

RESOLUTION NUMBER R- 309600

DATE OF FINAL PASSAGE APR 07 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUMMARILY VACATING A PORTION OF VISTA SORRENTO PARKWAY (RIGHT-OF-WAY VACATION NO. 1088121) – PROJECT NO. 310632.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the summary vacation of public rights-of-way by City Council resolution; and

WHEREAS, San Diego Gas and Electric (SDG&E) filed an application to vacate a portion of Vista Sorrento Parkway, dedicated per Map No. 12745 with an area of 57 sq. feet, more or less, and specifically described in the attached Exhibit “A” and illustrated in Exhibit “B”, being described as Right-of-Way Vacation No. 1088121 hereon; and

WHEREAS, Right-of-Way Vacation No. 1088121 is located on property owned by SDG&E; and

WHEREAS, the public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; and

WHEREAS, there are no existing public utility facilities that are in use that would be affected by the vacation; and

WHEREAS, the public right-of-way to be vacated does not contain public utility facilities; 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 APR 07 2015, 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. 1088121, 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 existing public right-of-way along Vista Sorrento Parkway, was dedicated for road purposes per Map 12745 recorded on November 17, 1990 as Document No. 90-623120 and encompasses 57 square feet, more or less. Vista Sorrento Parkway has been fully constructed and the 57 square feet area to be vacated is no longer required for roadway purposes. The excess public right-of-way is within one ownership and does not extend beyond that ownership or touch the property of another owner. Vista Sorrento Parkway has been constructed at its ultimate width and consistent with the Transportation element of the Mira Mesa Community Plan; therefore there is no other present or prospective public use for the remaining public right-of-way or 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 existing public right-of-way along Vista Sorrento Parkway was dedicated for road purposes per Map 12745 recorded on November 17, 1990 as Document No. 90-623120 and encompasses 57 square feet. Vista Sorrento Parkway has been fully constructed and the 57 square feet area to be vacated is no longer required for roadway purposes. The vacation will remove the maintenance and liability of the remaining excess right-of-way from the City of San Diego, and will allow the potential for the improved use of the land made available for the vacation.

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

The existing public right-of-way along Vista Sorrento Parkway was dedicated for road purposes per Map 12745 recorded on November 17, 1990 as Document No. 623120 and encompasses 57 square feet. Vista Sorrento Parkway has been fully constructed and the 57 square feet area to be vacated is no longer required for roadway purposes. Vista Sorrento Parkway has been fully constructed at its ultimate width, is consistent with the Transportation element of the Mira Mesa Community Plan, and is not needed for future improvements; therefore, this excess right-of-way 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.**

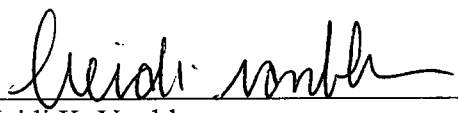
The existing public right-of-way along Vista Sorrento Parkway was dedicated for road purposes per Map 12745 recorded on November 17, 1990 as Document No. 90-623120 and

encompasses 57 square feet. Vista Sorrento Parkway has been fully constructed and the 57 area square feet to be vacated is no longer needed for roadway purposes. The purpose and intent for which the public right-of-way was originally dedicated has been met and the anticipated improvements have been made. The proposed vacation would not adversely affect any surrounding properties. 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 Right-of-Way Vacation No. 108812, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37374-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   
Heidi K. Vonblum  
Deputy City Attorney

HKV:nja  
3/5/2015  
Attachments  
Or.Dept: Planning  
Doc. No. 968122

# **Exhibit A**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Portion of Vista Sorrento Parkway Street Vacation**

That portion of Vista Sorrento Parkway as shown and dedicated on Map No. 12745, in the City of San Diego, County of San Diego, State of California, recorded on November 17, 1990, as File No. 90-623120 in the office of the County Recorder of said County of San Diego, being more particularly described as follows:

Commencing at Point 678 being a 3 inch brass disk in a standard well monument stamped "RCE 9490" per Record of Survey Map No. 14492 (hereinafter known as ROS 14492), recorded on March 31, 1994 as File no. 1994-0214720 in the office of the County Recorder of said County of San Diego; said Point 678 bears North  $21^{\circ}53'12''$  East, 2625.40 feet from Point 133 being a 2-1/4 inch Caltrans brass disk per said ROS 14492; thence from the Point of Commencement North  $37^{\circ}02'16''$  West, 4737.68 feet to a point on the Westerly line of Acre Lot 34 per the Sorrento Land and Townsite, according to Map thereof No. 483 originally filed in the Office of the County Recorder of said San Diego County on February 9, 1888 and certified as a correct copy of said Map No. 483 on November 9, 1914, said point being on a non-tangent 858.00 foot radius curve concave Southwesterly to which a radial line bears North  $23^{\circ}52'38''$  East, said point also being the TRUE POINT OF BEGINNING; thence Northwesterly along the arc of said curve through a central angle of  $01^{\circ}55'52''$ , a distance of 28.92 feet to a point on the Northerly right-of-way of said Vista Sorrento Parkway; thence along said Northerly right-of-way South  $76^{\circ}09'36''$  East, 26.04 feet to said Westerly line of Acre Lot 34; thence along said Westerly line South  $15^{\circ}01'52''$  East, 5.21 feet to the TRUE POINT OF BEGINNING.

Containing 57 square feet more or less.

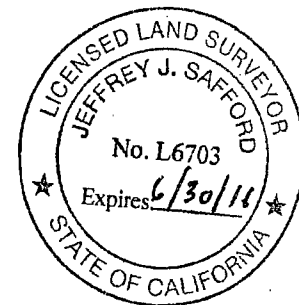
Attached hereto is a drawing No. 37374-B labeled Exhibit "B" and by this reference made a part hereof.

Prepared By:  
NV5, Inc.

*Jeffrey J. Safford* 9/23/14

Jeffrey J. Safford, LS 6703

Date

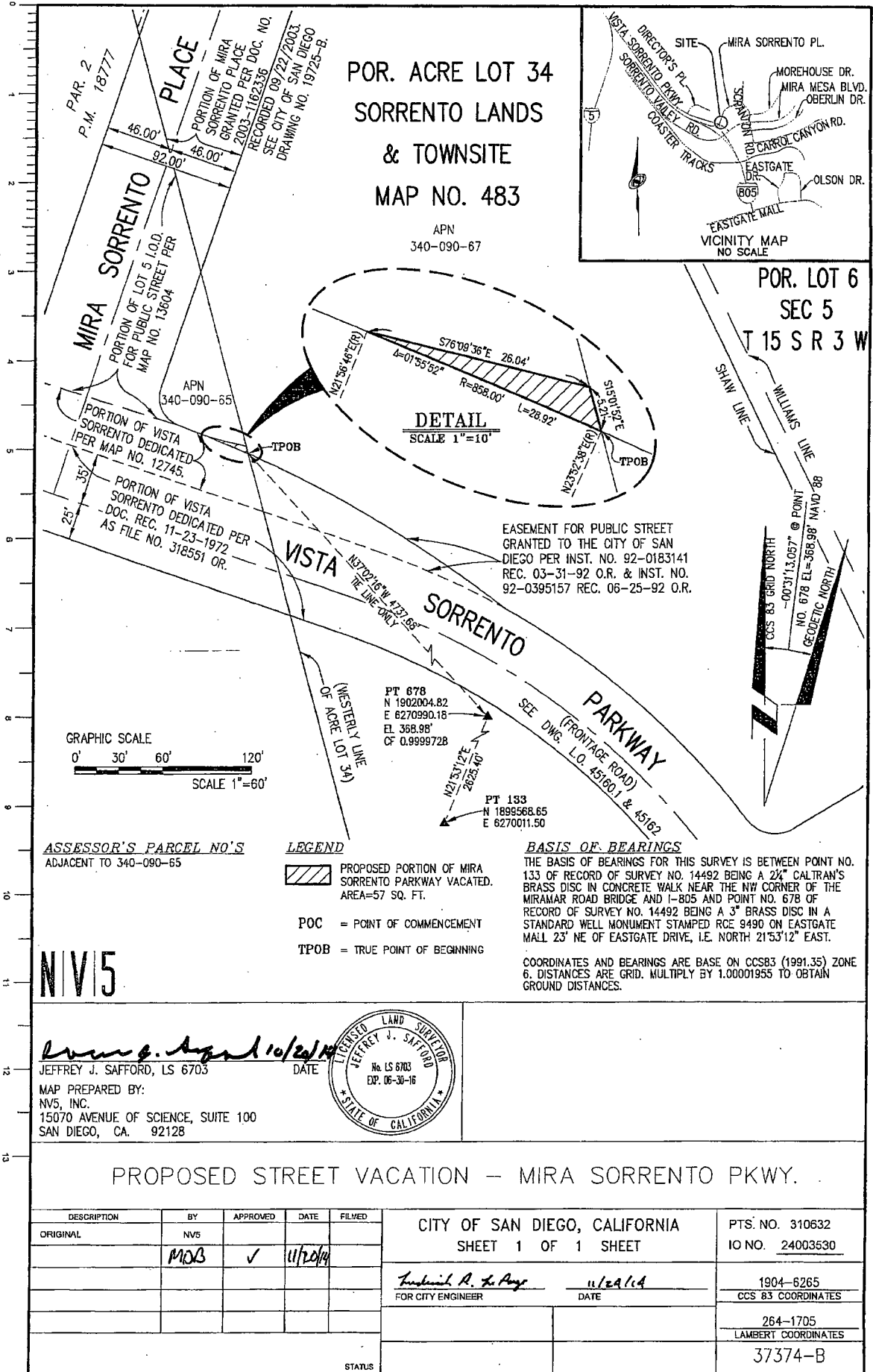


IO 24003530

PTS 310632

DWG# 37374-B

## **Exhibit B**





Passed by the Council of The City of San Diego on APR 07 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<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"/>
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"/>
Chris Cate	<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 APR 07 2015

(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 Atty Chady, Deputy

Office of the City Clerk, San Diego, California

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