

RESOLUTION NUMBER R- 310480

DATE OF FINAL PASSAGE MAY 17 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO SUMMARILY VACATING A PORTION OF  
CAMINO MAQUILADORA STREET (RIGHT-OF-WAY  
VACATION NO. 1668804) – PROJECT NO. 440659.

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, Brown Field Tech Park LLC (Applicant), filed an application to vacate a 1.3-acre portion of Camino Maquiladora Street, an existing 70-foot-wide unimproved road located on Camino Maquiladora Street, east of Continental Street, south of Otay Mesa Road and north of State Route 905 (SR 905), being described as Right-of-Way Vacation No. 1668804; and

WHEREAS, Right-of-Way Vacation No. 1668804 is located on property owned by Brown Field Technology Park LLC; 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 November 21, 2015, the Otay Mesa Planning Group voted 9-0-1 to recommend approval of Right-of-Way Vacation No. 1668804; 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 matter was set for public hearing on MAY 17 2016, 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. 1668804, 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 project proposes a right-of-way vacation of a 1.3-acre portion of Camino Maquiladora, an existing 70-foot-wide unimproved road located east of Continental Street, south of Otay Mesa Road and north of SR 905. Camino Maquiladora is a cul-de-sac street within the Brown Field Technology Park Unit 1 Map No. 20706 and is not a classified street in the Otay Mesa Community Plan. The SR 905 Freeway abuts the southerly portion of the Brown Field Technology Park Unit 1 (BFTP) site. The SR 905 right-of-way was set aside on the original BFTP final map. Subsequent to recording the final map, Caltrans determined that the SR 905 right-of-way within BFTP Unit 1 needed to expand by several acres, which reduced the developable area. The reduced development depth bisected by a cul-de-sac makes it difficult to design industrial buildings with suitable truck loading and circulation. The street vacation will allow for more efficient industrial building development. The BFTP site has been graded, Otay Mesa Road has been widened, and storm water facilities have been installed. With approval of the street vacation, building construction may proceed. Adjacent development will be able to

obtain public street access on Continental Street, Otay Mesa Road, and along the other portions of Camino Maquiladora. The area proposed for vacation is not required to provide access to other properties and is excess right-of-way. Therefore, the public right-of-way 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 right-of-way vacation because it will eliminate unnecessary and unproductive encumbrances on the subject property. The elimination of these burdens would facilitate more productive use of the property in the future. The land made available by the vacation will improve development of the adjoining parcels consistent with the recently adopted Otay Mesa Community Plan, in that the vacation would allow the development of the project site and adjoining properties consistent with the industrial zone and Community Plan land use designation. 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 Otay Mesa Community Plan designates the underlying project site for industrial use and does not identify any current or proposed vehicle or pedestrian circulation uses for the project site. The vacation of the public right-of-way is consistent with goals and policies of the General Plan and the Otay Mesa Community Plan in that the vacation would allow the development of the project site and adjoining properties consistent with the industrial zone 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.

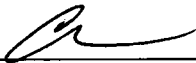

The project proposes a right-of-way vacation of a 1.3-acre portion of Camino Maquiladora, an existing 70-foot-wide unimproved road located east of Continental Street, south of Otay Mesa Road, and north of SR 905. The public improvements anticipated when the right-of-way was originally acquired were never constructed and the right-of-way is no longer needed to implement the BFTP Unit 1 project. Camino Maquiladora is a cul-de-sac street within the BFTP Unit 1 Map No. 20706 and is not identified as a classified street in the Otay Mesa Community Plan. The undeveloped right-of-way is not required to provide pedestrian or vehicular circulation to any other adjacent 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. 1668804, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 37783-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated, subject to the following condition which is made a part of this resolution.

1. Prior to the recordation of the street vacation, Applicant shall record the following maps concurrently: a Parcel Map to consolidate Parcels 3 and 4 of Parcel Map No. 20706 into a single parcel, a second Parcel Map to consolidate Parcels 5, 6, 7 and 10 of Parcel Map No. 20706 into a single parcel, and a third Parcel Map to consolidate Parcels 8 and 9 of Parcel Map No. 20706 into a single parcel.

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, subject to the above conditions.

APPROVED: JAN I. GOLDSMITH, City Attorney

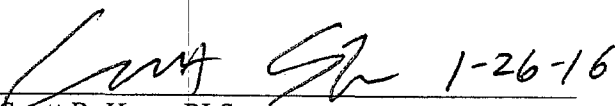
By    
Heidi K. Vonblum  
Deputy City Attorney

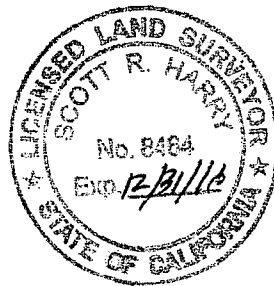
HKV:nja  
04/15/16  
12/20/16 Cor. Copy  
Or.Dept: DSD  
Doc. No.: 1266688

EXHIBIT "A"  
LEGAL DESCRIPTION  
FOR  
CAMINO MAQUILADORA  
STREET VACATION

ALL OF CAMINO MAQUILADORA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS DEDICATED TO PUBLIC USE ON PARCEL MAP NO. 20706 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SEPTEMBER 10, 2009.

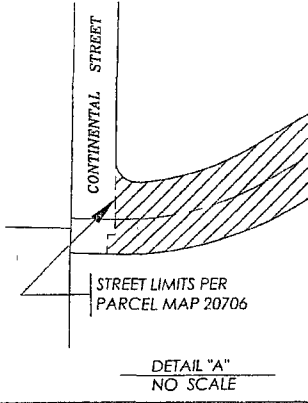
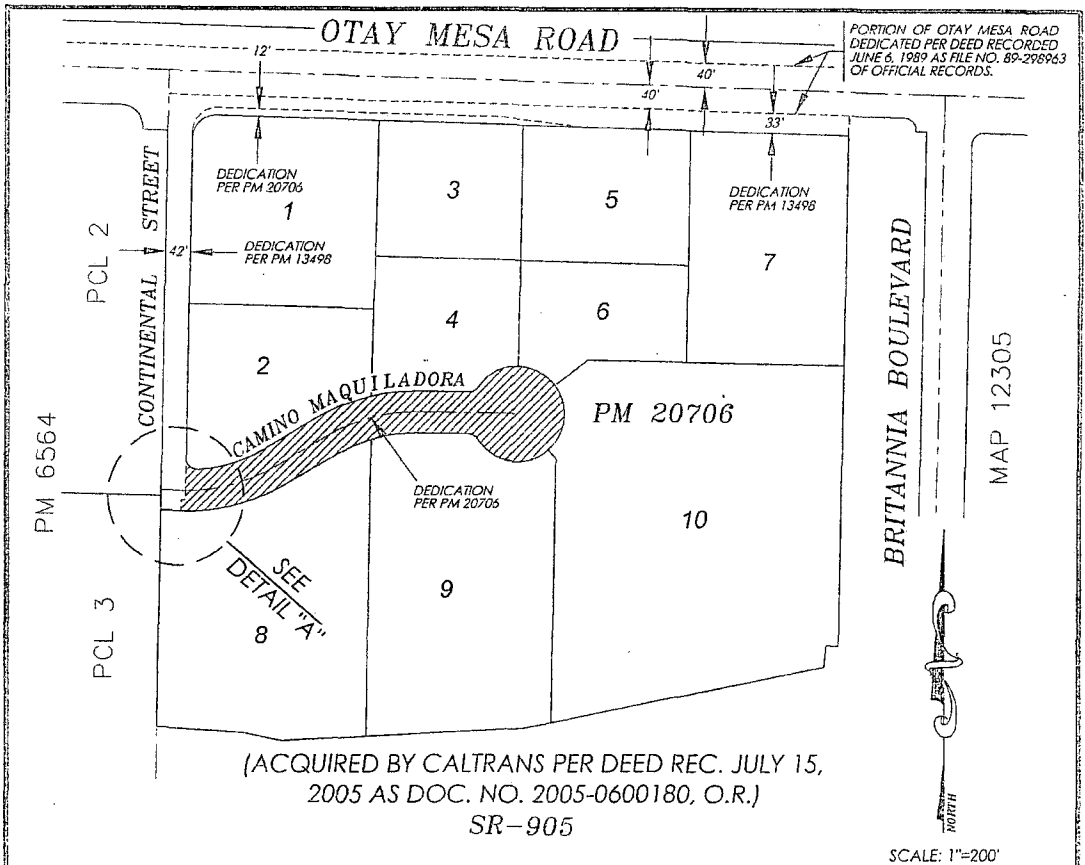
ATTACHED HERETO IS A DRAWING NO. 39148-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART THEREOF.

  
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Scott R. Harry PLS  
Licensed Surveyor



PTS #440659  
Dwg. #39148-B  
I.O. #24006140

# EXHIBIT "B"



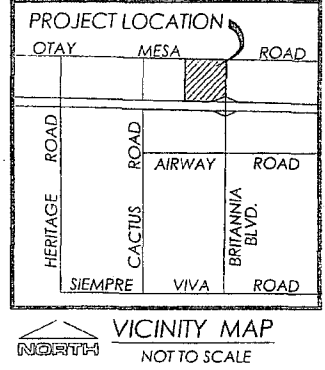
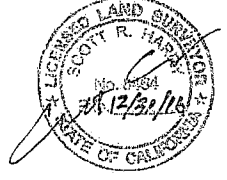
**LEGEND**

INDICATES STREET RIGHT OF WAY VACATED AREA = 56,392.52 SQ. FT.

A.P.N.s 646-102-3 THROUGH 12

**REFERENCE DRAWINGS**

PM 20706, PM 6564, MAP 13498



*Scott R. Harry* 1-26-16  
SCOTT R. HARRY LS 8464 DATE

## CAMINO MAQUILADORA STREET VACATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS	P.T.S. NO. 440659 I.C. NO. 24006140
ORIGINAL	KARN				<i>Scott R. Harry</i> 1/27/16 FOR CITY ENGINEER DATE	1784-6333 NAD 83 COORDINATES
						144-1773 LAMBERT COORDINATES
						39148-B
					STATUS	

Passed by the Council of The City of San Diego on MAY 17 2016, 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 17 2016.

(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 Stacy R. [Signature], Deputy

Office of the City Clerk, San Diego, California

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