

RESOLUTION NUMBER R- 309343

DATE OF FINAL PASSAGE NOV 18 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING RIGHT OF WAY VACATION NO. 1240258 FOR THE PURPOSE OF VACATING PORTIONS OF AMBROSIA DRIVE AND REFLECTION DRIVE IN CONNECTION WITH THE PLANNED DEVELOPMENT PERMIT NO. 346480 FOR THE LA MIRAGE DEVELOPMENT PROJECT AND RESERVATION OF A GENERAL UTILITY EASEMENT

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 La Mirage development project site located at 6410-6590 Ambrosia Drive and 6403-6595 Reflection Drive in the Tierrasanta Community Plan area currently consists of 1,410 apartments, several pools, tennis courts and other site amenities; and

WHEREAS, La Mirage Apartments, LLC, Owner/Permittee, proposes to construct an additional 90 residential apartment units and associated subterranean parking on Lot 2 in the northern portion of the La Mirage site (Project) and is concurrently seeking approval of a Planned Development Permit No. 1212413 in connection with that proposed Project; and

WHEREAS, in connection with the Project, La Mirage Apartments, LLC, seeks to vacate portions of Ambrosia Drive and Reflection Drive as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37842-1-B marked as Exhibit "B"; and

WHEREAS, Ambrosia Drive and Reflection Drive are public rights-of-way per Map 9577 and were acquired to provide travel ways to the Regency Hills subarea of the Tierrasanta Community Plan area and, in particular, access to the La Mirage development; and

WHEREAS, the portions of Ambrosia Drive and Reflection Drive proposed for vacation currently serve only the private La Mirage development and its residents and do not connect to any other circulation element within the Tierrasanta Community Plan area; and

WHEREAS, the proposed street vacation would make Ambrosia Drive and Reflection Drive private roads relieving the City of San Diego of ongoing and future maintenance costs and would transfer future liability to the private developer; and

WHEREAS, no present or prospective uses for the public rights-of-way exist as the portions of the roads to be vacated are only used to provide access to the private La Mirage development; and

WHEREAS, neither Ambrosia Drive nor Reflection Drive are identified in the Tierrasanta Community Plan for future extension or expansion; and

WHEREAS, the proposed Project includes installation of a private gate to regulate development access resulting in fewer likely police calls to the development and greater safety for the residents; and

WHEREAS, a proposed temporary cul de sac to be built at the end of Santo Road would provide a public turnaround area for out-of-direction traffic not destined for the La Mirage development without necessitating travel through the entire development to return to Friars Road; and

WHEREAS, the proposed temporary cul de sac to be built at the end of Santo Road would not interfere with any future expansion of Santo Road to the north; and

WHEREAS, a General Utility Easement shall be reserved to provide continued utility access to public facilities located within the proposed vacation areas and said utilities will have access through the proposed gated entry; and

WHEREAS, on September 25, 2014, the Planning Commission of the City of San Diego, after a noticed public hearing, recommended adoption of Planned Development Permit No. 1212413 and Right of Way Vacation No. 1240258; 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 City 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 November 18, 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 City Council of the City of San Diego, that the Ambrosia Drive and Resolution Drive public rights-of-way in connection with the La Mirage Planned Development Permit as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37842-1-B marked as Exhibit "B," which said drawing is attached hereto and made a part hereof, are ordered vacated.

BE IT FURTHER RESOLVED, that there is no present or prospective use for the public rights-of-way to be vacated, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.

BE IT FURTHER RESOLVED, the public will benefit from the proposed street vacation through improved use of the land made available by the vacation by being relieved of management and maintenance costs and reduced liability.

BE IT FURTHER RESOLVED, the proposed right-of-way vacation does not adversely affect any applicable land use plan.


BE IT FURTHER RESOLVED, the public facility for which the rights-of-way were originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from the foregoing vacation the permanent easement as more particularly described hereinafter as General Utilities Easement.

BE IT FURTHER RESOLVED, that the General Utilities Easement reserved herein is in, under, over, upon, along and across those portions of Ambrosia Drive and Resolution Drive vacated by this Resolution and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37842-1-B, marked as 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.

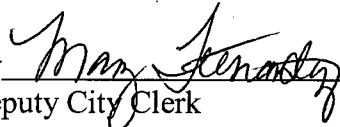
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jenny K. Goodman
Deputy City Attorney

JKG1:mfc
10/22/2014
Or.Dept: Dev. Services Dept.
Doc. No. 890894_2

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 18 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

**EXHIBIT A
(LEGAL DESCRIPTION)
STREET VACATION**

ALL OF REFLECTION DRIVE AND THAT PORTION OF AMBROSIA DRIVE OF HILLTOP, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, PER MAP NO. 9577, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON FEBRUARY 26, 1980, DESCRIBED AS FOLLOWS:

PARCEL "A" (PORTION OF AMBROSIA DRIVE)

ALL OF AMBROSIA DRIVE DEDICATED PER SAID MAP NO. 9577 EXCEPTING THAT PORTION ADJOINING SANTO ROAD AS DEDICATED PER MAP NO. 9577 AND LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHEAST CORNER OF LOT 5 OF SAID MAP NO. 9577;
THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY LINE OF SANTO ROAD AS SHOWN ON SAID MAP, SOUTH 23°46'25" EAST 150.53 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET, SAID POINT ALSO BEING THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID NORTHWESTERLY RIGHT OF WAY LINE SOUTHWESTERLY ALONG SAID CURVE 18.65 FEET THROUGH A CENTRAL ANGLE OF 53°25'06" TO A POINT OF REVERSE CURVE, HAVING A RADIUS OF 64.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 12°48'29" WEST;

THENCE SOUTHWESTERLY, SOUTHERLY, AND SOUTHEASTERLY ALONG SAID CURVE 123.38 FEET THROUGH A CENTRAL ANGLE OF 110°27'32" TO A POINT OF REVERSE CURVE, HAVING A RADIUS OF 20.00 FEET, A RADIAL LINE TO SAID POINT HAVING A BEARING OF NORTH 56°43'59" EAST;

THENCE SOUTHERLY ALONG SAID CURVE 18.10 FEET THROUGH A CENTRAL ANGLE OF 51°51'04" TO THE NORTHWESTERLY RIGHT OF WAY LINE OF SAID SANTO ROAD AND THE **POINT OF TERMINUS**.

CONTAINING 145,569 SQUARE FEET, 2.999 ACRES MORE OR LESS.

RESERVING THEREFROM AN EASEMENT FOR GENERAL UTILITIES.

PARCEL "B" (REFLECTION DRIVE)

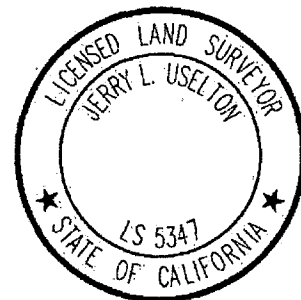
ALL OF REFLECTION DRIVE DEDICATED PER SAID MAP NO. 9577.

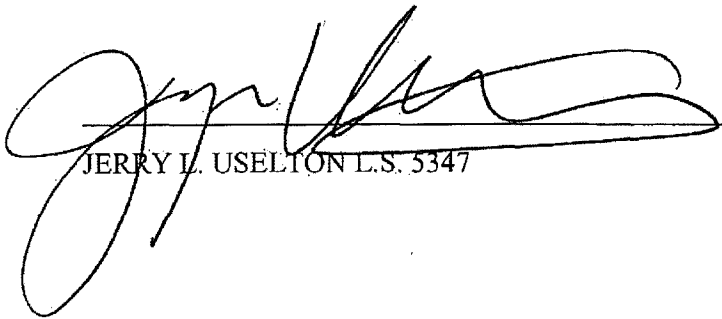
CONTAINING 113,269 SQUARE FEET, 2.600 ACRES MORE OR LESS

RESERVING THEREFROM AN EASEMENT FOR GENERAL UTILITIES.

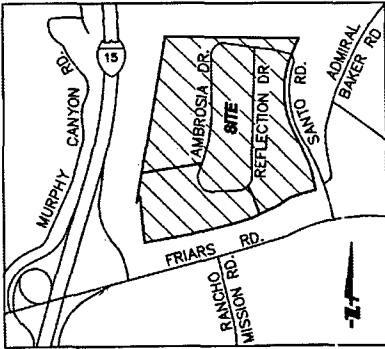
ATTACHED HERETO IS CITY DWG NO. 37842-B (EXHIBIT "B") AND BY THIS REFERENCE MADE A PART HEREOF.

DATED THIS 23th DAY OF July 2014.

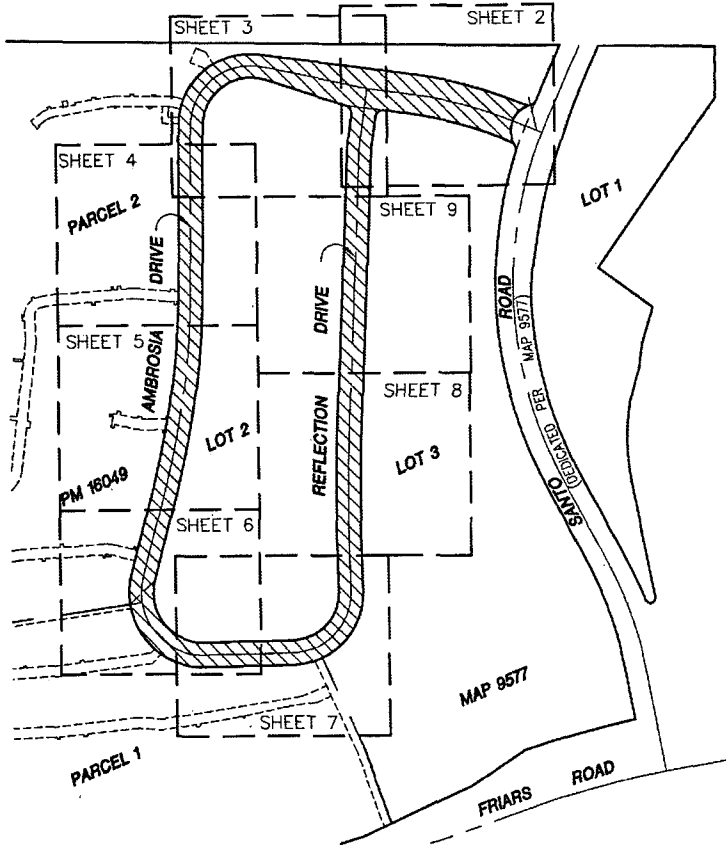



JERRY L. USELTON L.S. 5347

INDEX MAP



VICINITY MAP
NOT TO SCALE



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THE SURVEY IS THE PORTION OF THE CENTERLINE OF REFLECTION DRIVE AS SHOWN ON MAP NO. 9577.

BEARING BEING NORTH 02°36'40" EAST

REFERENCE DRAWING

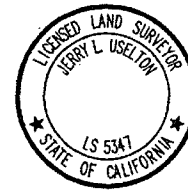
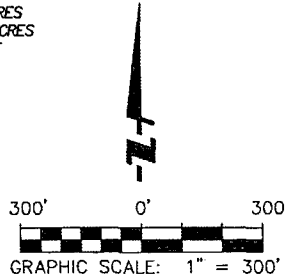
MAP 9577
PM 16049

LEGEND

- (PARCEL A) AMBROSIA DRIVE, VACATED 2.999 ACRES
- (PARCEL B) REFLECTION DRIVE, VACATED 2.600 ACRES
- AREA RESERVED FOR GENERAL UTILITIES EASEMENT
- CENTERLINE
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS
- (R) INDICATES RADIAL BEARING
- () INDICATES RECORD DATA PER MAP NO. 9577

ASSESSOR'S PARCEL NO.

434-020-51

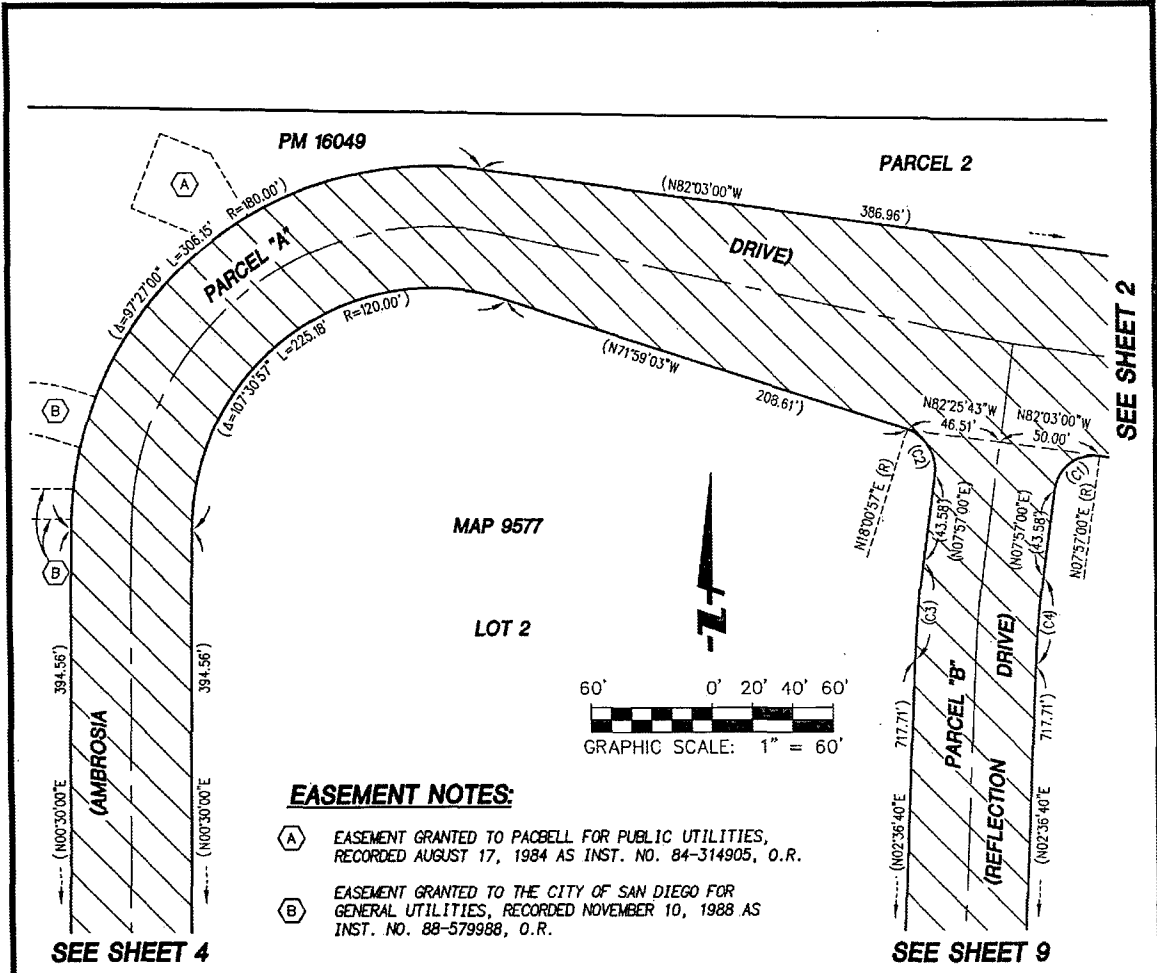


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Jerry L. Uselton 7/22/19 Date
JERRY L. USELTON, L.S. 5347

**PUBLIC RIGHT - OF - WAY VACATION
REFLECTION DRIVE AND A PORTION OF AMBROSIA DRIVE DEDICATED PER MAP 9577**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	J.O. NO. 24004197
ORIGINAL	FEI				SHEET 1 OF 9 SHEET	P.T.S. NO. 346480
					FOR CITY ENGINEER	DATE
					DIVISION HEAD	1868-6295
					SECTION HEAD	NAD 83 COORDINATES
						228-1735
						LAMBERT COORDINATES
						37842-1 - B



EASEMENT NOTES:

- (A) EASEMENT GRANTED TO PACBELL FOR PUBLIC UTILITIES, RECORDED AUGUST 17, 1984 AS INST. NO. 84-314905, O.R.
- (B) EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR GENERAL UTILITIES, RECORDED NOVEMBER 10, 1988 AS INST. NO. 88-579988, O.R.

LEGEND

- (PARCEL A) AMBROSIA DRIVE, VACATED 2.999 ACRES
- (PARCEL B) REFLECTION DRIVE, VACATED 2.600 ACRES
- AREA RESERVED FOR GENERAL UTILITIES EASEMENT
- CENTERLINE
- (R) INDICATES RADIAL BEARING
- () INDICATES RECORD DATA PER MAP NO. 9577

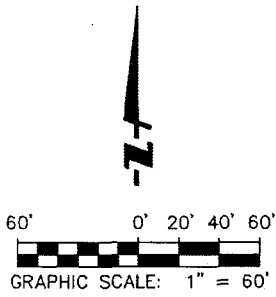
Curve Table			
NO.	DELTA	RADIUS	LENGTH
C1	90°00'00"	20.00'	31.42'
C2	79°56'03"	20.00'	27.90'
C3	5°20'20"	530.00'	49.39'
C4	5°20'20"	470.00'	43.80'



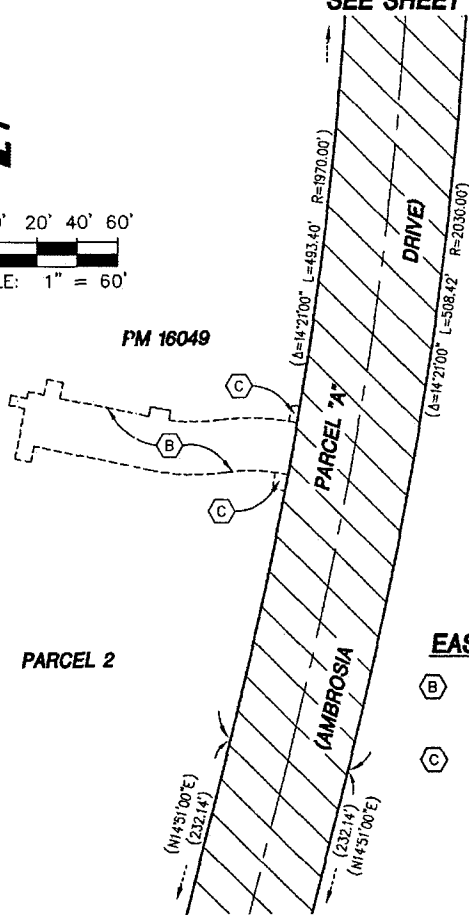
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ORIGINAL	FEI				SHEET 3 OF 9 SHEET	24004197
					FOR CITY ENGINEER	1868-6295
					DATE	NAD 83 COORDINATES
					DIVISION HEAD	228-1735
					SECTION HEAD	LAMBERT COORDINATES
					STATUS	37842-3 - B



SEE SHEET 4



MAP 9577

LOT 2

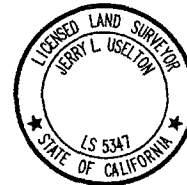
EASEMENT NOTES:

- (B) EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR GENERAL UTILITIES, RECORDED NOVEMBER 10, 1988 AS INST. NO. 88-579988, O.R.
- (C) EASEMENT GRANTED TO THE CITY OF SAN DIEGO FOR GENERAL UTILITIES, RECORDED OCTOBER 18, 1989 AS INST. NO. 89-565345, O.R.

SEE SHEET 6

LEGEND

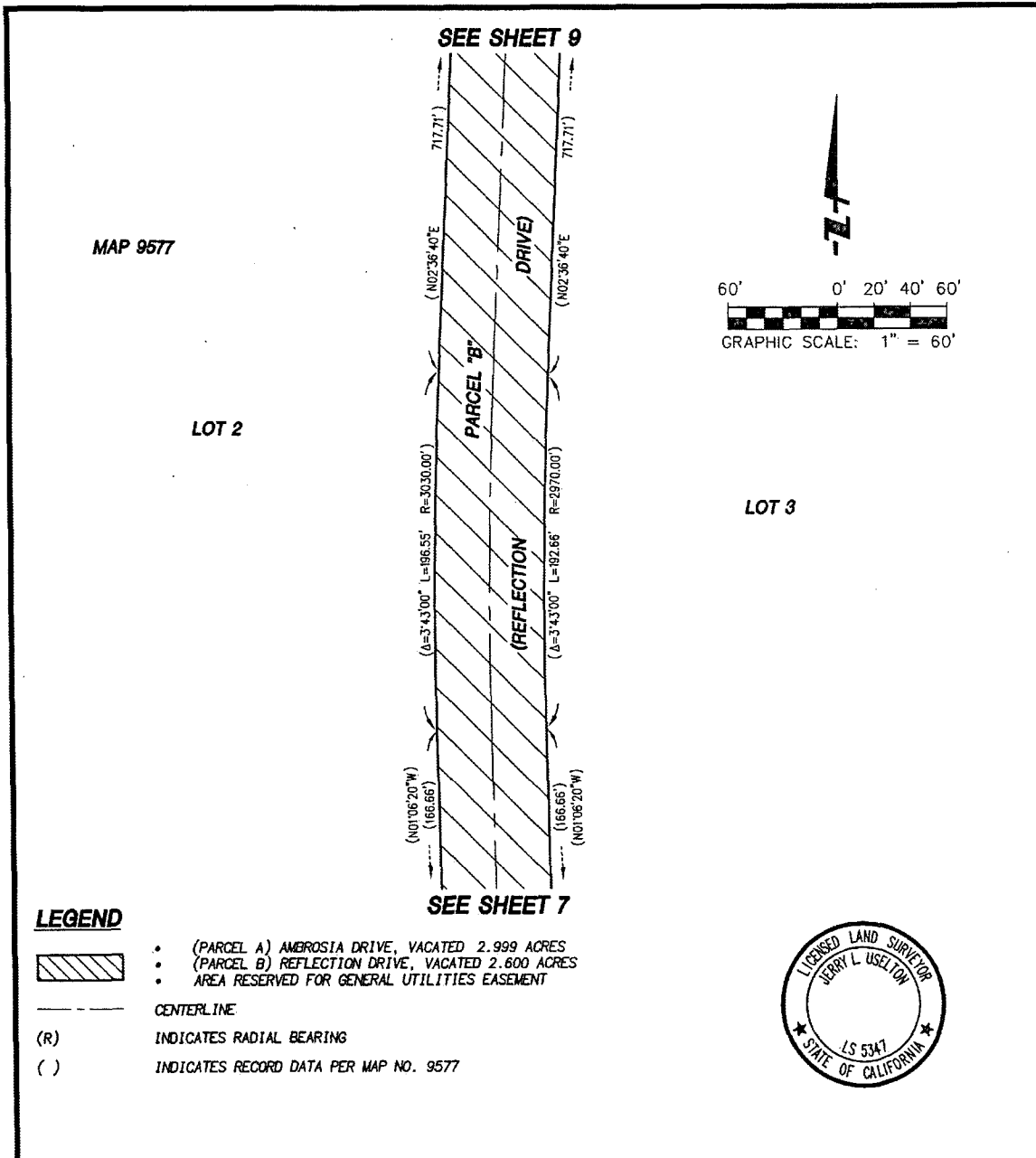
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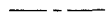
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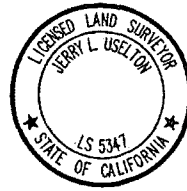
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ORIGINAL	FEI				SHEET 5 OF 9 SHEET	NO. P.T.S. NO. 346480
					FOR CITY ENGINEER	DATE
					DIVISION HEAD	1868-6295
					SECTION HEAD	NAD 83 COORDINATES
						228-1735
						LAMBERT COORDINATES
						37842-5
						- B



LEGEND

-  (PARCEL A) AMBROSIA DRIVE, VACATED 2.999 ACRES
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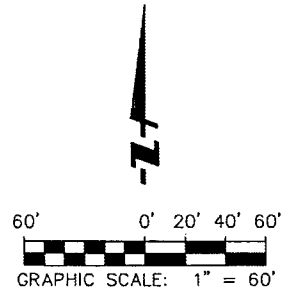
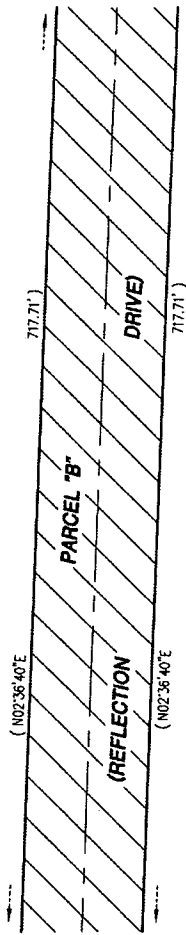
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ORIGINAL	FEI				SHEET 8 OF 9 SHEET	24004197
					FOR CITY ENGINEER	1868-6295
					DATE	NAD 83 COORDINATES
					DIVISION HEAD	228-1735
					SECTION HEAD	LAMBERT COORDINATES
					STATUS	37842-8 - B

SEE SHEET 2

MAP 9577

LOT 2



LOT 3

SEE SHEET 8

LEGEND

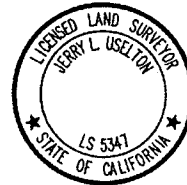


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ORIGINAL	FEI				SHEET 9 OF 9 SHEET	NO. P.T.S. NO. 346480
					FOR CITY ENGINEER	DATE 1868-6295
					DIVISION HEAD	NAD 83 COORDINATES 228-1735
					SECTION HEAD	LAMBERT COORDINATES 37842-9
					STATUS	- B

Passed by the Council of The City of San Diego on NOV 18 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 NOV 18 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 Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **309343**