

RESOLUTION NUMBER R- 311871

DATE OF FINAL PASSAGE JUL 10 2018

ITEM#336B

7/10/18

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING A PEDESTRIAN/NON-VEHICULAR RIGHT-OF-WAY ON A PORTION OF LOT 63 OF MAP 14253 - SOUTHCREST PARK ESTATE II (PUBLIC RIGHT-OF-WAY VACATION NO. 2147757) - PROJECT NO. 551341.

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 vacation of public rights-of-way by City Council resolution; and

WHEREAS, the City of San Diego's Real Estate Assets Department (READ) filed an application to vacate the Silktree Terrace Pedestrian Right-of-Way (Public Right-of-Way Vacation No. 2147757), located on a portion of lot 63 of Map 14253 of Southcrest Park Estate II. Public Right-of-Way Vacation No. 2147757 encompasses 2,569 sq. ft. of property currently owned by the City of San Diego. A bridge was removed in early 2013, which previously utilized the Silktree Terrace Pedestrian Right-of-Way to provide pedestrian access from Silktree Terrace and Petway Park to the Southcrest Trails Park. A new pedestrian bridge is located to the west of lot 63 providing pedestrian access linking Petway Park to Southcrest Trails Park. An existing water easement benefitting the City of San Diego is located across the entirety of lot 63. The Silktree Terrace Pedestrian Right-of-Way is in the RM-2-5- Residential zone of the Southeastern San Diego Community Planning Area, Council District 9; and

WHEREAS, the right-of-way vacation area is located on a portion of lot 63 of Map 14253 of Southcrest Park Estate II, as described in the legal description marked as Exhibit "A" and shown on Drawing No. 40167-1-B, marked as Exhibit "B"; and

WHEREAS, the Silktree Terrace Pedestrian Right-of-Way is excess public right-of-way and is not required for street or highway purposes, and the existing City water easement over lot 63 shall be reserved following the proposed vacation; 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 July 10, 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 Public Right-of-Way Vacation No. 2147757, 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 Silktree Terrace Pedestrian Right-of-Way was originally dedicated by Resolution No. R-295208 and recorded in the Office of the City Clerk on July 24, 2001 to provide access from Silktree Terrace to the Southcrest Trails Park, located south of Chollas Creek. A bridge utilizing the Silktree Terrace Pedestrian Right-of-Way, which led from the walkway over the creek to the Southcrest Trails Park, was removed in early 2013. The community has a new bridge located closer to the adjacent Petway and Southcrest Trails Parks, providing improved pedestrian access between Silktree Terrace and Southcrest Park. The new bridge linking Petway and Southcrest Parks provides the pedestrian access that the Silktree

Terrace Pedestrian Right-of-Way was originally acquired to provide. Therefore, there is no present or prospective public use for the Silktree Terrace Pedestrian Right-of-Way.

(b) The public will benefit from the action through improved use of the land made available by the vacation. As discussed in finding (a), there is no present or prospective public use for the Silktree Terrace Public Right-of Way. Vacating this right-of-way allows READ to sell the property, with reservation of the City's water easement, to a future owner for private development to maximize the property's usefulness. The City of San Diego and the County of San Diego will benefit from the increase in property value by increasing the area of privately owned land subject to property tax. With an increase of tax revenue, the general public will benefit by the vacation of the existing right-of-way by the increase of available public funds. The public will also benefit by the reduction of liability to the City of San Diego from land it controls yet gains no benefit or use from. 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 Silktree Terrace Pedestrian Right-of-Way to be vacated is located in the base zone RM-2-5 in the Southeastern San Diego Community Plan Area of Council District 9. The proposed public right-of-way vacation (legally described in Exhibit A and shown on Exhibit B, Drawing No. 40167-1-B) entails a mapping action necessary to allow the future sale of the unreserved portions of the property. The right-of-way currently does not provide any circulation or access benefit, and serves no useful purpose. Therefore, the vacation does not adversely affect any applicable land use plan.

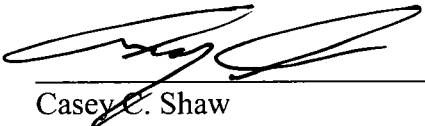
(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation. The Silktree Terrace Pedestrian Right-of-

Way was dedicated for pedestrian and non-motor vehicle access purposes by Resolution No. R-295208, adopted July 24, 2001. The dedicated right-of-way provided access via bridge from Silktree Terrace to the Southcrest Trails Park located south of Chollas Creek. The bridge was removed in early 2013 and relocated west of lot 63 to allow public access from Petway Park to Southcrest Trails Park. The newly constructed bridge linking Petway Park and Southcrest Trails Park fulfills the pedestrian and non-motor vehicle access needs previously served by the Silktree Terrace Public Right-of-Way. 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. 2147757, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 40167-1-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is hereby granted.

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

By 

Casey C. Shaw
Deputy City Attorney

CS:als
06/15/2018
Or.Dept:DSD
Doc. No.: 1770328

EXHIBIT 'A'
LEGAL DESCRIPTION

**VACATION OF PEDESTRIAN AND
NON-MOTOR VEHICULAR RIGHT OF WAY**
(APN: 550-780-39-00)

THAT PORTION OF LOT 63 OF SOUTHCREST PARK ESTATES II, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14253, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 31, 2001, AND CORRECTED BY CERTIFICATE OF CORRECTION RECORDED NOVEMBER 30, 2001 AS INSTRUMENT NO. 2001-0875984 O.R. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERNMOST CORNER OF SAID LOT 63 OF SAID MAP NO. 14253; THENCE ALONG THE SOUTHERLY PROPERTY LINE OF SAID LOT 63;

1. NORTH 53° 43' 49" EAST 22.48 FEET TO THE TRUE POINT OF BEGINNING, AND THE BEGINNING OF A NON-TANGENT 3.00 FOOT RADIUS CURVE CONCAVE EASTERLY WITH RADIAL BEARING NORTH 49°22'15" EAST; THENCE ALONG SAID RIGHT OF WAY
2. WESTERLY, 4.78 FEET THROUGH A CENTRAL ANGLE OF 91°15'55";
NORTHERLY & THENCE
EASTERLY
3. NORTH 50° 38' 10" EAST 34.86 FEET; THENCE
4. NORTH 36° 16' 11" WEST 35.81 FEET; THENCE
5. SOUTH 56° 05' 20" WEST 7.83 FEET; THENCE
6. SOUTH 61° 20' 44" WEST 14.56 FEET; THENCE
7. NORTH 38° 47' 06" EAST 8.27 FEET TO THE BEGINNING OF A TANGENT 10.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE
8. NORTHEASTERLY, 24.71 FEET THROUGH A CENTRAL ANGLE OF 134°50'09";
NORTHERLY & THENCE
NORTHWESTERLY
9. SOUTH 83° 56' 57" WEST 3.89 FEET TO THE BEGINNING OF A TANGENT 4.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE
10. WESTERLY, 7.66 FEET THROUGH A CENTRAL ANGLE OF 109°40'07", TO
NORTHERLY & THE BEGINNING OF 11.00 FOOT RADIUS
NORTHWESTERLY REVERSING CURVE CONCAVE SOUTHWESTERLY; THENCE
11. NORTHEASTERLY, 9.58 FEET THROUGH A CENTRAL ANGLE OF 49°53'15";
NORTHERLY & THENCE
NORTHWESTERLY
12. NORTH 36° 16' 11" WEST 31.59 FEET TO A POINT ON THE SILKTREE TERRACE SOUTHERLY RIGHT OF WAY AND ALSO THE NORTHERLY PROPERTY LINE OF SAID LOT; THENCE ALONG SAID RIGHT OF WAY AND PROPERTY LINE
13. SOUTH 53° 43' 49" WEST 10.00 FEET; THENCE DEPARTING SAID RIGHT OF WAY AND SAID PROPERTY LINE

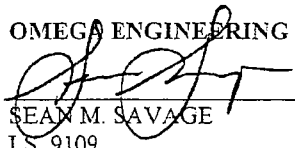
- | | | | |
|-----|--|-------------|---|
| 14. | SOUTH 36° 16' 11" EAST | 31.59 FEET | TO THE BEGINNING OF A TANGENT 1.00 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE |
| 15. | EASTERLY,
SOUTHERLY &
SOUTHWESTERLY | 0.87 FEET | THROUGH A CENTRAL ANGLE OF 49°53'15"; TO THE BEGINNING OF 14.00 FOOT RADIUS REVERSING CURVE CONCAVE NORTHEASTERLY; THENCE |
| 16. | SOUTHWESTERLY,
SOUTHERLY &
SOUTHEASTERLY | 26.80 FEET | THROUGH A CENTRAL ANGLE OF 109°40'07"; THENCE |
| 17. | NORTH 83° 56' 57" EAST | 3.89 FEET | TO THE BEGINNING OF A TANGENT 0.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE |
| 18. | NORTHEASTERLY,
EASTERLY &
SOUTHEASTERLY | 1.18 FEET | THROUGH A CENTRAL ANGLE OF 134°50'09"; THENCE |
| 19. | SOUTH 38° 47' 06" WEST | 15.05 FEET; | THENCE |
| 20. | SOUTH 59° 11' 11" WEST | 5.99 FEET; | THENCE |
| 21. | SOUTH 31° 19' 24" EAST | 18.57 FEET; | THENCE |
| 22. | SOUTH 57° 09' 23" WEST | 2.57 FEET; | THENCE |
| 23. | SOUTH 30° 48' 49" EAST | 22.57 FEET; | THENCE |
| 24. | SOUTH 10° 18' 51" EAST | 12.06 FEET; | TO THE SOUTHERLY PROPERTY LINE OF SAID LOT; THENCE ALONG SAID PROPERTY LINE |
| 25. | NORTH 53° 43' 49" EAST | 11.30 FEET | MORE OR LESS TO THE TRUE POINT OF BEGINNING. |

CONTAINING: 2,569.43 SQUARE FEET (0.059 AC) MORE OR LESS

ATTACHED HERETO IS A DRAWING NO. 40167-1-B AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY:

OMEGA ENGINEERING CONSULTANTS, INC.


 SEAN M. SAVAGE
 L.S. 9109
 LIC. EXP. 09/30/18

5/12/18
 DATE



PTS NO. 551341
 DWG NO. 40167-B

Passed by the Council of The City of San Diego on JUL 10 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 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 JUL 10 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

Resolution Number R- 311871