

#51
3/21/17

ORDINANCE NUMBER O- 20799 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 21 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING REVERSION TO ACREAGE MAP
OF GUYMON ARMS MAP NO. 9962 INCLUDING THE
VACATION OF HALLMARK WAY AND THE
ABANDONMENT OF PUBLIC SERVICE EASEMENT –
PROJECT NOS. 495774/495796.

WHEREAS, the 4.7 acre site is located at 4990 Guymon Street in the OP-1-1 (Open Space-Park) zone of the Encanto Community Plan area; and

WHEREAS, the project site is currently undeveloped and is covered by partially disturbed vegetated areas and environmentally sensitive lands (biological resources), and the site is owned by the City of San Diego and managed by the Park and Recreation Department; and

WHEREAS, the project proposes to develop a 0.86 acre public pocket park (adjacent to Guymon Street) which includes a children's play area, shade structures, barbeques, benches, exercise equipment, synthetic turf, restrooms, a drinking fountain, and security lighting on the southwestern portion of the project site; and

WHEREAS, on the northern portion of the parcel, the project proposes to develop a 1.6 acre multi-purpose natural turf field with a 6-foot wide decomposed granite walking track for joint use between the City of San Diego and Horton Elementary School; and

WHEREAS, the California Subdivision Map Act (SMA) sections 66499.11 through 66499.20.3 and the San Diego Municipal Code sections 125.0801 through 125.0850 provide procedures for reversion of a subdivided real property to acreage, and the vacation of public street and abandonment of public service easements by City Council ordinance; and

WHEREAS, the City of San Diego Planning Department has filed an application for the Reversion to Acreage Map of Guymon Arms Map No. 9962, being a reversion of Lot 1 and Lots

A-1 through A-41 of Guymon Arms, and to vacate Hallmark Way and abandon the public service easements as dedicated and granted according to Map No. 9962, filed in the Office of the County Recorder of San Diego County on January 19, 1981, by filing of the reversion map as provided in section 66499.18 of the Subdivision Map Act, in the City of San Diego, County of San Diego, State of California; and

WHEREAS, under Charter Section 280(a)(2), this ordinance 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 March 7, 2017, 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That it adopts the following findings with respect to Reversion to Acreage Map of Guymon Arms Map. No. 9962:

Reversion to Acreage San Diego Municipal Code (SDMC) 125.0840

1. Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes. Guymon Arms Map No. 9962 was filed in the Office of the County Recorder of San Diego on January 9, 1981 creating Lot 1, A-1 through A-41. The residential development project included open space easements, water easements, and drainage easements, and a public right-of-way known as Hallmark Way. Since 1981, the residential project was never developed. Subsequently in 1987, the subject sites' land use classification and base zone was changed from multi-family Residential to Open Space/Parks. The dedications pursuant to Map No. 9962 are unnecessary for present or prospective public purposes as residential development is prohibited for the subject site under the City's base zone and the Encanto Community Plan's Neighborhood based Park land use designation. The project's Reversion to Acreage application proposes to vacate all dedications recorded on Map 9962 to allow the development of the subject site for a public pocket park and multi-use natural facility.

2. **All owners having an interest in the real property within the subdivision have consented to the reversion.** The City of San Diego has owned the 4.7 acre parcel located at 4990 Guymon Street since 1979 and was the owner of the property when Guymon Arms Map No. 9962 was recorded in the Office of County Recorder of San Diego. Since that time, none of the individual lots shown on Map No. 9962 have been sold as the project was never developed. Currently, the City of San Diego is the sole owner of the subject site.

BE IT FURTHER ORDAINED, that the public service easements located within the Project boundaries are vacated and that the following findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference:

(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;** Guymon Arms Map No. 9962 was filed in the Office of the County Recorder of San Diego in January 9, 1981 creating Lot 1, A-1 thru A-41. The residential development project included open space easements, water easements, drainage easements, and a public right-of-way known as Hallmark Way. There is no present or prospective public use for the easements because the approved project under Guymon Arms Map No. 9962 was not developed. In addition, the existing public service easements identified in Guymon Arms does not contain any facilities and currently does not serve the purpose for which it was originally acquired for. Therefore, the public use of the vacated public service easements is not anticipated as the residential development project is no longer permitted on the subject property.

(b) **The public will benefit from the action through improved utilization of the land made available by the vacation;** Once the public services easements and other easement vacations are approved, the site will be developed for a public pocket park and a joint use area between the City of San Diego and Horton Elementary School for a multi-purpose walking track and field. The public will benefit from the development of passive and active recreational opportunities for the residents within the Encanto Community.

(c) **The vacation is consistent with any applicable *land use plan*;** The Encanto Community Plan classifies the subject site as a Neighborhood-based Park. The vacation of public services easements is consistent with the applicable land use plan as the development of the subject site will create additional passive and active recreational uses for the residents within the Encanto Community.

(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 original purpose and acquisition of the public service easements was to provide public service facilities to a residential development. Given that the residential development was not developed and has no facilities within them, these easements do not have any prospective use or purpose for the public benefit. The vacation of the public service easements will not detrimentally affect the public as the vacation will provide a public benefit by developing a public pocket park and a joint use area with a multi-purpose walking track and field.

Section 2. That, notwithstanding San Diego Municipal Code section 112.0509, which provides for a Planning Commission hearing and recommendation prior to certain City Council actions, no Planning Commission hearing or recommendation is required related to the actions being authorized pursuant to this ordinance.

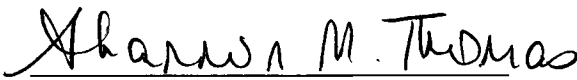
Section 3. That Reversion to Acreage Map of Guymon Arms Map No. 9962, the vacation of Hallmark Way and abandonment of the public service easements, as shown in the attached Exhibit "A" are hereby granted which are made part of this ordinance.

Section 4. That the Development Services Department shall record a certified copy of this ordinance with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

Section 5. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als:dkr
02/10/2017
02/28/2017 Cor. Copy
Or.Dept: DSD
Doc. No.: 1433667_2

Attachment: Exhibit A – Reversion to Acreage Map of Guymon Arms Map No. 9962

EXHIBIT A

OWNER'S CERTIFICATE

PURSUANT TO THE SUBDIVISION MAP ACT AND APPROVED BY THE CITY COUNCIL BY RESOLUTION NO. _____ THE CITY CLERK AUTHORIZES THE PREPARATION AND RECORDATION OF THIS REVERSION TO ACREAGE MAP.

BY: _____
ELIZABETH MALAND
CITY CLERK

NOTARY ACKNOWLEDGMENT

A NOTARY PUBLIC OF OTHER OFFICE COMPLETING THIS CERTIFICATE DENIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA
COUNTY OF _____

ON _____, 2016 BEFORE ME, _____ A NOTARY PUBLIC

PERSONALLY APPEARED _____ WHO PROVIDED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) BEARING SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGE TO ME THAT HE/SHE/HEY EXECUTED THE SAME IN HIS/HER/their AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/their SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT. I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND OFFICIAL SEAL.

SIGNATURE OF NOTARY: _____
PRINTED NAME: _____
COUNTY OF _____
COMMISSION NO. _____ COMMISSION EXPIRATION: _____

SIGNATURE OMISSIONS

THE FOLLOWING SIGNATURES HAVE BEEN OMITTED UNDER THE PROVISIONS OF SECTION 64504, SUBSECTION (A), (3) (A) (I) OF THE SUBDIVISION MAP ACT, SINCE THEIR INTEREST IS SUCH THAT IT CANNOT BE PUT INTO A FEE TITLE AND SAID SIGNATURE(S) IS (ARE) NOT REQUIRED BY THE GOVERNING BODY:

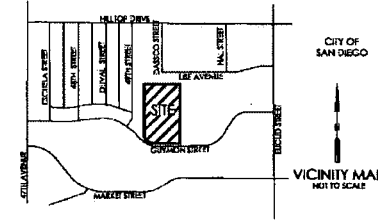
- 1. SAN DIEGO GAS & ELECTRIC COMPANY AS HOLDER OF A RIGHT OF WAY EASEMENT, AS DECLARED BY DEED RECORDED JULY 16, 1947 IN BOOK 245 AT PAGE 147 OF OFFICIAL RECORDS.
- 2. THE CITY OF SAN DIEGO AS HOLDER OF A RIGHT OF WAY FOR STORM DRAIN RECORDED FEBRUARY 24, 1936 IN BOOK 4943 AT PAGE 217 OF OFFICIAL RECORDS.

**REVERSION TO ACREAGE MAP OF
GUYMON ARMS MAP NO. 9962**
IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA

BEING A REVERSION TO ACREAGE OF LOTS 1, LOTS A-1 THRU A-41 OF GUYMON ARMS, ACCORDING TO THE MAP THEREOF NO. 9962 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JANUARY 9TH 1981, TOGETHER WITH HALLMARK WAY AS VACATED AND CLOSED TO PUBLIC USE BY FILING OF THE REVERSION MAP AS PROVIDED IN SECTION 66499.18 OF THE SUBDIVISION MAP ACT, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA.

THE OPEN SPACE EASEMENTS, WATER EASEMENTS AND DRAINAGE EASEMENTS GRANTED TO THE CITY PER SAID GUYMON ARMS, MAP NO. 9962, RECORDED JANUARY 9, 1981 OF OFFICIAL RECORDS ARE NOT SHOWN WITHIN THIS MAP BECAUSE THEY HAVE BEEN VACATED PURSUANT TO SECTION 66499.18 OF THE SUBDIVISION MAP ACT.

SUBDIVISION GUARANTEED BY BEST AMERICAN TITLE COMPANY
ORDER NO. 4001-4241828



CLERK OF THE BOARD OF SUPERVISORS CERTIFICATE

I, DAVID HALL, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 7 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES, AND (B) CERTIFICATION OF THE ABSENCE OF LENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

DAVID HALL
CLERK OF THE BOARD OF SUPERVISORS
DATE: _____
BY: _____ DEPUTY

CITY CLERK'S STATEMENT

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT BY RESOLUTION NO. _____, THE COUNCIL OF SAID CITY HAS APPROVED THIS REVERSION TO ACREAGE MAP OF GUYMON ARMS, INCLUDING THE VACATION OF HALLMARK WAY AND THE ABANDONMENT OF THE EASEMENTS AS INDICATED HEREON AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY HIS SEAL THIS _____ DAY OF _____, 2016.

ELIZABETH MALAND
CITY CLERK

BY: _____
DEPUTY

LAND SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE CITY OF SAN DIEGO ON AUGUST 20, 2016 AND THAT THE SURVEY IS TRUE AND COMPLETE AS SHOWN. I STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.

(SEE LEGEND ON SHEET 2)

BRIAN S. BORJUM - LS 2004 _____ DATE

CITY LAND SURVEYOR'S CERTIFICATE

I, CITY LAND SURVEYOR OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP, AND HAVE FOUND THAT ALL THE PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA, AS AMENDED, AND OF ANY LOCAL ORDINANCE OF SAID CITY APPLICABLE TO THE FILING OF THE REVERSION TO ACREAGE MAP HAVE BEEN COMPLIED WITH, AND I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

GREG P. HOPKINS, PLS
CITY LAND SURVEYOR

FREDERICK B. LEPAGE, PLS
DEPUTY DATE: _____

COUNTY RECORDER'S CERTIFICATE

FILE NO. _____
FILED THIS _____ DAY OF _____, 2016, AT _____ M. IN
BOOK _____ OF _____ AT PAGE _____ AT THE REQUEST OF BRIAN S. BORJUM LAND SURVEYOR

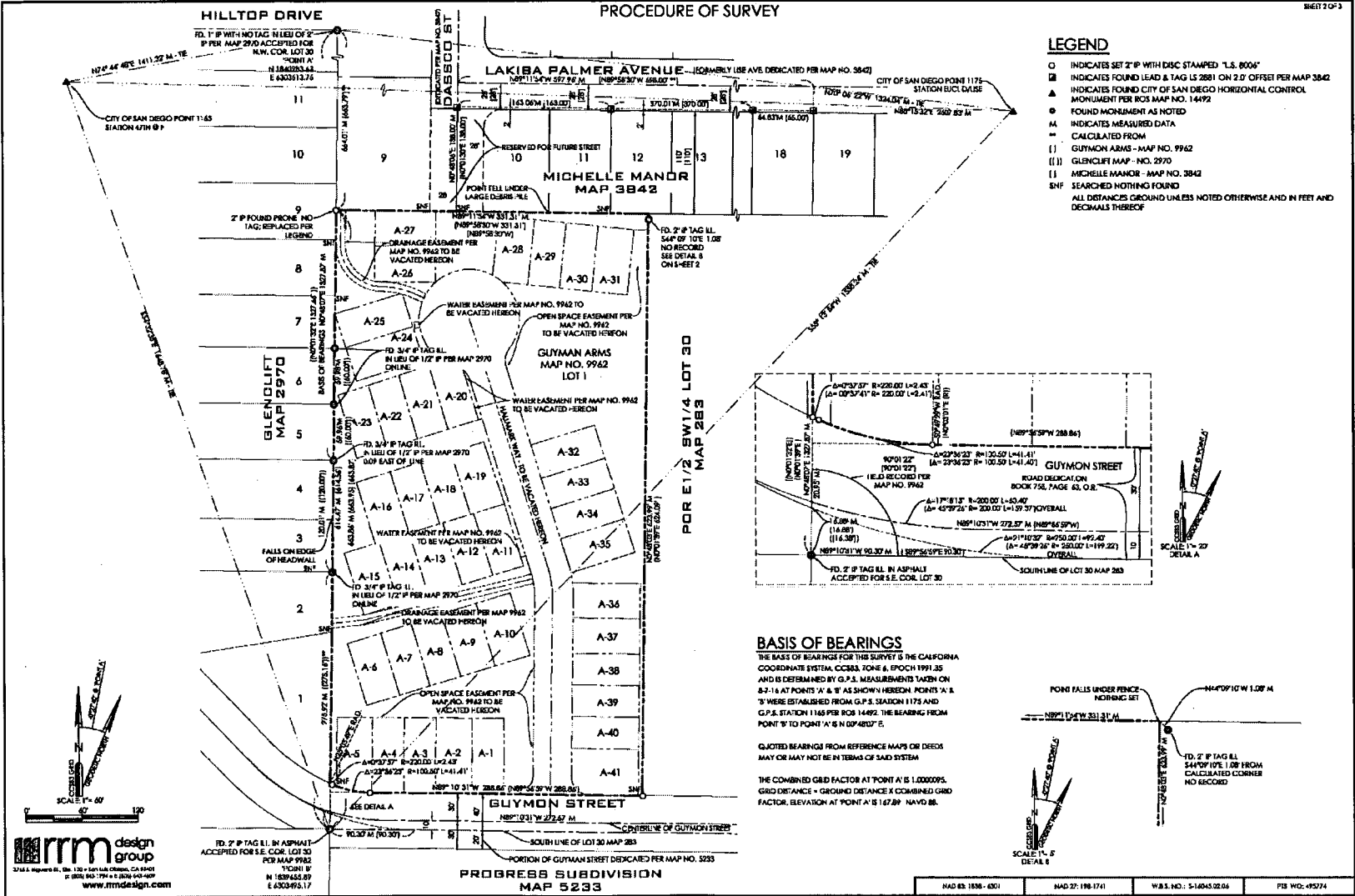
ERNEST J. WROBENBURG, JIL
COUNTY RECORDER

BY: _____
DEPUTY COUNTY RECORDER

FEES \$ 1400



HAD 63, 1838 - 4001	HAD 27, 196-1741	W.S. NO.: 5-14043-02-04	PI3 NO. 49374
---------------------	------------------	-------------------------	---------------



LEGEND

- INDICATES SET 2" IP WITH DISC STAMPED "L.S. 8004"
- ▲ INDICATES FOUND LEAD & TAG LS 2881 ON 2' OFFSET PER MAP 3842
- INDICATES FOUND CITY OF SAN DIEGO HORIZONTAL CONTROL MONUMENT PER BOS MAP NO. 14492
- FOUND MONUMENT AS NOTED
- M INDICATES MEASURED DATA
- W CALCULATED FROM
- () GUYMAN ARMS - MAP NO. 9962
- ([]) GLENCLIFF MAP - NO. 2970
- ([]) MICHELLE MANOR - MAP NO. 3842
- SNF SEARCHED NOTHING FOUND

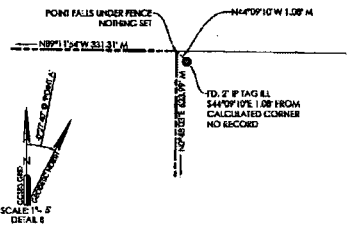
ALL DISTANCES GROUND UNLESS NOTED OTHERWISE AND IN FEET AND DECIMALS THEREOF

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, COORD. ZONE 8, EPOCH 1992.25 AND IS DETERMINED BY G.P.S. MEASUREMENTS TAKEN ON 6-2-16 AT POINTS 'A' & 'B' AS SHOWN HEREON. POINTS 'A' & 'B' WERE ESTABLISHED FROM G.P.S. STATION 1175 AND G.P.S. STATION 1146 PER BOS 14492. THE BEARING FROM POINT 'B' TO POINT 'A' IS N 09°48'07" E.

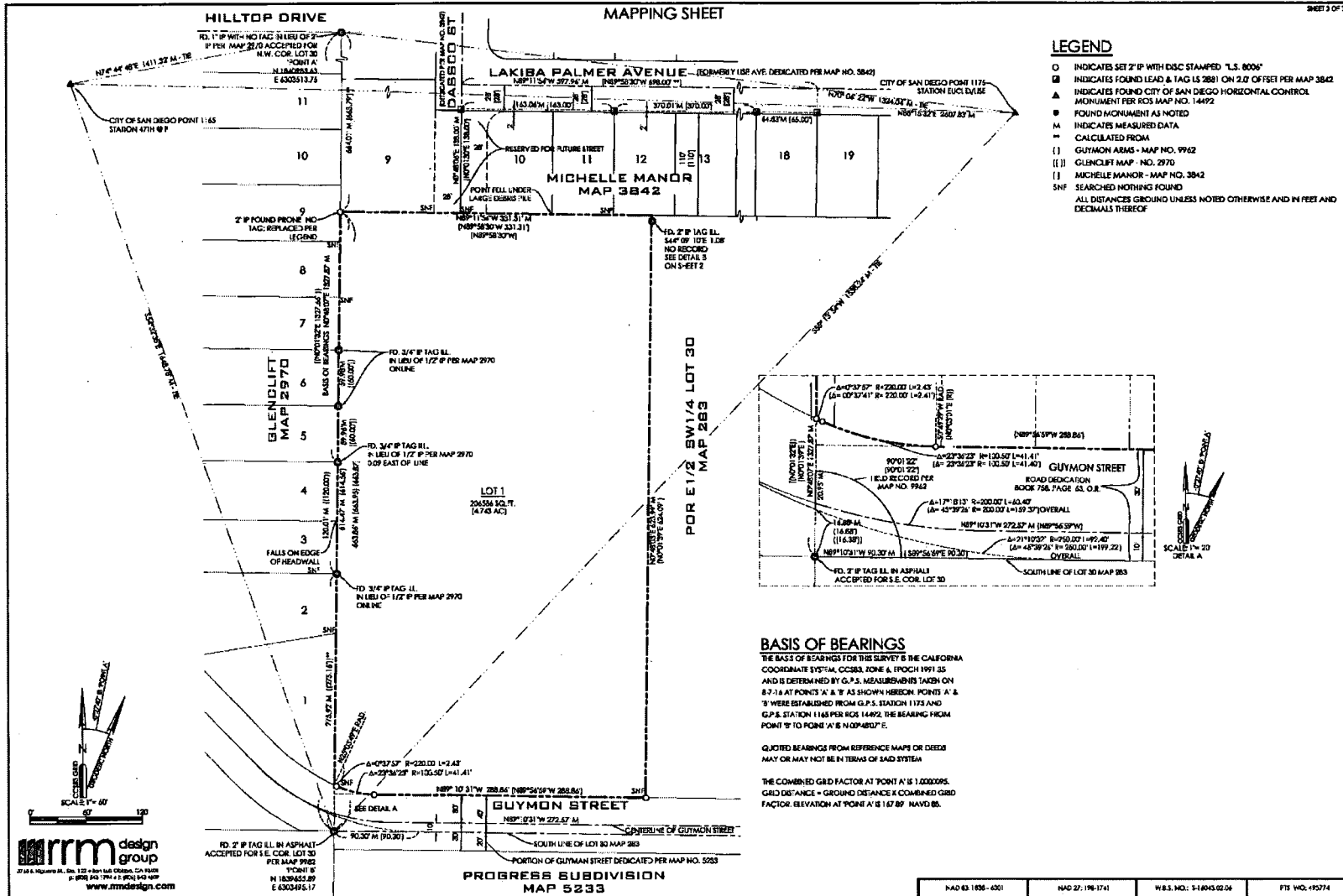
QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM

THE COMBINED GRID FACTOR AT POINT 'A' IS 1.0000095. GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR. ELEVATION AT POINT 'A' IS 167.89' NAVD 88.



rrm design group
3744 S. Highway 91, Ste. 130 • San Luis Obispo, CA 93401
P: (805) 545-1794 • F: (805) 545-1699
www.rmdesign.com

NAD 83: 1836 - 4301	NAD 27: 198-1741	W.B. NO.: 5-16043.02-04	FIG. NO.: 45274
---------------------	------------------	-------------------------	-----------------



Passed by the Council of The City of San Diego on MAR 21 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 21 2017

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Brown, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAR 07 2017, and on MAR 21 2017.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Brown, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20799