

RESOLUTION NUMBER R- 309601

DATE OF FINAL PASSAGE APR 07 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING A SLOPE EASEMENT (EASEMENT VACATION NO. 1088120), A DRAINAGE EASEMENT (VACATION NO. 1289079), A SLOPE AND EMBANKMENT EASEMENT (VACATION NO. 1289084), AND DRAINAGE AND EMBANKMENT SLOPE EASEMENT (VACATION NO. 1430538) LOCATED EAST OF MIRA SORRENTO PLACE AND NORTH OF VISTA SORRENTO PARKWAY – PROJECT NO. 310632.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public service easements by City Council resolution; and

WHEREAS, San Diego Gas and Electric (SDG&E) filed an application to vacate a slope easement granted per Document No. 2003-1162339, recorded September 22, 2003, O.R, being described as Easement Vacation No. 1088120, a drainage easement granted per Document No. 2003-1162340, recorded September 22, 2003, O.R., being described as Easement Vacation No. 1289079, a slope and embankment easement granted per Document No. 1991-0340938, recorded July 11, 1991, O.R., being described as Easement Vacation No. 1289084), and a drainage and embankment slope easement granted per Document No. 318551, recorded November 29, 1972, O.R., being described as Easement Vacation No. 1430538; and

WHEREAS, Easement Vacation Nos. 1088120, 1289079, 1289084, and 1430538 are lying within a Portion of Lot 34 of Sorrento Lands and Townsite, Map No. 483 owned by SDG&E and located east of Mira Sorrento Place and north of Vista Sorrento Parkway; 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 Easement Vacation No. 1088120, Easement Vacation No. 1289079, Easement Vacation No. 1289084, and Easement Vacation No. 1430538, the Council finds that:

(a) **There is no present or prospective public 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.**

The existing easements were recorded for the construction of public rights-of-way for Vista Sorrento Parkway and Mira Sorrento Place. Vista Sorrento Parkway and Mira Sorrento Place have been fully constructed and the easements are no longer required for roadway purposes. The excess public service easements are within one ownership and do not extend beyond that ownership or touch the property of another owner. Vista Sorrento Parkway and Mira Sorrento Place have been constructed to their 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 easements or any other public use of a like nature that can be anticipated.

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

The existing easements lie within a Portion of Lot 34 of Map No. 483 and located east of Mira Sorrento Place and north of Vista Sorrento Parkway. The property is owned by SDG&E on which the Mira Sorrento Substation is constructed. Vista Sorrento Parkway and Mira Sorrento Place have been fully constructed and the easements to be vacated are no longer required for purposes for which they were acquired. The vacations will remove the maintenance and liability of the remaining easements from the City of San Diego, and will allow the potential for the improved use of land made available for the vacation.

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

The easement vacations would not adversely affect the Mira Mesa Community Plan which calls for providing and maintaining essential facilities and infrastructure to serve existing and future development. Since the easements were recorded for the construction of public rights-of-way for Vista Sorrento Parkway and Mira Sorrento Place and the construction of the rights-of-way have since been completed to the ultimate widths pursuant to the community plan with no future street widening anticipated; the proposed vacations are consistent with and maintain the requirements of the Mira Mesa Community Plan.

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

The existing easements that lie within a Portion of Lot 34 of Map No. 483 and located east of Mira Sorrento Place and north of Vista Sorrento Parkway, allowed for the temporary

construction, repair, and maintenance of slopes and drainage facilities, associated with the construction of Vista Sorrento Parkway and Mira Sorrento Place. The purpose and intent for which the easements were originally acquired, have been met and the anticipated improvements have been constructed. Therefore, the purpose for which the easements were originally acquired no longer exist and will not be detrimentally affected by the proposed vacations.

BE IT FURTHER RESOLVED, Easement Vacation No. 1088120, as more particularly described in the legal description marked as Exhibit "A-1" and shown on Drawing No. 37373, marked as Exhibit B-1," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

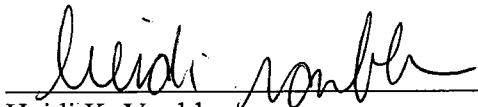
BE IT FURTHER RESOLVED, Easement Vacation No. 1289079, as more particularly described in the legal description marked as Exhibit "A-2" and shown on Drawing No. 38023, marked as Exhibit "B-2," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, Easement Vacation No. 1289084, as more particularly described in the legal description marked as Exhibit "A-3" and shown on Drawing No. 38024, marked as Exhibit "B-3," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, Easement Vacation No. 1430538, as more particularly described in the legal description marked as Exhibit "A-4" and shown on Drawing No. 38400, marked as Exhibit "B-4," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, 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. 968143

## **Exhibit A-1**

EXHIBIT "A"  
LEGAL DESCRIPTION

Slope Easement Vacation

All that slope easement described in Exhibit "A", as Parcel 3, per Document No. 2003-1162339, Recorded September 22, 2003, of Official Records, at the San Diego County Recorder's Office, State of California, vacated.

Containing 0.472 acres more or less.

Attached hereto is a drawing no. 37373-B labeled exhibit "B" and by this reference made a part hereof.

Prepared By:

NV5, Inc.

Jeffrey J. Safford 9/23/14

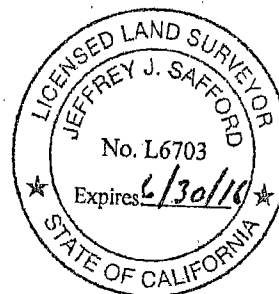
Jeffrey J. Safford, LS 6703

Date

IO 24003530

PTS 310632

DWG# 37373-B



## **Exhibit A-2**



LEGAL DESCRIPTION

Drainage Easement Vacation

All that drainage easement described in Exhibit "A", as Parcel 4, per Document No. 2003-1162340, Recorded September 22, 2003, of Official Records, at the San Diego County Recorder's Office, State of California.

Containing 0.054 acres more or less.

Attached hereto is a drawing No. 38023-B labeled Exhibit "B" and by this reference made a part hereof.

Prepared By:

Jeffrey J. Safford 9/23/14

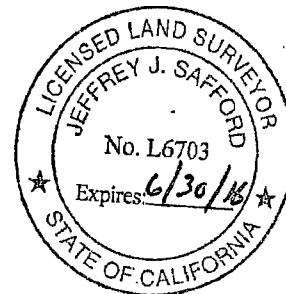
Jeffrey J. Safford, LS 6703

Date

IO 24003530

PTS 310632

DWG # 38023-B



## **Exhibit A-3**

**LEGAL DESCRIPTION**

**Slope Easement Vacation**

All that slope easement described in Exhibit "A", as Parcel C, per Document No. 1991-0340938, Recorded July 11, 1991 of Official Records, at the San Diego County Recorder's Office, State of California.

Containing 0.355 acres more or less.

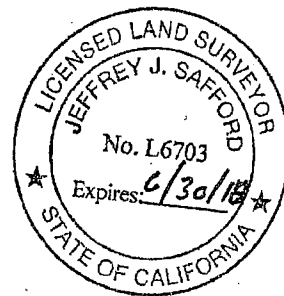
Prepared By:

NV5, Inc.

Jeffrey J. Safford 9/23/14

Jeffrey J. Safford, LS 6703

Date



## **Exhibit A-4**

## EXHIBIT "A"

**LEGAL DESCRIPTION  
DRAINAGE STRUCTURES AND EMBANKMENT SLOPES  
EASEMENT VACATION**

That portion of Acre Lot 34 of the Sorrento Lands and Townsite, in the City of San Diego, County of San Diego, State of California, 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, 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°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°00'51" West, 4742.51 feet to a point on the Westerly line of said Acre Lot 34 being the TRUE POINT OF BEGINNING; thence along said Westerly line North 15°01'52" West, 74.13 feet to the Northeasterly line of the Slope Easement relinquished to the City of San Diego per File/Page No. 318551, Recorded November 29, 1972 of Official Records at the San Diego County Recorder's Office, State of California, said Northeasterly line also shown on State of California, Division of Highways, State Highway Map No. 127 Relinquishment Map, Relinquishment No. 21770; thence leaving said Westerly line along said Northeasterly line the following courses: South 72°01'58" East, 98.07 feet (record North 72°00'54" West); thence South 46°30'50" East, 188.99 feet (record North 46°29'46" West, 188.99 feet); thence South 64°57'41" East, 238.10 feet (record North 64°56'37" West, 238.10 feet); thence South 85°13'37" East, 22.74 feet (record North 85°12'33" West, 22.74 feet); thence South 26°16'10" East, 10.88 feet ( record North 26°14'49" West) to a point on the Northerly Right-of-way of Mira Mesa Boulevard; thence along said Northerly Right-of-way South 49°20'12" West, 46.06 feet; thence South 59°13'38" West, 51.98 feet to the beginning of a tangent 25.00 foot radius curve concave Northerly; thence Westerly along the arc of said curve through a central angle of 83°14'31" an arc distance of 36.32 feet to a point on the Northeasterly Right-of-way of Vista Sorrento Parkway relinquished to the City of San Diego per said Relinquishment Map, said point being on a 535.00 foot radius curve concave Southwesterly, to which a radial line bears North 52°28'09" East; thence Northwesterly along said Northeasterly Right-of-way and along the arc of said curve through a central angle of 23°31'37", a distance of 219.68 feet to a point on a non-tangent 858.00 foot radius curve concave Southwesterly, to which a radial line bears North 37°32'12" East; thence leaving said Northeasterly Right-of-way Northwesterly along the arc of

Exhibit A-4

said curve through a central angle of 13°39'34", a distance of 204.55 feet to a point on said Westerly line of Acre Lot 34; thence along said Westerly line North 15°01'52" West, 5.21 feet to the TRUE POINT OF BEGINNING.

Containing 0.697 acres more or less.

Attached hereto is drawing no. 38400-B labeled exhibit "B" and by this reference made a part hereof.

Prepared By:

TSAC Engineering, Inc.

Jeffrey J. Safford 11/20/14

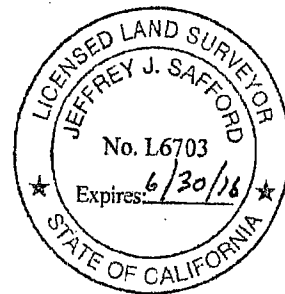
Jeffrey J. Safford, LS 6703

Date

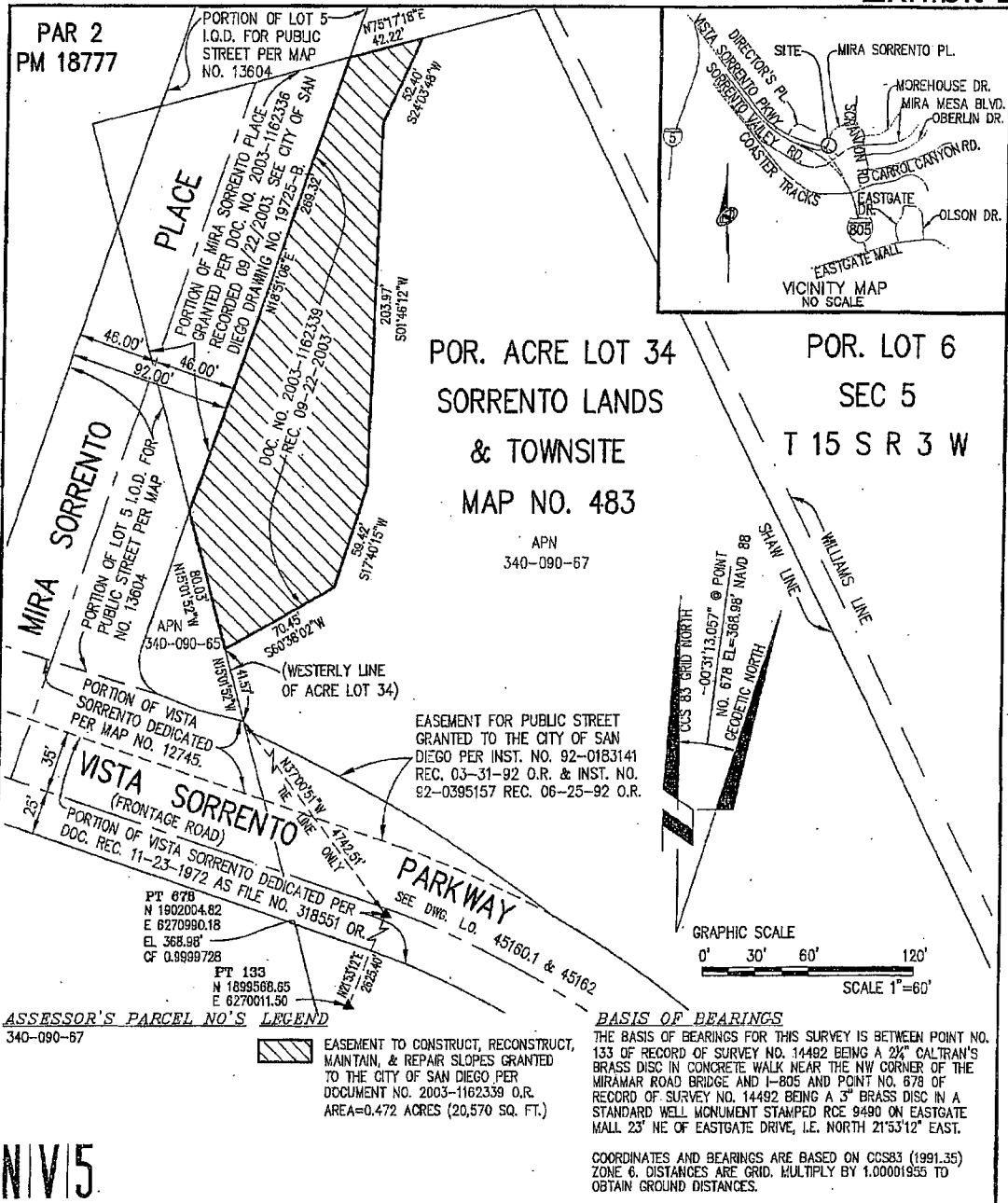
IO 24003530

PTS 310632

DWG 38400-B



## **Exhibit B-1**



N1V15

*Jeffrey J. Safford* 10/20/14  
 JEFFREY J. SAFFORD, LS 6703 DATE  
 MAP PREPARED BY:  
 NV5, INC.  
 15070 AVENUE OF SCIENCE, SUITE 100  
 SAN DIEGO, CA. 92128

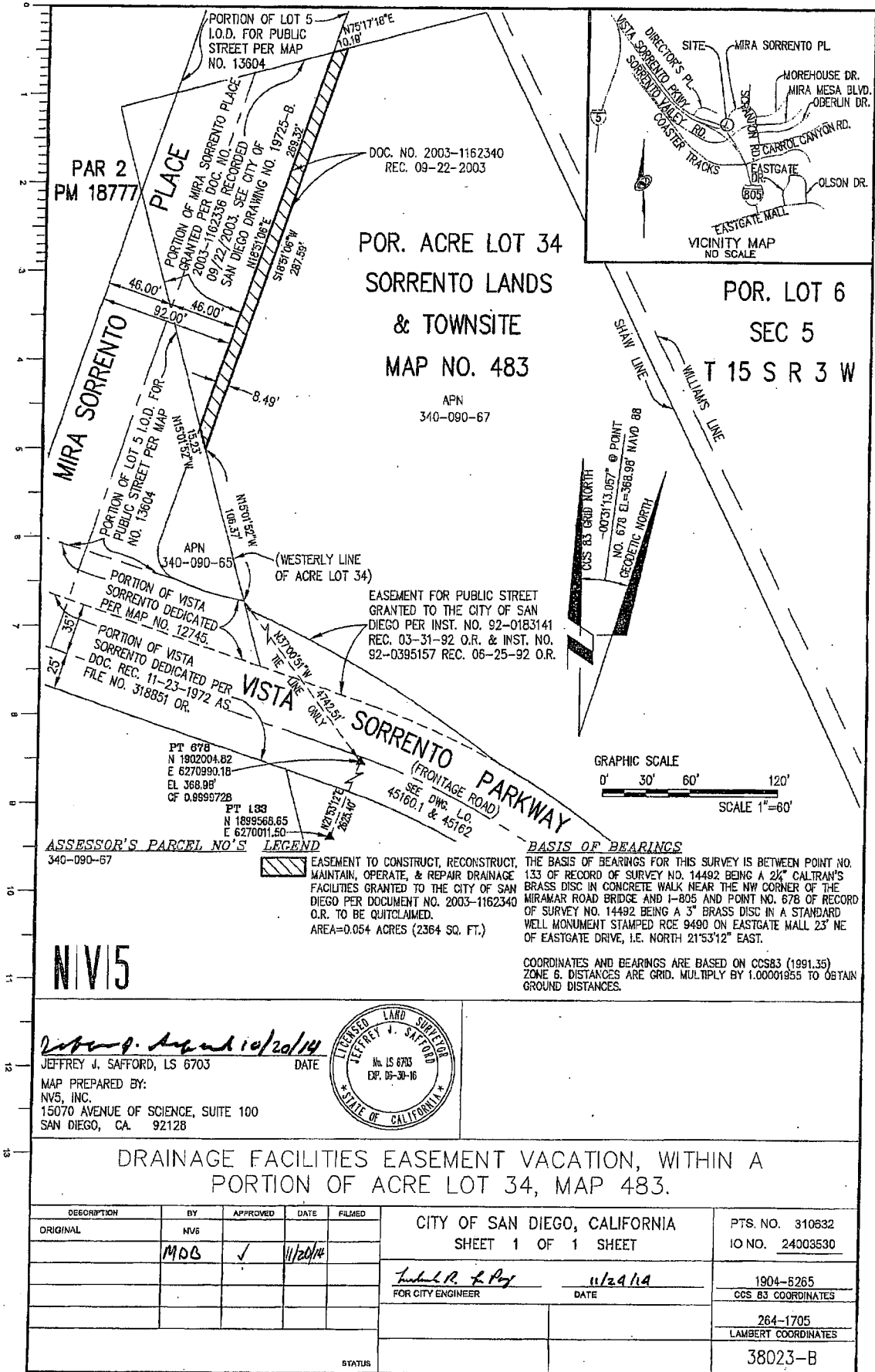


**SLOPE EASEMENT VACATION, WITHIN A PORTION OF ACRE LOT 34, MAP 483.**

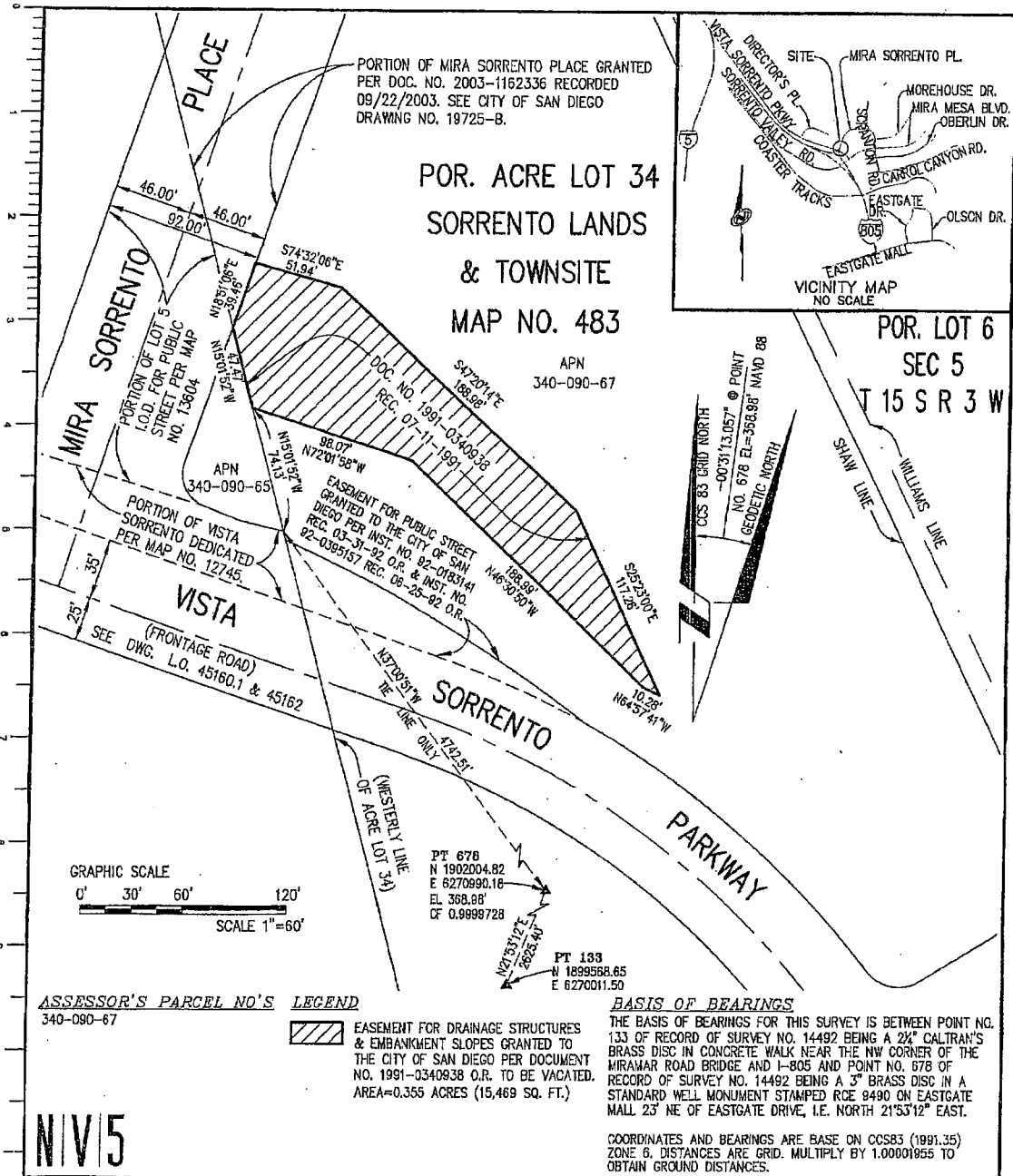
DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PTS. NO. 310632 JOB NO. 24003530
ORIGINAL	NV5				<i>Timothy R. ...</i> FOR CITY ENGINEER	1904-6285 CCS 83 COORDINATES
	MDS	✓	11/20/14			DATE 11/24/14
						37373-B



## **Exhibit B-2**



## **Exhibit B-3**



NV15

*Jeffrey J. Safford* 10/20/14  
 JEFFREY J. SAFFORD, LS 6703 DATE  
 MAP PREPARED BY:  
 NV5, INC.  
 15070 AVENUE OF SCIENCE, SUITE 100  
 SAN DIEGO, CA. 92128

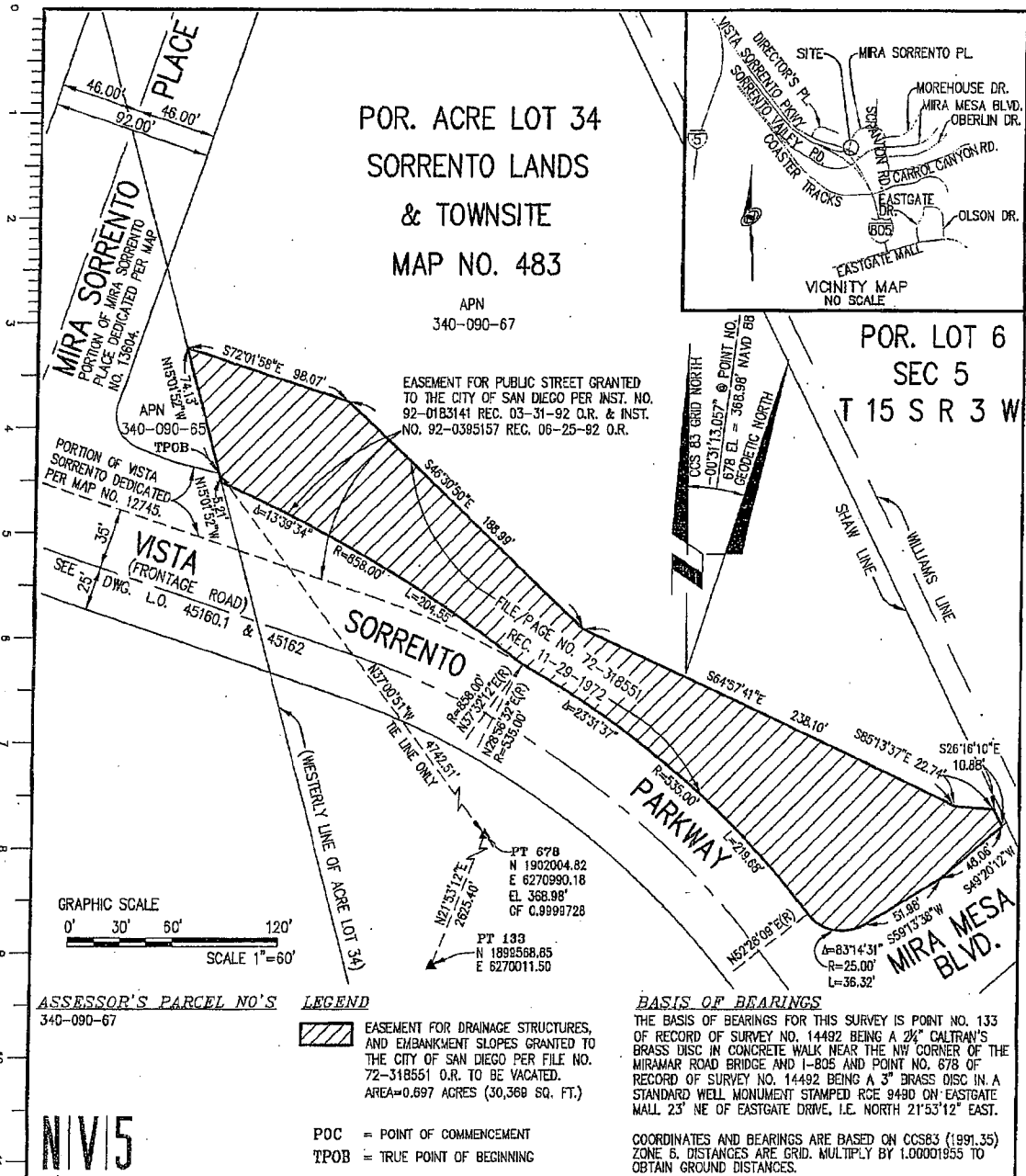
LICENSED LAND SURVEYOR  
 JEFFREY J. SAFFORD  
 No. LS 6703  
 Exp. 06-30-18  
 STATE OF CALIFORNIA

**DRAINAGE STRUCTURES AND EMBANKMENT SLOPES, EASEMENT VACATION, WITHIN A PORTION OF ACRE LOT 34, MAP 483.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PTS. NO. 310632 FO NO. 24003530	
ORIGINAL	NV5				<i>Frank R. Poy</i> FOR CITY ENGINEER	1904-8265 CCS 83 COORDINATES	
	MDS	✓	11/20/14			DATE 11/20/14	264-1705 LAMBERT COORDINATES
							38024-B
STATUS							

FILE PATH: J:\10000 - SDGE Land Survey MSA180\_Land Services\1070467\_1001416110302\Cadd\Survey\ITEM 10 PR DTD 12\_10\_12-QC EXHIBIT(SHT 1 of 1).dwg

## **Exhibit B-4**



ASSESSOR'S PARCEL NO'S  
340-090-67

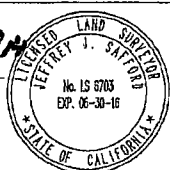
**LEGEND**  
 EASEMENT FOR DRAINAGE STRUCTURES, AND EMBANKMENT SLOPES GRANTED TO THE CITY OF SAN DIEGO PER FILE NO. 72-318551 O.R. TO BE VACATED. AREA=0.697 ACRES (30,368 SQ. FT.)

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS POINT NO. 133 OF RECORD OF SURVEY NO. 14492 BEING A 2" CALTRAN'S BRASS DISC IN CONCRETE WALK NEAR THE NW CORNER OF THE MIRAMAR ROAD BRIDGE AND I-805 AND POINT NO. 678 OF RECORD OF SURVEY NO. 14492 BEING A 3" BRASS DISC IN A STANDARD WELL MONUMENT STAMPED RCE 9490 ON EASTGATE MALL 23' NE OF EASTGATE DRIVE, I.E. NORTH 21°53'12" EAST.  
 COORDINATES AND BEARINGS ARE BASED ON CCS83 (1991.35) ZONE 6. DISTANCES ARE GRID. MULTIPLY BY 1.00001955 TO OBTAIN GROUND DISTANCES.

NIV/5

POC = POINT OF COMMENCEMENT  
 TPOB = TRUE POINT OF BEGINNING

*Jeffrey J. Safford 11/20/14*  
 JEFFREY J. SAFFORD, LS 6703 DATE  
 MAP PREPARED BY:  
 NVS, INC.  
 15070 AVENUE OF SCIENCE, SUITE 100  
 SAN DIEGO, CA. 92128



DRAINAGE STRUCTURES AND EMBANKMENT SLOPES, EASEMENT VACATION, WITHIN A PORTION OF ACRE LOT 34, MAP 483.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PTS. NO. 310832 JOB NO. 24003530
ORIGINAL	NVS	✓	11/20/14		<i>Jeffrey J. Safford</i> FOR CITY ENGINEER	1905-6268 CCS 83 COORDINATES
					DATE 11/20/14	262-1701 LAMBERT COORDINATES
						38400-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
Sherrri 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 *Steph Peadar*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309601