

RESOLUTION NUMBER R- 309949
DATE OF FINAL PASSAGE AUG 04 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO VACATING AN UNIMPROVED ALLEY
LOCATED ON 16TH STREET BETWEEN LOGAN AVENUE
AND NATIONAL AVENUE, RIGHT-OF-WAY VACATION
NO. 1383347.

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, Houshang and Shahla Nahavadian filed an application to vacate a 0.05-acre
unimproved public alley located on 16th Street between Logan Avenue and National Avenue,
being described as Right-of-Way Vacation No. 1383347; and

WHEREAS, Right-of-Way Vacation No. 1383347 is located on property owned by
Houshang and Shahla Nahavadian; 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, on May 27, 2015, the City of San Diego, as Lead Agency, through the
Development Services Department, made and issued an environmental determination that the
project is exempt from the California Environmental Quality Act (CEQA) (Public Resources

Code section 21000 et seq.) under CEQA Guideline Section 15305, minor alterations in land use limitations and there was no appeal of the environmental determination filed within the time period provided by San Diego Municipal Code Section 112.0520 and;

WHEREAS, the matter was set for public hearing on August 4, 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. 1383347, 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 unimproved 0.05-acre alley to be vacated was originally dedicated per Map No. 209 in 1870 and is not used for vehicular traffic. The southern entrance of the alley is accessible by 16th Street but dead ends on the northern end and does not provide through circulation for vehicular or pedestrian traffic. There is no present or prospective public use for the alley to be vacated by this action. The total area to be vacated is 5,162 square-feet and is surrounded by development. Therefore the present public use of the alley no longer serves any present or prospective public purpose, either for the facility for which it originally acquired or any other public use that can be anticipated.

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

The public will benefit from the vacation of the alley because it will eliminate unnecessary and unproductive encumbrances on the property at issue. The elimination of these burdens would facilitate more productive use of the property in the future and remove any liability to the City of San Diego. The public will benefit from the development through improved use of the land made available by the vacation.

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

The vacation of the alley is consistent with the General Plan, the Downtown Community Plan, and the goals and policies of any other applicable land use plan. The vacation of the alley would facilitate the growth of the adjacent property in a manner that would be harmonious with the applicable land use plans. Therefore, the vacation would be consistent with and not adversely affect any applicable land use plans.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

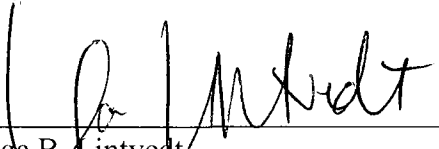
The unimproved 0.05-acre alley to be vacated was originally dedicated per Map No. 209 in 1870. The southern end of the alley is accessible by 16th Street but dead ends on the northern end and does not provide through circulation for vehicular or pedestrian traffic. Since, the adjacent properties which are all under the same ownership; the size of the alley; and that it does not provide public vehicular or pedestrian access concludes that 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. 1383347, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 38429-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following conditions which are made a part of this resolution:

1. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the closure of the existing alley entrance with City standard curb, gutter and sidewalk, satisfactory to the City Engineer.
2. Prior to the issuance of any construction permit, the Owner/Permittee shall assure by permit and bond the replacement of the damaged sidewalk with City standard sidewalk, on 16th Street from the existing alley entrance to the northerly boundary line of lot 25, satisfactory to the City Engineer.
3. Prior to the issuance of any construction permit, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement for the proposed curb outlet located within 16th Street right-of-way, satisfactory to the City Engineer.

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
July 21, 2015
Or.Dept: DSD
Doc. No.: 1066890

EXHIBIT "A"

**LEGAL DESCRIPTION
ALLEY VACATION**

ALL OF THE 20 FOOT UN-NAMED ALLEY IN BLOCK 137 OF MANNASSE AND SCHILLER ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 209, FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, JULY 11, 1870 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID ALLEY, BEING THE POINT OF INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID ALLEY WITH THE NORTHWESTERLY RIGHT WAY OF 16th STREET; THENCE,

NORTH 50°06'14" WEST 110.88 FEET

ALONG SAID SOUTHWESTERLY LINE TO THE POINT OF INTERSECTION OF THE NORTHERLY BOUNDARY LINE OF SAID MAP NO. 209 WITH THE SOUTHERLY BOUNDARY LINE OF MAP NO. 856; THENCE,

SOUTH 90°00' 00" EAST 31.18 FEET

ALONG THE COMMON BOUNDARY LINE OF SAID MAP 209 AND MAP 856 TO THE POINT OF INTERSECTION WITH THE NORTHEASTERLY LINE OF SAID ALLEY, THENCE;

SOUTH 50°06'14" EAST 86.96 FEET


ALONG SAID NORTHEASTERLY LINE OF SAID ALLEY TO THE POINT OF INTERSECTION WITH SAID NORTHWESTERLY RIGHT WAY OF 16th STREET; THENCE,

SOUTH 39°53'46" WEST 20.00 FEET

ALONG SAID NORTHWESTERLY RIGHT WAY OF 16th STREET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,978 SQ. FT., (0.045 ACRE) MORE OR LESS.

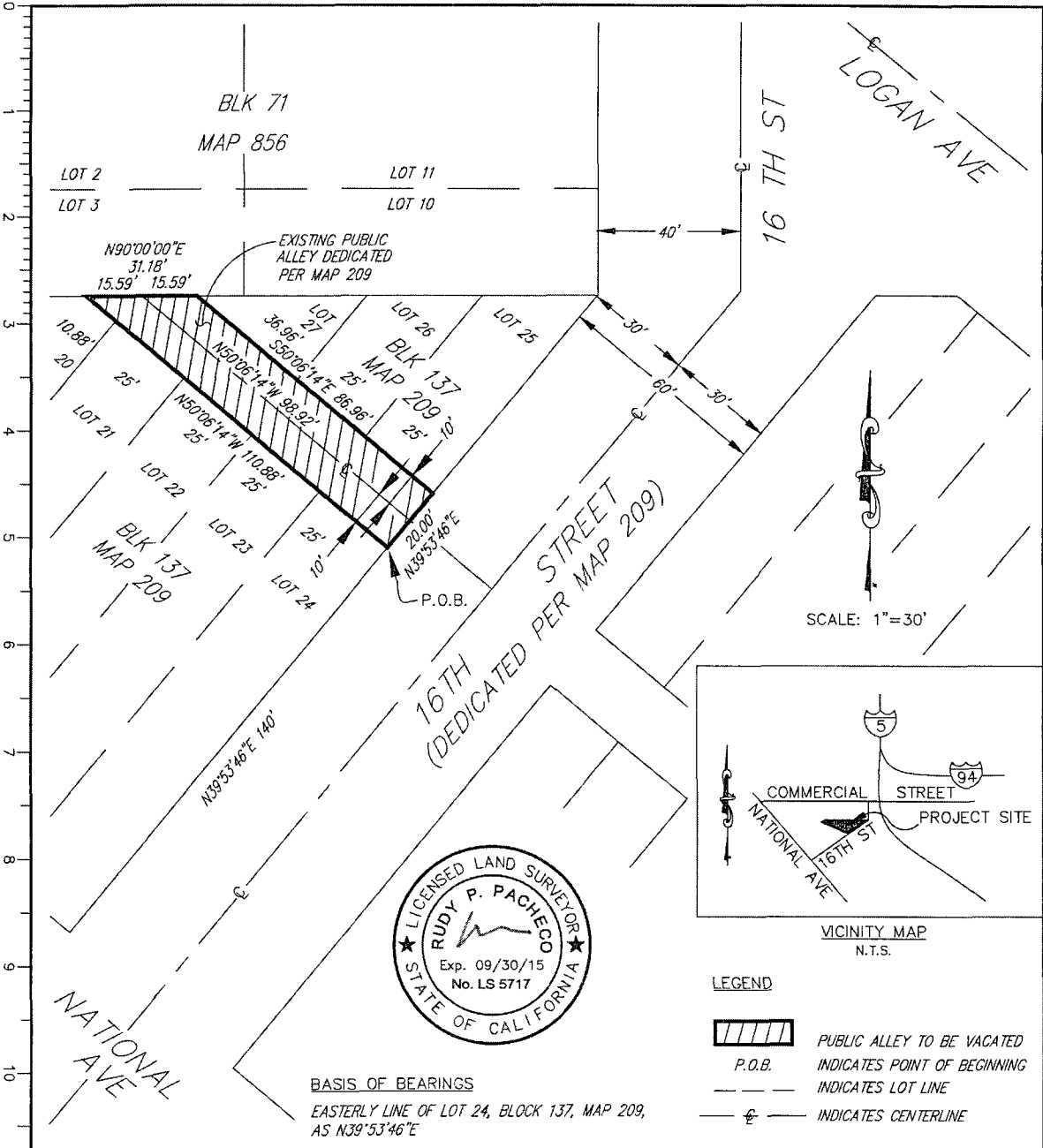
ATTACHED HERETO IS A DRAWING NO. 38429-B LABELED EXHIBIT "B"
AND BY THIS REFERENCE IS MADE A PART HEREOF.



RUDY PACHECO DATE
PLS 5717 7/7/2015



PTS 396209
IO 24005299
DWG 38429-B



[Signature] 7/7/2015
RUDY P. PACHECO P.L.S. 5717
EXP. 09-30-15

PUBLIC ALLEY VACATION
OF A PORTION OF ALLEY
ADJOINING LOT 21,22,23,24,25,26 AND 27, IN BLOCK 137 OF MANNASE AND SCHILLER ADDITION. MAP 209

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S NO. 396209
ORIGINAL	ACCUCLINE				SHEET 1 OF 1 SHEET	IO. NO. 24005299
					FOR CITY ENGINEER	1836-6283
					DATE	CCS 83 COORDINATES
						196-1723
						LAMBERT COORDINATES
						38429-B
STATUS						

Passed by the Council of The City of San Diego on AUG 04 2015, 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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 AUG 04 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 , Deputy

Office of the City Clerk, San Diego, California

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