

RESOLUTION NUMBER R- 309269

DATE OF FINAL PASSAGE OCT 07 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING A PORTION OF GOLDFINCH
STREET PUBLIC RIGHT-OF-WAY, VACATION NO. 1255893,
FOR THE AKIN RESIDENCES - PROJECT NO. 352250.

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, G2F TALBCO, LLC, a California Limited Liability Company, filed an application with the City of San Diego proposing that an unimproved portion of Goldfinch Street in the City of San Diego, County of San Diego, State of California, as dedicated to public use on the Hortons Addition map (Deed Book 13, Page 522) filed in the Office of the County Recorder of San Diego County, July 21, 1871, Public Right-Of-Way Vacation No. 1255893, be formally vacated; 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 October 7, 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 a portion of Goldfinch Street, the Council finds that:

(a) **There is no present or prospective use for the public right-of-way, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.** The street pattern/grid for the surrounding community was established on July 21, 1871, with the recordation of the Hortons Addition map (Deed Book 13, Page 522). This map identifies Goldfinch Street running north to south, which is located along the western side of Lot F, Block 368 of Horton's Addition, and intersecting Redwood Street to the south that runs east to west. On April 27, 1948, this portion of Redwood Street that intersects Goldfinch Street was vacated and closed to public use, per Resolution No. 89212. In 1983, the public right-of-way (ROW) improvements and construction of a cul-de-sac at the terminus of Goldfinch Street was completed pursuant to Drawing No. 20501-2-D. Because of the existing topography problems within the ROW, the cul-de-sac was constructed on the western portion of the Goldfinch Street ROW and did not extend the full length of the dedicated public ROW, and the remaining area identified in Exhibit B was left unimproved.

The vacation of this unimproved portion of Goldfinch Street would not preclude access to individual, privately owned parcels as existing residences in the vicinity maintain access from the improved portion of the Goldfinch Street or other streets. The paper street portion of Goldfinch Street connects to Reynard Canyon which is designated as Open Space; however properties within this portion of the canyon are privately owned, and largely developed with single-family dwelling units. The area proposed for vacation would not be needed for parking in the future as the existing portion of Goldfinch Street currently terminates as an existing cul-de-sac. Additionally, the portions of the ROW vacation are contiguous with private property and therefore would not provide access to open space for public use. Further, no public views are identified or are proposed along the Goldfinch Street ROW. Therefore, it has been determined that there are no present or prospective uses for that unimproved portion of the Goldfinch Street, either for the facility for which 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 vacation of this unimproved portion of Goldfinch Street would not preclude access to individual, privately owned parcels as existing residences in the vicinity maintain access from the improved portion of the Goldfinch Street or other streets. The paper street portion of Goldfinch Street connects to Reynard Canyon which is designated as Open Space; however properties within this portion of the canyon are privately owned, and largely developed with single-family dwelling units. The area proposed for vacation would not be needed for parking in the future as the existing portion of Goldfinch Street currently terminates as an existing cul-de-sac. Additionally, the portions of the ROW vacation are contiguous with private property and therefore would not provide access to open space for public use. Further, no public views are identified or are proposed along the Goldfinch Street ROW. Therefore, it has been determined that there are no present or prospective uses for that unimproved portion of the Goldfinch Street, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated. The public would benefit from

the action through the improved use of the land and no longer maintaining the liability of this paper street portion of Goldfinch Street.

(c) The vacation does not adversely affect any applicable land use plan. The vacation of an approximate 0.09-acre unimproved portion of the Goldfinch Street ROW is located within the Uptown Community Plan area. According to the Open Space and Recreation Element of the community plan, public ROW should be vacated only if the following “findings” can be made in which the ROW will not be needed in the future for:

- either public access to individual parcels or to public open space;
- to provide for parking;
- to provide open space for public use; or
- to maintain views of open space from public ROW.

The vacation of this unimproved portion of Goldfinch Street would not preclude access to individual, privately owned parcels as existing residences in the vicinity maintain access from the improved portion of the Goldfinch Street or other streets. The paper street portion of Goldfinch Street connects to Reynard Canyon which is designated as Open Space; however properties within this portion of the canyon are privately owned, and largely developed with single-family dwelling units. The area proposed for vacation would not be needed for parking in the future as the existing portion of Goldfinch Street currently terminates as an existing cul-de-sac. Additionally, the portions of the street vacation are contiguous with private property and therefore would not provide access to open space for public use. Further, no public views are identified or are proposed along the Goldfinch Street ROW. Therefore, the vacation would not adversely impact the goals and recommendations of the Uptown Community Plan.

(d) The public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation. The street pattern/grid for the surrounding community was established on July 21, 1871, with the recordation of the Hortons Addition map (Deed Book 13, Page 522). This map identifies Goldfinch Street running north to south, which is located along the western side of Lot F, Block 368 of Horton’s Addition, and intersecting Redwood Street to the south that runs east to west. On April 27, 1948, this portion of Redwood Street that intersects Goldfinch Street was vacated and closed to public use, per Resolution No. 89212. In 1983, the public ROW improvements and construction of a cul-de-sac at the terminus of Goldfinch Street was completed pursuant to Drawing No. 20501-2-D. Because of the existing topography problems within the ROW, the cul-de-sac was constructed on the western portion of the Goldfinch Street ROW and did not extend the full length of the dedicated public ROW, and the remaining area identified in Exhibit B was left unimproved.

The vacation of this unimproved portion of Goldfinch Street would not preclude access to individual, privately owned parcels as existing residences in the vicinity maintain access from the improved portion of the Goldfinch Street or other streets. The area proposed for vacation would not be needed for parking in the future as the existing portion of Goldfinch Street currently terminates as an existing cul-de-sac. Additionally, the portions of the ROW vacation are contiguous with private property and therefore would not provide access to open space for public use. Further, no public views are identified or are proposed along the Goldfinch Street

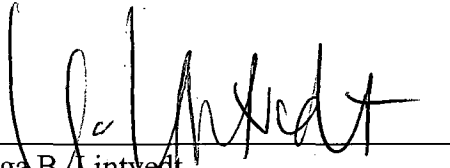
ROW. Therefore, the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation of this unimproved portion of Goldfinch Street.

BE IT FURTHER RESOLVED, that portion of the easement for public street granted on the Hortons Addition map (Deed Book 13, Page 522) filed in the Office of the County Recorder of San Diego County, July 21, 1871, in connection with Site Development Permit No. 1258689 and Tentative Parcel Map No. 1255887, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37912-B, marked as Exhibit "B," which said drawing is attached hereto 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 B. Lintvedt
Deputy City Attorney

IBL:mm
9/17/2014
Or.Dept:DSD
Doc. No. 858399

EXHIBIT 'A'

LEGAL DESCRIPTION VACATION OF A PORTION OF GOLDFINCH STREET

THAT PORTION OF GOLDFINCH STREET ADJOINING BLOCK 368 AND 369 OF HORTON'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF ON FILE IN DEED BOOK 13, PAGE 522, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT G OF SAID BLOCK 369, THENCE NORTH 89°56'23" EAST A DISTANCE OF 17.88 FEET TO THE BEGINNING OF A NON-TANGENT 34.72 FOOT-RADIUS CURVE CONCAVE NORTHERLY, THE RADIAL OF WHICH BEARS SOUTH 22°25'50" WEST, THENCE ALONG SAID CURVE A DISTANCE OF 22.57 FEET THROUGH A CENTRAL ANGLE OF 37°14'17" TO A POINT ON THE CENTERLINE OF GOLDFINCH STREET, THENCE CONTINUING ALONG SAID ARC A DISTANCE OF 4.47 FEET THROUGH A CENTRAL ANGLE OF 07°22'20",

THENCE NORTH 89°56'23" EAST A DISTANCE OF 35.76 FEET TO THE NORTHWEST CORNER OF LOT F OF SAID BLOCK 368,

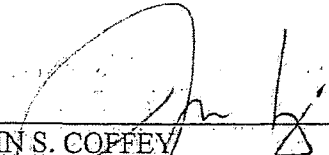
THENCE ALONG THE WESTERLY LINE OF SAID LOT F SOUTH 00°03'37" EAST A DISTANCE OF 50.23 FEET TO THE SOUTHWEST CORNER OF LOT F,

THENCE ALONG THE NORTHERLY RIGHT OF WAY LINE OF REDWOOD STREET VACATED TO PUBLIC USE APRIL 27, 1948 PER CITY RESOLUTION NO. 89212, SOUTH 89°58'46" WEST A DISTANCE OF 80.00 FEET TO THE SOUTHEAST CORNER OF LOT G OF SAID BLOCK 369,

THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOT G NORTH 00°03'37" WEST A DISTANCE OF 50.26 FEET TO THE POINT OF BEGINNING.

ATTACHED HERETO IS A DRAWING NO. 37912-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

CONTAINING AN AREA OF 0.091 ACRES OR 3972.8 SQUARE FEET MORE OR LESS.



JOHN S. COFFEY
LS 8733 EXPIRES 12/31/14

6/9/14
DATE

PTS NO. 352250
DWG NO. 37912-B
I.O. NO. 24004292

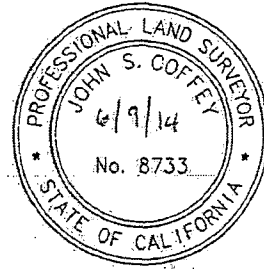


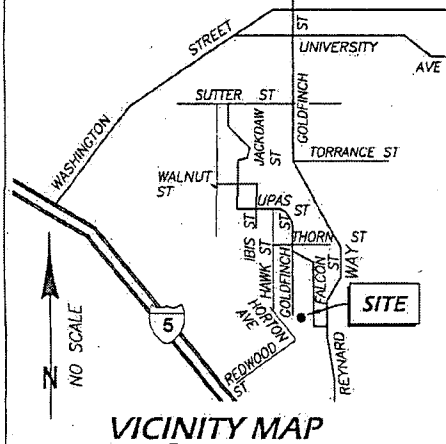
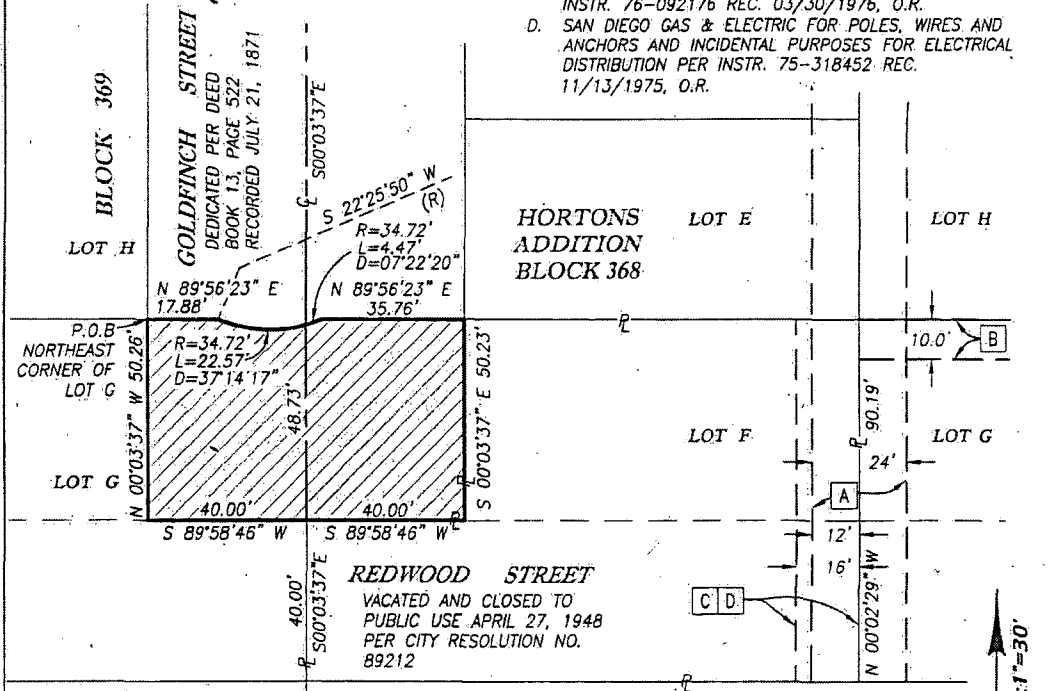
EXHIBIT 'B'

BASIS OF BEARINGS:

BASIS OF BEARINGS IS THE CENTERLINE OF GOLDFINCH STREET PER ROS NO. 9606 i.e. S 00°03'37" E

EASEMENTS

- A. PRIVATE ROAD AND UTILITY PURPOSES PER INSTR. 78-319462 REC. 07/31/1978, O.R.
- B. SEWER AND WATER PURPOSES PER T.R. (PARCEL 3).
- C. PACIFIC TELEPHONE & TELEGRAPH FOR AERIAL AND UNDERGROUND COMMUNICATIONS STRUCTURES PER INSTR. 76-092176 REC. 03/30/1976, O.R.
- D. SAN DIEGO GAS & ELECTRIC FOR POLES, WIRES AND ANCHORS AND INCIDENTAL PURPOSES FOR ELECTRICAL DISTRIBUTION PER INSTR. 75-318452 REC. 11/13/1975, O.R.



PARCEL 1
PM 13444

LEGEND

- PORTION OF GOLDFINCH STREET VACATED 3972.8 SQFT. (0.091 AC) MORE OR LESS
- () INDICATES RECORD DATA PER MAP NO. 1011
- REFERENCE DRAWINGS:
CR 26848
PM 13444
ROS 9606
DEED BK 13, PAGE 522 HORTON'S ADDITION
APN # 451-570-11



John S. Coffey
JOHN S. COFFEY LS 8733
CE COFFEY ENGINEERING, INC.

STREET VACATION OF A PORTION OF GOLDFINCH STREET

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S.# 352250
ORIGINAL	CE				SHEET 1 OF 1 SHEETS	I.O.# 24004292
		AEA	6-5-2014		<i>Frederick R. Lopez</i>	1848-5277
					FOR CITY ENGINEER	CCS 83
						208-1717
						LAMBERT COORDINATES
						37912-B

STATUS

Passed by the Council of The City of San Diego on OCT 07 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 OCT 07 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 Hernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309269