area.

The objective of this project is to redesign the unimproved section of Old Otay Mesa Road to be consistent with current City street design standards. The improvements include: realigning the road by increasing the maximum curve radius along the roadway; constructing Class II bike lanes; sidewalks on each side of the road; black vinyl chain-link fencing along the edge of the canyon; new guardrails; installing street lighting, as well as other standard street improvements in accordance with the City's Street Design Manual. Therefore, the public would benefit from the easement vacation which would allow the proposed improvements.

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

Old Otay Mesa Road is located within the Otay Mesa Community Planning Area of the City of San Diego. The roadway is classified as a two-lane local collector within the Otay Mesa Community Plan, is surrounded by Open Space, and is considered an essential public facility.

The City's General Plan Mobility Element as adopted in 2008 includes multi-modal goals and policies that promote a balanced, multi-modal transportation network and address pedestrian orientation, bicycle facilities, and streets. The City's OMCP, adopted in March 2014, is used in conjunction with all applicable policies from the General Plan and includes recommendations for pedestrian safety, the provision of bicycle facilities, and Complete Streets that provide a more balanced street environment that prioritizes walking and bicycling over private vehicle movement.

Improvements to this roadway would be consistent with the policies of the OMCP and the MSCP Subarea Plan, as the MSCP allows development of collector streets essential for area circulation within the MHPA. The vacation would allow for development of the roadway and providing safer movement of pedestrians and cyclists. The roadway development would implement policies and recommendations within the Mobility Element of the Otay Mesa Community Plan that call for adequate sidewalk width and separation from travel lanes for major pedestrian routes connecting activity centers; implementation of the Bicycle Master Plan that designates a Class II bikeway on the road; and prioritization of connections that link activity centers and create safe routes to schools. The roadway development would also help implement the Plan's Urban Design Element policy that recommends implementation of pedestrian-oriented design principles at the project-level to activate the street and promote walkability. All future roadway classifications on Figure 3-2 of the OMCP are anticipated to be developed to their full classification consistent with the Street Design Manual. Therefore, the vacation is consistent with the City's General Plan and Otay Mesa Community Plan.

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

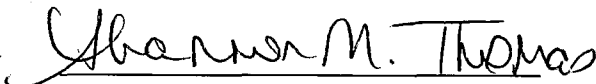
An open space easement was recorded on APN 645-342-56 as part of a private development project by Pardee Homes. By grant deed, the City was conveyed in fee the property more specifically identified as APN 645-342-56, subject to a general easement for open space purposes. The existing road runs adjacent to the open space easement of which 0.253 acres would be vacated from the open space to facilitate necessary road improvements as part of the public facility. "The core purpose of open space is to protect lands for outdoor recreation, education, and scenic and visual enjoyment; control urban form and design; and to facilitate the

preservation of environmentally sensitive lands.” The public does not currently need the area for open space purposes and the environmental MMRP provides mitigation for any environmentally sensitive lands located on the area to be vacated. Additionally, the public’s need for open space on this 0.253 acre portion of the parcel has been superseded by the need of a safe public road.

BE IT FURTHER RESOLVED, that the open space easement located within a portion of Lot C of Princess Park in California Terraces, in the City of San Diego according to Map No. 14730, filed December 31, 2003 as Document No. 2003-1524219 and granted to the City of San Diego Per Documents No. 2003-1524262, Recorded December 31, 2003. in connection with Site Development Permit No. 1013229, as more particularly described in the legal description marked as Exhibit “A,” and shown on Drawing No. 38069-1-C, marked as Exhibit “B,” which are by this reference incorporated herein and made a part hereof, is ordered vacated. An approved copy of drawing No. 38069-1-C will be filed in the Record Section of the Development Services Department.

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   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
8/25/14  
Or.Dept:DSD  
Doc. No. 848262

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**OPEN SPACE EASEMENT VACATION  
OLD OTAY MESA ROAD**

ALL THAT PORTION OF LOT C OF PRINCESS PARK IN CALIFORNIA TERRACES, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14730, FILED IN THE OFFICE THE COUNTY RECORDER OF SAID COUNTY, DECEMBER 31, 2003 AS DOC. NO. 2003-1524219 OF OFFICIAL RECORDS AND GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED DECEMBER 31, 2003 AS DOC. NO. 2003-1524262, OF OFFICIAL RECORDS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (60.00 FEET WIDE), WITH THE WESTERLY LINE OF SAID LOT "C" AS SHOWN ON SAID MAP 14730, ALSO BEING THE BEGINNING OF A 630.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 09°37'22" EAST;

THENCE SOUTHEASTERLY ALONG THE SAID NORTHERLY RIGHT-OF-WAY THROUGH THE FOLLOWING 3 COURSES;

- 1) ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°58'49" A DISTANCE OF 208.70 FEET;
- 2) THENCE SOUTH 61°23'49" EAST 191.12 FEET TO THE BEGINNING OF A TANGENT 153.70 FOOT RADIUS CURVE CONCAVE NORTHERLY;
- 3) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 70°21'23" A DISTANCE OF 188.74 FEET TO THE WESTERLY LINE OF LOT "D" ACCORDING TO SAID MAP 14730;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD NORTHERLY ALONG SAID WESTERLY LINE OF LOT "D" NORTH 06°24'53" WEST 15.41 FEET TO THE BEGINNING OF A NON-TANGENT 186.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS SOUTH 32°10'51" EAST;

THENCE DEPARTING SAID LINE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 59°21'28" A DISTANCE OF 192.69 FEET;

THENCE NORTH 62°49'23" WEST 198.26 FEET TO THE BEGINNING OF A TANGENT 639.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 16°51'54" A DISTANCE OF 188.09 FEET TO THE WESTERLY LINE OF SAID LOT "C";

THENCE SOUTHERLY ALONG SAID WESTERLY LINE OF LOT "C" SOUTH 01°20'00" WEST 18.82 FEET TO THE POINT OF BEGINNING

P.T.S. #287806  
J.O. #S-00870.02.06  
DWG. #38069-C

AREA = 11,001 SQ. FT. OR 0.253 ACRE

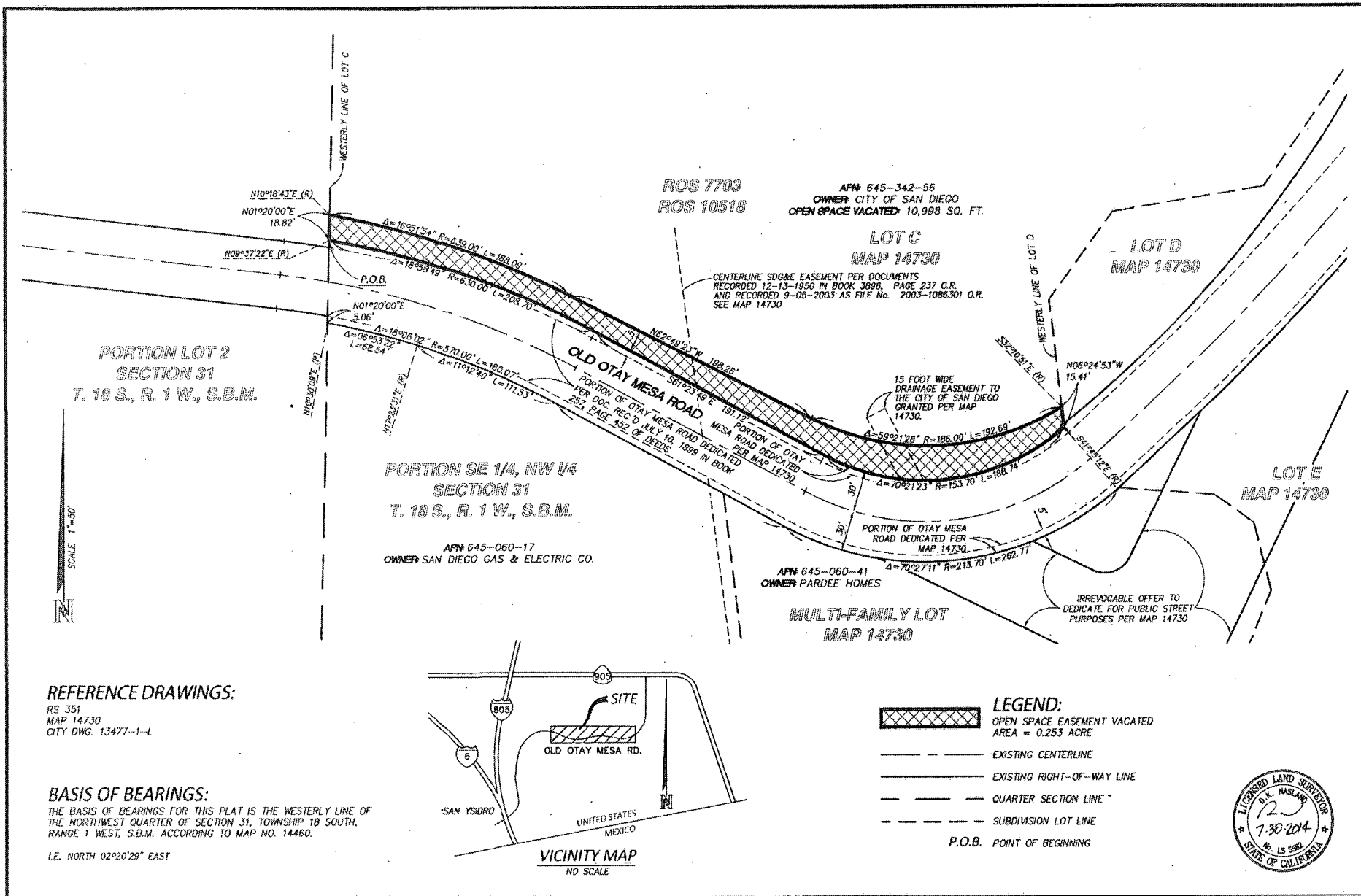
ATTACHED HERETO IS A DRAWING NO. 38069-C LABELED EXHIBIT 'B' AND BY THIS REFERENCE  
MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:

                    *DJ*                    8-12-2017  
D.K. NASLAND, PLS 5562



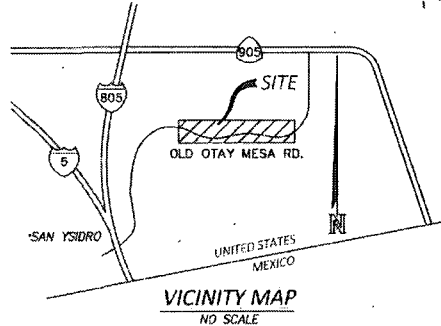
P.T.S. #287806  
J.O. #S-00870.02.06  
DWG. #38069-C



SCALE 1" = 50'

**REFERENCE DRAWINGS:**  
 RS 351  
 MAP 14730  
 CITY DWG. 13477-1-L

**BASIS OF BEARINGS:**  
 THE BASIS OF BEARINGS FOR THIS PLAT IS THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 1 WEST, S.B.M. ACCORDING TO MAP NO. 14480.  
 I.E. NORTH 02°20'29" EAST



- LEGEND:**
- OPEN SPACE EASEMENT VACATED AREA = 0.253 ACRE
  - EXISTING CENTERLINE
  - EXISTING RIGHT-OF-WAY LINE
  - QUARTER SECTION LINE
  - SUBDIVISION LOT LINE
  - P.O.B. POINT OF BEGINNING



**Nasland**  
 4740 Rufin Street, San Diego, California, 92111 858-293-7770  
 CIVIL ENGINEERING SURVEYING LAND PLANNING

SCALE 1" = 50'

**OPEN SPACE EASEMENT VACATION EXHIBIT**  
 OLD OTAY MESA ROAD - WESTERLY  
 CITY OF SAN DIEGO

DESCRIPTION	BY	APPROVED	DATE	FILED	STATUS
ORIGINAL	MLJ	✓	07/30/2014		
	J.M.	✓	8/5/14		

CITY OF SAN DIEGO, CALIFORNIA		P.T.S. No. 287806
SHEET 1 OF 1 SHEETS		W.B.S # S-00870.02.06
<i>Richard R. Papp</i> FOR CITY ENGINEER	8/12/14 DATE	1804-8319 CCS 83 COORDINATES
		144-1759 NAD27 COORDINATES
		38069-1-C



Passed by the Council of The City of San Diego on SEP 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 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.

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

(Seal)

By *Mary Stranberg*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309228