

RESOLUTION NUMBER R- 310044

DATE OF FINAL PASSAGE OCT 27 2015

ITEM # 333
10/27/15

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING A 0.02-ACRE UNIMPROVED ALLEY LOCATED BETWEEN CALLE CASAS BONITAS AND REO DRIVE, RIGHT-OF-WAY VACATION NO. 1467546.

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, Hector Martinez filed an application to vacate a 0.02-acre unimproved public alley right-of-way located between Calle Casas Bonitas and Reo Drive, adjacent to 5841 and 5845 Calle Casas Bonitas, being described as Right-of-Way Vacation No. 1467546; and

WHEREAS, Right-of-Way Vacation No. 1467546 is located on property owned by the Martinez Family Trust and the Elizabeth P. Fay Trust; and

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

WHEREAS, the public right-of-way has been impassable for vehicular travel for a period of 5 years and public funds have not been expended for maintenance of the public right-of-way during that period; 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 July 31, 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 Guidelines Section 15061(b)(3) 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 October 27, 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. 1467546, 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 0.02-acre alley to be vacated was originally dedicated per Map No. 2101 in 1928 and has never been developed or used for vehicular traffic. The unimproved alley is 10 feet wide and approximately 95 feet long and runs between Calle Casas Bonitas and Reo Drive, between an existing single-family residence at 5845 Calle Casas Bonitas and an under-construction single-family residence at 5841 Calle Casas Bonitas. There is grade differential of approximately 45 feet from the high point along Calle Casas Bonitas to the low point at Reo Drive and no through circulation for vehicle or pedestrian traffic is provided. There is no present or prospective public use for the alley proposed to be vacated by this action. Therefore, the alley

no longer serves any present or prospective public use, either for the facility for which it was 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 public will benefit from the vacation of the alley because it will eliminate unnecessary and unproductive encumbrances on the subject properties. 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 the improved use of the land made available by the vacation.

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

The Skyline-Paradise Hills Community Plan designates the site for single-family development and does not identify any current or proposed vehicle or pedestrian circulation uses for the project site. The vacation of this unimproved alley is consistent with goals and policies of the General Plan and the Skyline Paradise Hills Community Plan in that the vacation would allow the development of the two impacted properties consistent with the single-family zoning and Community Plan land use designation. 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 0.02-acre alley to be vacated was originally dedicated per Map No. 2101 in 1928 and has never been developed or used for vehicular traffic. The unimproved alley is 10 feet wide and approximately 95 feet long and runs between Calle Casas Bonitas and Reo Drive, between an existing single-family residence at 5845 Calle Casas Bonitas and an under-

construction single-family residence at 5841 Calle Casas Bonitas. There is grade differential of approximately 45 feet from the high point along Calle Casas Bonitas to the low point at Reo Drive and no through circulation for vehicle or pedestrian traffic is provided. The site is located in an established single-family neighborhood with a fully developed modified grid street system and all Community Plan identified circulation roads have been constructed. The two adjacent properties impacted by the vacation already take access from Calle Casas Bonitas and do not need the alley for access, parking or utilities. 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. 1467546 , as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 38809-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 
Shannon M. Thomas
Deputy City Attorney

SMT:als
10/02/2015
Or.Dept:DSD
Doc. No.: 1129537

Passed by the Council of The City of San Diego on OCT 27 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 27 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 *Sty Brady*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310044

EXHIBIT "A"
LEGAL DESCRIPTION
UNNAMED LANE VACATION

ALL THAT PORTION OF THE UNNAMED LANE AS DEDICATED TO PUBLIC USE LYING BETWEEN BLOCK 52 AND BLOCK 46 OF PARADISE HILLS UNIT NO. 3, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2101, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON APRIL 2, 1928, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

SAID UNNAMED LANE LYING BETWEEN THE EASTERLY RIGHT OF WAY OF CALLE CASAS BONITAS AND REO DRIVE AS DEDICATED PER SAID MAP.

ATTACHED HERETO IS A DRAWING NO. 38809-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

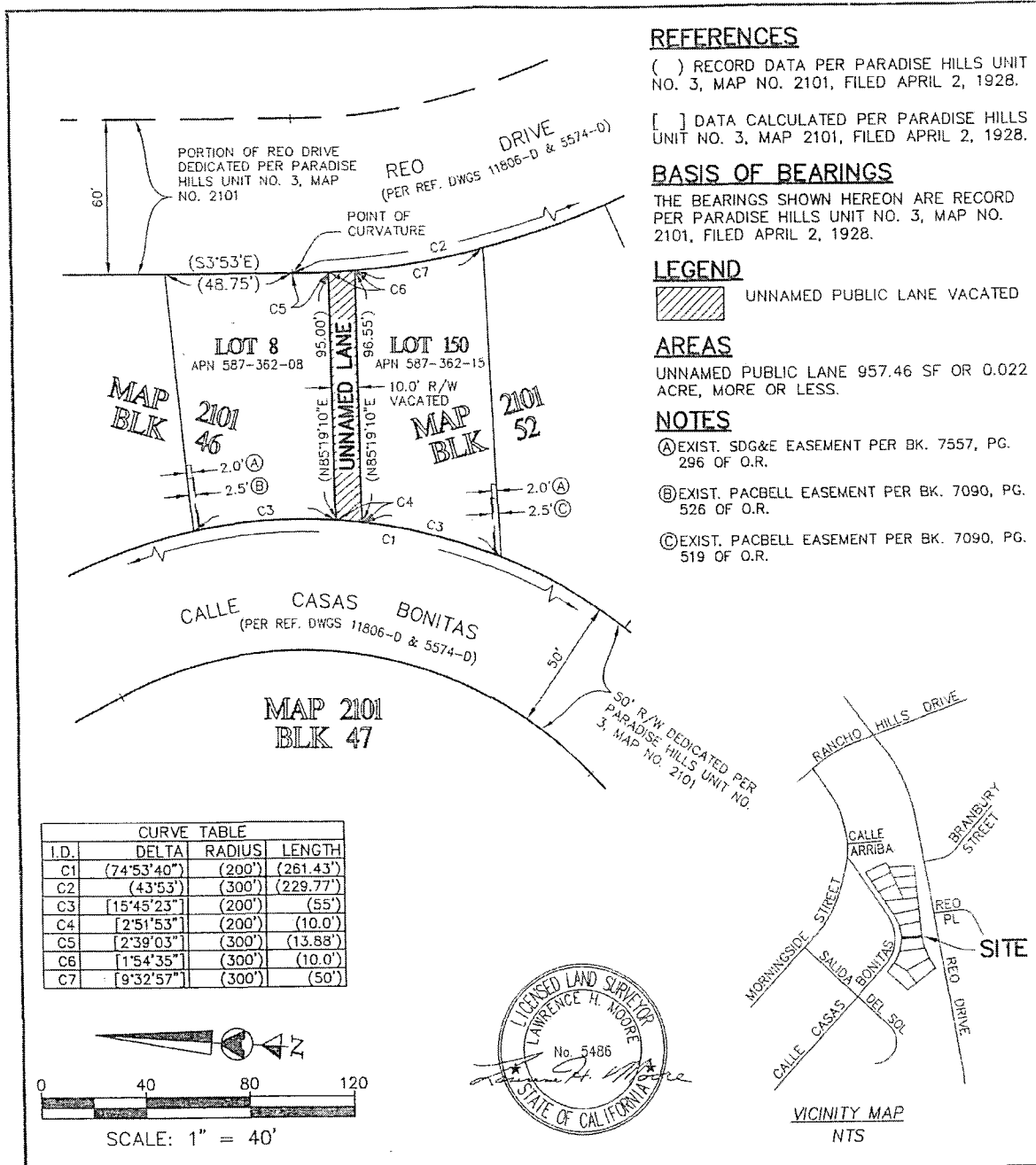

LAWRENCE H. MOORE, PLS 5486

08-06-2015
DATE

PTS: 417624
IO: 24005744
DWG# 38809-B



EXHIBIT "B"



REFERENCES

() RECORD DATA PER PARADISE HILLS UNIT NO. 3, MAP NO. 2101, FILED APRIL 2, 1928.

[] DATA CALCULATED PER PARADISE HILLS UNIT NO. 3, MAP 2101, FILED APRIL 2, 1928.

BASIS OF BEARINGS

THE BEARINGS SHOWN HEREON ARE RECORD PER PARADISE HILLS UNIT NO. 3, MAP NO. 2101, FILED APRIL 2, 1928.

LEGEND

UNNAMED PUBLIC LANE VACATED

AREAS

UNNAMED PUBLIC LANE 957.46 SF OR 0.022 ACRE, MORE OR LESS.

NOTES

- (A) EXIST. SDG&E EASEMENT PER BK. 7557, PG. 296 OF O.R.
- (B) EXIST. PACBELL EASEMENT PER BK. 7090, PG. 526 OF O.R.
- (C) EXIST. PACBELL EASEMENT PER BK. 7090, PG. 519 OF O.R.

ALBERT ENGINEERING, INC.
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428 BROADWAY
CHULA VISTA, CA 91910
PH: (619) 420-7090
E-MAIL:
albert@albertengineering.com

RESOLUTION NO. _____
RECORDED _____
DOCUMENT NO. _____
RECORDED _____

STREET VACATION OF UNNAMED PUBLIC LANE BETWEEN LOT 150, BLOCK 52, AND LOT 8, BLOCK 46 OF MAP 2101

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SHEET 1 OF 1 SHEETS	
		CED	9/10/15		<i>Frederick R. de Poy</i> FOR CITY ENGINEER	9/10/15 DATE
						I.O. NO. 24005744 PROJECT NO. 417624
						CCS. 1822-6309 NAD83 COORDINATES
						L.C. 182-1749 LAMBERT COORDINATES
						38809-B