

RESOLUTION NUMBER R- 311701

DATE OF FINAL PASSAGE APR 23 2018

ITEM # S400A
4/23/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING A PORTION OF PUBLIC RIGHT-OF-WAY LOCATED AT THE SOUTHWEST CORNER OF JAMACHA ROAD AND CARDIFF STREET (PUBLIC RIGHT-OF-WAY VACATION NO. 2104041) - PROJECT NO. 577902.

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 summarily vacating a public right-of-way by City Council resolution; and

WHEREAS, the City of San Diego's Real Estate Assets Department filed an application to the City of San Diego, Public Right-of-Way Vacation No. 2104041, to vacate 1.164 acres of excess public right-of-way located on an unimproved parcel of land, Assessor's Parcel Number 577-370-18, owned by the City of San Diego at the southwest corner of Jamacha Road and Cardiff Street; and

WHEREAS, the project site is legally described and shown within attached Exhibits A and B; 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, the matter was set for public hearing on April 23, 2018, 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. 2104041, 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 site was acquired and dedicated for street purposes by the City of San Diego per Document No. 110620 filed August 17, 1953 with the County of San Diego in anticipation of the development of the Encanto Freeway. The 1.164 acres of land is no longer needed as public right-of-way and does not have a prospective use for street or highway purposes. The public right-of-way was originally acquired for circulation, access, and public services in connection with the Encanto Freeway, but the freeway was never constructed as intended. The neighborhood and community have several existing improved public rights-of-way that sufficiently serve the community without the project site. The project site does not maintain any public water or sewer improvements serving the community. Therefore, there is no present or prospective public use for the street, 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.

(b) **The public will benefit from the action through improved use of the land made available by the vacation.** The project site was originally acquired and designated as a public street via Map 2998 on August 17, 1953. Presently the 1.164-acre public right-of-way limits the use of this land to only street and highway purposes and accessory public utility. The existence of the public right-of-way easement prohibits development or placement of new buildings. The use of the property will be constrained without vacating the public right-of-way. For approximately 60 years, the parcel has been undeveloped and does not provide any public

benefit. Vacating the public right-of-way would increase the land value and permit the future sale of surplus City-owned land. This would also provide a greater benefit to the public in the future by utilizing private development and investments to provide a variety of commercial uses and services allowed by the Skyline-Paradise Hills Community Plan and the existing zoning regulations. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

(c) The vacation does not adversely affect any applicable land use plan. The project site is located within the CC-2-3 (Commercial-Community) Base Zone of the Skyline-Paradise Hills Community Plan area. The Skyline-Paradise Hills Community Plan designated the site for commercial uses within 12.46 acres of Community Development Block Grant Target A. The target area encourages commercial development of a variety of goods and services to meet the needs of the existing and future residents. In addition, the commercial land use designation for this area encourages community-serving commercial services, retail uses, and limited industrial uses of moderate intensity. The public right-of-way vacation will allow future development of commercial, community-serving uses which is consistent with the land use goals and policies within the Skyline-Paradise Hills Community Plan. Therefore, the vacation does not adversely affect any applicable land use plan.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The project site was dedicated for street purposes per City of San Diego Resolution 113590. The dedication was granted in anticipation of the development of the Encanto Freeway. Since 1953, the Skyline and Paradise Hills Community made a variety of traffic, mobility, circulation improvements without utilizing the public right-of-way located at the southwest corner of Jamacha Road and Cardiff Street. The

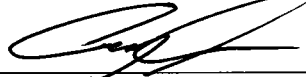
public right-of-way is no longer required because the Encanto Freeway was never constructed, and existing public rights-of-way sufficiently serve of the traffic, mobility, and circulation needs of the community. Therefore, the facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Public Right-of-Way Vacation No. 2104041, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 40426-1-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is hereby granted.

BE IT FURTHER RESOLVED, 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: MARA W. ELLIOTT, City Attorney

By



Casey C. Shaw
Deputy City Attorney

CCS:als
03/28/2018
04/18/2018 Cor. Copy
Or.Dept:DSD
Doc. No.: 1716683_2

Attachments: Exhibit A – Legal Description
Exhibit B – Drawing No. 40426-1-B

EXHIBIT 'A'

LEGAL DESCRIPTION
PUBLIC STREET VACATION
(APN: 577-370-18)

THAT PORTION OF LOT A OF LOMITA VILLAGE UNIT NO. 5, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2998, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 4, 1953, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY RIGHT-OF-WAY OF CARDIFF STREET AS DEDICATED PER SAID MAP, SAID POINT BEING THE EASTERLY MOST CORNER OF SAID LOT A AND A POINT OF CUSP WITH A 100 FOOT RADIUS CURVE CONCAVE SOUTHERLY TO WHICH A RADIAL LINE BEARS S 76° 45' W; THENCE ALONG SAID WESTERLY RIGHT OF WAY

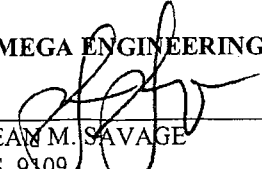
1. NORTH 13° 15' 00" WEST 276.38 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE LEAVING SAID WESTERLY RIGHT OF WAY
2. WESTERLY 39.28 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 112°30'53" ; TO A POINT PARALLEL WITH AND 25.00 FEET SOUTHERLY OF THE SOUTHERLY RIGHT OF WAY OF JAMACHA ROAD AS DEDICATED PER SAID MAP; THENCE PARALLEL WITH THE SAID SOUTHERLY RIGHT OF WAY
3. SOUTH 54° 14' 07" WEST 313.32 FEET; THENCE
4. SOUTH 35° 45' 53" EAST 151.16 FEET; TO THE NORTHERLY BOUNDARY LINE OF LOT 898 PER SAID MAP; THENCE ALONG SAID BOUNDARY LINE
5. NORTH 51° 24' 28" EAST 128.81 FEET; TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY; THENCE
6. EASTERLY 201.31 FEET; ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 115°20'32" TO THE POINT OF BEGINNING.

TOTAL PUBLIC STREET VACATION AREA: 50,695.50 SF = 1.164 ACRES.

ATTACHED HERETO IS A DRAWING NO. 40426-1-B LABELED "EXHIBIT 'B'" AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY:

OMEGA ENGINEERING CONSULTANTS, INC.


SEAN M. SAVAGE
LS. 9109
LIC. EXP. 09/30/18

3/14/18
DATE



Passed by the Council of The City of San Diego on APR 23 2018, 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 23 2018

(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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