

RESOLUTION NUMBER R- 310502

DATE OF FINAL PASSAGE MAY 24 2016

ITEM # 330
5/24/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING A PORTION OF UNNAMED STREET RIGHT-OF-WAY VACATION 1663301 FOR CASTLEROCK SDG&E – PROJECT NO. 432398.

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, Pardee Homes filed an application to vacate a 15-foot portion of an unnamed, unimproved right-of-way north of Mast Boulevard and west of Pecan Valley Drive being described as Right-of-Way Vacation No. 1663301; and

WHEREAS, Right-of-Way Vacation No. 1663301 is located on property owned by San Diego Gas & Electric; and

WHEREAS, this action will implement a previous agreement between Pardee Homes and San Diego Gas & Electric in which a public Right-of-Way (ROW) was dedicated; and

WHEREAS, the matter was set for public hearing on April 26, 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; 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to Right-of-Way Vacation No. 1663301, the Council finds that:

(a) There is no present or prospective 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 public right-of-way to be vacated is unimproved and not used by the public for street or other purposes. The right-of-way does not appear in the East Elliott Community Plan and no roadway is planned for the area.

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

The public would benefit by being relieved of the cost of management and maintenance responsibilities for this right-of-way as it would become private property and the responsibility of the owner. This would also result in reduced liability to the City.

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

The area to be vacated is not identified as a roadway in the East Elliott Community Plan, and no streets or roads are recommended for the right-of-way. Therefore, the proposed street vacation would not adversely affect the applicable community plan.

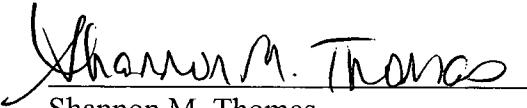
(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

No public facility is planned for the right-of-way and no roadway is recommended in the East Elliott Community Plan. Therefore, no public facility for which the public right-of-way was originally acquired will be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 1663301, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38998-1-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
4/11/2016
Or.Dept:DSD
Doc. No. 1259183

EXHIBIT 'A'

LEGAL DESCRIPTION

PUBLIC STREET EASEMENT VACATION

A PORTION OF LOT 5 OF THE RESUBDIVISION OF A PART OF FANITA RANCHO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1703, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, STATE OF CALIFORNIA, ON FEBRUARY 28, 1918 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LAND CONVEYED TO SAN DIEGO GAS AND ELECTRIC PER DEED RECORDED OCTOBER 21, 1975 AS FILE NO. 75-289826 IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SAID POINT BEING ON THE CENTERLINE OF A 60 FOOT ROAD EASEMENT FROM THE UNITED STATES OF AMERICA TO THE CITY OF SAN DIEGO ON JUNE 7, 1965 AS FILE NO. 101350 AS DEDICATED AND SHOWN ON CITY DRAWING NO. 11844-D (ROAD EASEMENT NO. 3), FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDERS AS MISCELLANEOUS MAP NO. 465 ON FEBRUARY 15, 1965; THENCE

1. NORTH 42°26'27" WEST 70.11 FEET TO THE **TRUE POINT OF BEGINNING**, SAID POINT ALSO LYING ON THE NORTHERLY LINE OF SAID 60 FOOT ROAD EASEMENT, SAID POINT ALSO LYING ON A 367.00 FOOT RADIUS NONTANGENT CURVE CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 64°05'18" EAST; THENCE ALONG THE ARC OF SAID CURVE
2. SOUTHWESTERLY 18.00 FEET THROUGH A CENTRAL ANGLE OF 2°48'39" TO THE BEGINNING OF 725.00 FOOT RADIUS NONTANGENT CURVE CONCAVE NORTHEASTERLY, A LINE RADIAL TO SAID POINT BEARS SOUTH 22°09'29" WEST; THENCE ALONG THE ARC OF SAID CURVE
3. NORTHWESTERLY 425.26 FEET THROUGH A CENTRAL ANGLE OF 33°36'27" TO THE BEGINNING OF A 755.00 FOOT RADIUS REVERSE CURVE CONCAVE SOUTHWESTERLY; THENCE ALONG THE ARC OF SAID CURVE
4. NORTHWESTERLY 20.71 FEET THROUGH A CENTRAL ANGLE OF 1°34'18"; TO A POINT ON THE WESTERLY LINE OF LAND CONVEYED TO SAN DIEGO GAS AND ELECTRIC PER SAID DEED 75-289826; THENCE ALONG SAID WESTERLY LINE
5. NORTH 1°09'58" EAST 24.53 FEET TO THE BEGINNING OF A 770.00 FOOT RADIUS NONTANGENT CURVE CONCAVE SOUTHWESTERLY, SAID POINT ALSO LYING ON THE NORTHERLY LINE OF SAID 60 FOOT ROAD EASEMENT; THENCE LEAVING SAID

WESTERLY LINE AND ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY LINE

- 6. SOUTHEASTERLY 40.72 FEET THROUGH A CENTRAL ANGLE OF 3°01'47" TO THE BEGINNING OF A 710.00 FOOT RADIUS REVERSE CURVE CONCAVE NORTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID NORTHERLY LINE

- 7. SOUTHEASTERLY 404.85 FEET THROUGH A CENTRAL ANGLE OF 32°40'14" TO THE BEGINNING OF A 30.00 FOOT RADIUS COMPOUND CURVE CONCAVE NORTHEASTERLY; THENCE ALONG THE ARC OF SAID CURVE AND CONTINUING ALONG SAID NORTHERLY LINE

- 8. SOUTHEASTERLY AND NORTHEASTERLY 13.65 FEET THROUGH A CENTRAL ANGLE OF 26°03'48" TO THE **TRUE POINT OF BEGINNING.**

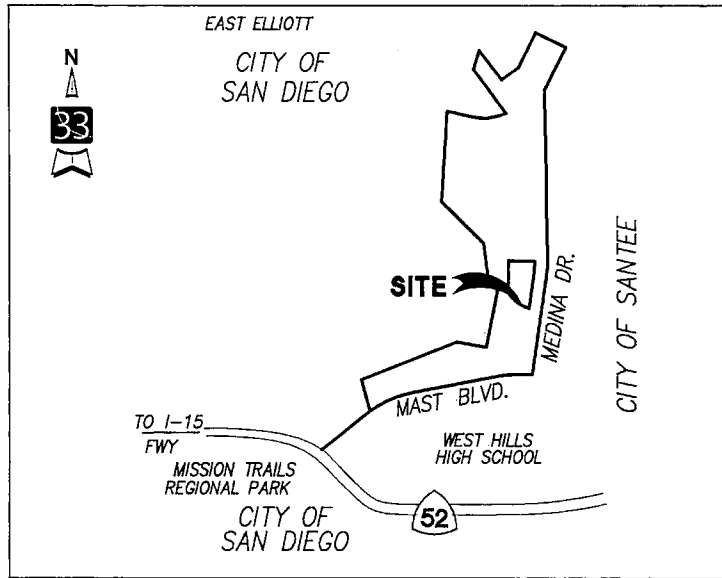
SAID LAND CONTAINS 0.16 ACRES MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 38998-B LABELED EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.

BY: _____
JOHN EARDENSOHN, L.S. 5278


DATED: _____

I.O. NO. 24006032
DWG. NO. 38998-B
PTS. NO. 432398



VICINITY MAP
NTS

LEGEND:

- P.O.B. INDICATES POINT OF BEGINNING
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
- (R) INDICATES RADIAL BEARING
- INDICATES PARCEL LINE
- INDICATES EXISTING EASEMENT
-  INDICATES EXISTING PUBLIC STREET EASEMENT TO BE VACATED, AREA = 0.156 ACRES

ASSESSOR'S PARCEL NUMBER:
366-090-24

REFERENCE DRAWING:
MAP 1703, DWG NO. 11844-D
DWG NO. 38150-D, DWG NO. 38434-D

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EASTERLY LINE OF DEED RECORDED OCTOBER 21, 1975 AS FILE NO. 75-289826 OF O.R., I.E. N08°11'08"E

latitude 33
PLANNING & ENGINEERING
9968 HIBERT STREET 2ND FLOOR
SAN DIEGO, CA 92131
TEL 858.751.0633



C. JOHN EARDENSOHN L.S. 5278 DATE
REGISTRATION EXPIRES 12-31-2015

PUBLIC STREET EASEMENT VACATION
IN A PORTION OF LOT 5 OF MAP 1703

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 2 SHEETS	I.O. NO. 24006032
ORIGINAL	LAT33				FOR CITY ENGINEER _____ DATE _____	P.T.S. NO. 432398
						1886-6321 CCS '83 COORDINATES
						246-1761 LAMBERT COORDINATES
						38998-1-B

R- 310502

Passed by the Council of The City of San Diego on MAY 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 24 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 *Mary Stronberg*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 310502