

RESOLUTION NUMBER R- 312528

DATE OF FINAL PASSAGE JUN 18 2019

ITEM # 332C
6/18/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING OPEN SPACE EASEMENT NO. 1887227 EASTERN TERMINUS OF AZUAGA STREET, SOUTHWEST OF THE INTERSTATE 15 (I-15) AND STATE ROUTE 56 (SR 56)/TED WILLIAMS PARKWAY INTERCHANGE FOR RV MINI STORAGE - PROJECT NO. 534380.

WHEREAS, San Diego Municipal Code section 125.1010(a) *et seq* provides a procedure for the vacation of public easements; and

WHEREAS, PARDEE HOMES, filed an application to vacate an open space easement located at the eastern terminus of Azuaga Street, southwest of the Interstate 15 (I-15) and State Route 56 (SR 56)/Ted Williams Parkway interchange, being described as Easement Vacation No. 1887227; and

WHEREAS, on April 11, 2019, the Planning Commission of the City of San Diego considered Easement Vacation No. 1887227, and pursuant to Resolution No. 5002-PC voted to recommend approval; 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 June 18, 2019 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 City Council, that with respect to Easement Vacation No. 1887227, the City Council finds that:

(a) There is no present or prospective 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.

The existing easement to be vacated was acquired in October 1987 when the easement was granted on the final map entitled: Sun Ridge Vista Unit No. 1, Map No. 11924. This easement was a condition of approval for Tentative Map No. 85-0910 and Planned Residential Development Permit No. 85-0910, Sun Ridge Vista. The Rancho Penasquitos Community Plan includes language specific to this property that the open space easement would be vacated with the proposal to develop the site with an RV and Mini Storage facility. The Community Plan notes that development of this site should be restricted to RV storage and mini-storage warehouse and associated uses, with other uses not permitted. With the build-out of the project, the easement would be vacated and equivalent open space will be provided in the East Elliott area adjacent to the existing Mission Trails Regional Park. The open space in East Elliott is of higher biological value than the existing site due to its connectivity to Multi-Habitat Planning Area (MHPA) lands. In addition, the value of the buffer provided would be accommodated on-site through retention of 4.21 acres in its current state, and the addition of enhanced landscaping over two of those acres. When this replacement occurs, the existing easement proposed to be vacated will have no present or prospective use, either for the facility or purpose for which is 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 utilization of the land made available by the vacation.

The approximately 10.03-acre project site is presently limited by the existence of the open space easements in that the property may not develop or place new buildings over the area of the existing easement. Without vacation of the existing easement, the area of land available for the proposed RV Mini storage facility is constrained. The public will benefit from the action through improved utilization of the land made available by the vacation with development of the site as outlined in the 1992 Community Plan Update, and Planned Development Permit No. 2180790 and Site Development Permit No. 2266733.

(c) The vacation is consistent with any applicable land use plan.

The adopted Rancho Penasquitos Community Plan designates the site for Industrial use, and the plan's land use allocation table specifies that approximately 10 acres are to be allocated to RV and Mini Storage use. The Community Plan identifies a critical need for recreational vehicle storage site. Proposed Easement Vacation No. 1887227 will facilitate the build out of the land consistent with the land use designation and Community Plan land use allocation table and will not adversely affect the Rancho Penasquitos Community Plan or the goals and policies contained therein.

(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.

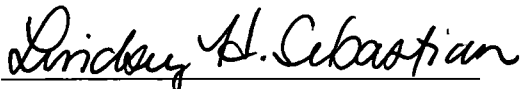
The existing easement to be vacated was acquired for the purposes of clustering the residential dwelling units being proposed by the Sun Ridge Vista PRD No. 85-0910 on the disturbed, buildable portions of the site, thereby preserving natural open space areas. The open space easement precluded future residential development on the balance of the property, an

action that would have been inconsistent with the adopted Community Plan. The proposed development will maintain landscaping that will serve as a visual buffer between the residential community and the new development and the buildings would create a developed buffer between the freeway interchange and the residential development. The present easement will no longer be necessary, and the purpose for which the easement was acquired will no longer exist. The portions of the project site with environmentally sensitive lands that will remain undeveloped will be placed in a covenant of easement. There are no public facilities associated with the existing easement, so therefore no public facility will be detrimentally affected by Easement Vacation No. 1887227.

BE IT FURTHER RESOLVED, that Easement Vacation No. 1887227, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 40006-B marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated, subject to the condition that equivalent open space will be provided in the East Elliot area and subject to the satisfaction of all conditions of Planned Development Permit No. 2180790 and Site Development Permit No. 2266733. Prior to the recordation of the Easement Vacation, the conditions of Planned Development Permit No. 2180790 and Site Development Permit No. 2266733 have to be met to the satisfaction of the City Engineer (SDMC section 125.0950).

BE IT FURTHER RESOLVED, that the Development Services Department shall record a copy of this resolution and attached exhibits, in the Office of the County Recorder releasing to the property owner, all rights title and interest in said easement.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Lindsey H. Sebastian
Deputy City Attorney

LJS:als
05/29/2019
Or.Dept:DSD
Doc. No.: 2013084

EXHIBIT "A"
LEGAL DESCRIPTION
OPEN SPACE EASEMENT VACATION

BEING A PORTION OF LOT 12 OF SUN RIDGE VISTA UNIT NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11924, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 22, 1987.

COMMENCING AT POINT "B", SAID POINT BEING THE NORTHEASTERLY CORNER OF LOT 11 OF SAID MAP AND PROCEEDING AS FOLLOWS:

NORTH 36° 32' 52" EAST 290.50 FEET TO POINT "A", SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING.

THENCE SOUTH 36° 32' 52" WEST 290.50 FEET;

THENCE SOUTH 70° 32' 37" WEST 267.86 FEET;

THENCE NORTH 34° 46' 58" EAST 489.43 FEET;

THENCE NORTH 28° 07' 26" WEST 188.07 FEET;

THENCE NORTH 19° 23' 22" EAST 152.46 FEET;

THENCE NORTH 7° 33' 17" WEST 262.64 FEET;

THENCE NORTH 52° 25' 07" EAST 12.03 FEET;

THENCE NORTH 69° 59' 57" EAST 301.33 FEET;

THENCE NORTH 71° 21' 05" EAST 77.57 FEET;

THENCE NORTH 76° 23' 27" EAST 191.54 FEET;

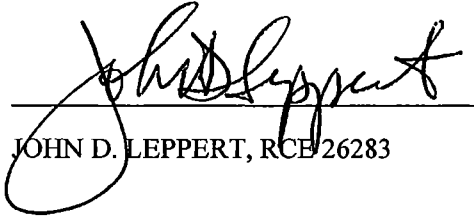
THENCE NORTH 83° 48' 52" EAST 227.85 FEET;

THENCE SOUTH 28° 29' 31" WEST 588.00 FEET;

THENCE SOUTH 31° 16' 51" WEST 200.16 FEET;

THENCE SOUTH 46° 31' 44" WEST 241.86 FEET TO THE TRUE POINT OF BEGINNING.

ATTACHED HERETO IS DRAWING NO. 40006-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

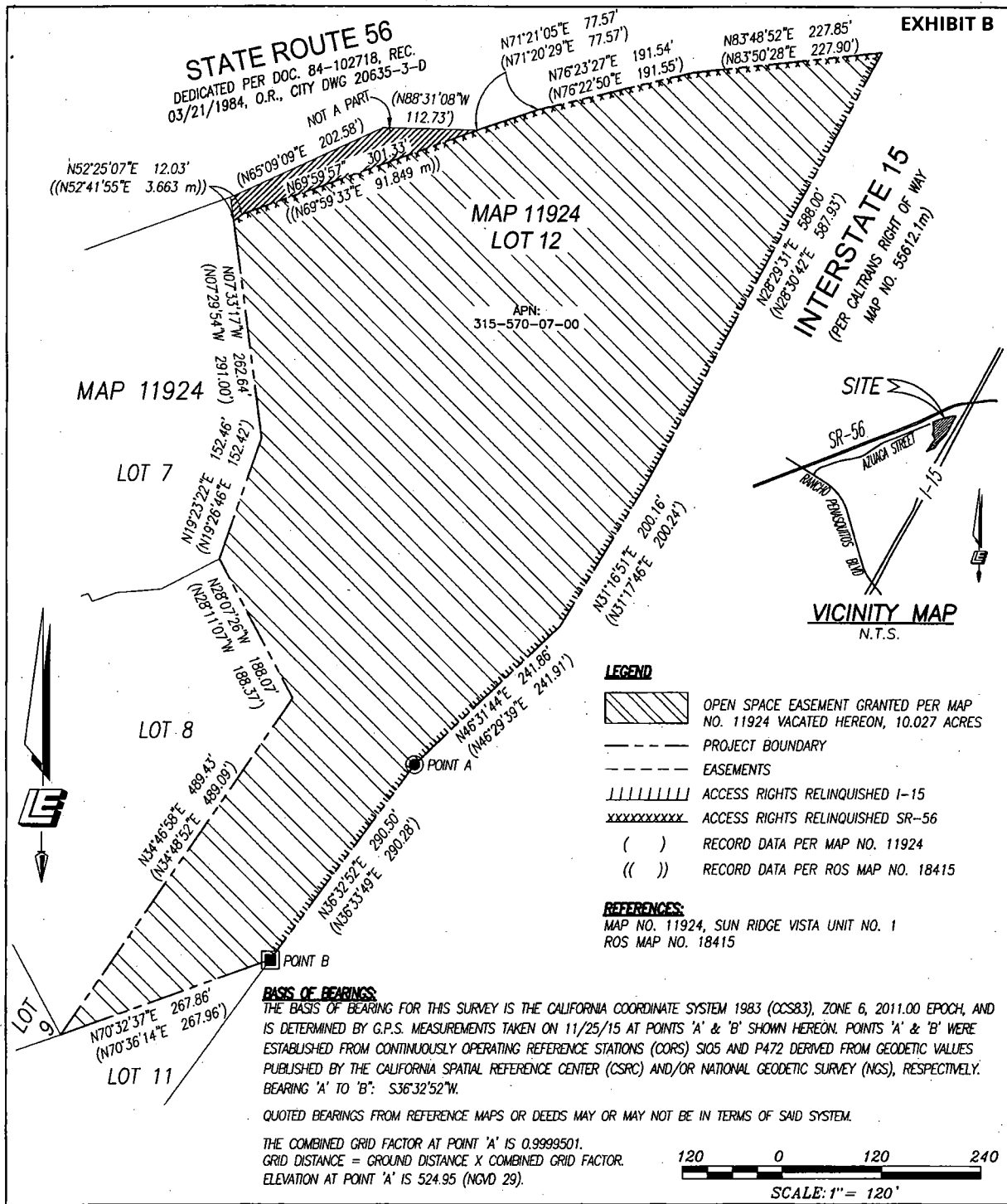


JOHN D. LEPPERT, RCE 26283

6/06/2018
DATE

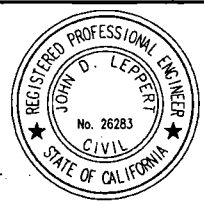


PTS: 534380
IO: 24007166
DWG NO. 40006-B



Leppert Engineering Corporation
5190 Governor Drive, Suite 205
San Diego, Ca. 92122-2848
Phone: (858) 597-2001

John D. Leppert
JOHN D. LEPPERT RCE 26283 DATE 6-5-2018

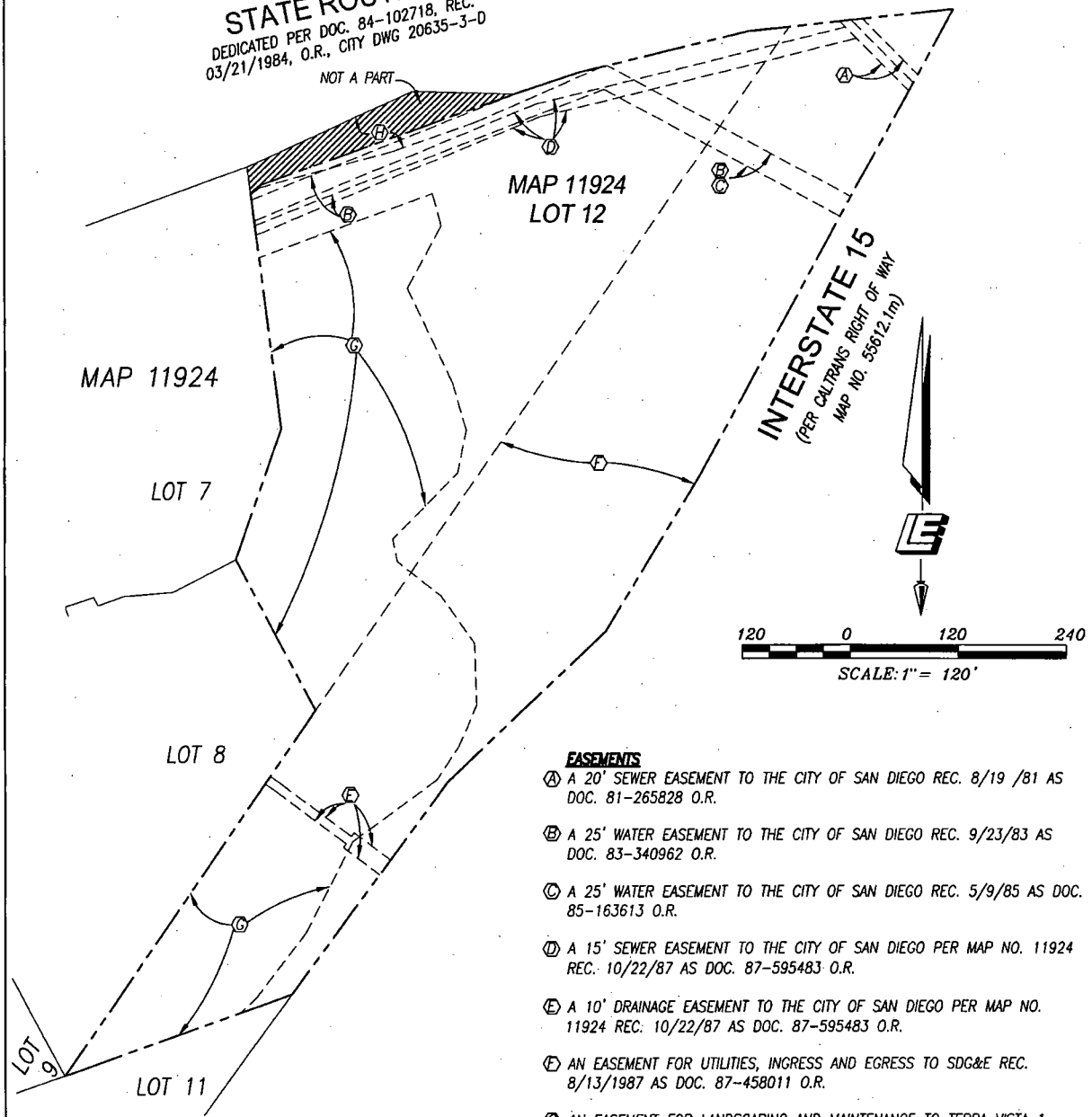


RESOLUTION NO. _____
RECORDED _____
DOCUMENT NO. _____
RECORDED _____

**OPEN SPACE EASEMENT VACATION
PORTION OF LOT 12 OF MAP NO. 11924**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEET	PTS NO. 534380 I.O. NO. 24007166
ORIGINAL	LEC				FOR CITY ENGINEER	1928-6299 CCS NAD 83 COORDINATES 288-1739 LAMBERT COORDINATES
					DATE	40006-1-B
STATUS						

STATE ROUTE 56
 DEDICATED PER DOC. 84-102718, REC.
 03/21/1984, O.R., CITY DWG 20635-3-0
 NOT A PART



EASEMENTS

- Ⓐ A 20' SEWER EASEMENT TO THE CITY OF SAN DIEGO REC. 8/19 /81 AS DOC. 81-265828 O.R.
- Ⓑ A 25' WATER EASEMENT TO THE CITY OF SAN DIEGO REC. 9/23/83 AS DOC. 83-340962 O.R.
- Ⓒ A 25' WATER EASEMENT TO THE CITY OF SAN DIEGO REC. 5/9/85 AS DOC. 85-163613 O.R.
- Ⓓ A 15' SEWER EASEMENT TO THE CITY OF SAN DIEGO PER MAP NO. 11924 REC. 10/22/87 AS DOC. 87-595483 O.R.
- Ⓔ A 10' DRAINAGE EASEMENT TO THE CITY OF SAN DIEGO PER MAP NO. 11924 REC. 10/22/87 AS DOC. 87-595483 O.R.
- Ⓕ AN EASEMENT FOR UTILITIES, INGRESS AND EGRESS TO SDG&E REC. 8/13/1987 AS DOC. 87-458011 O.R.
- Ⓖ AN EASEMENT FOR LANDSCAPING AND MAINTENANCE TO TERRA VISTA 1 COMMUNITY ASSOC. REC. 5/1/90 AS DOC. 1990-234154 O.R.
- Ⓗ EASEMENTS FOR SLOPES AND DRAINAGE TO THE CITY OF SAN DIEGO REC. 3/21/84 AS DOC. 84-102718, AND REC. 12/7/89 AS DOC. 89-662074, AND TO TERRA VISTA 2 COMMUNITY ASSOC. REC. 10/30/07 AS DOC. 2007-0692215.

NON-PLOTTABLE EASEMENT: THE FOLLOWING EASEMENT HAS NO LOCATION DEFINED IN SAID RECORD AND CANNOT BE PLOTTED ON THIS MAP.

AN EASEMENT TO PACIFIC BELL FOR UNDERGROUND COMMUNICATION CABLES, INGRESS AND EGRESS REC. 8/8/1988 AS DOC. 88-387814 O.R.



Leppert Engineering Corporation
 5190 Governor Drive, Suite 205
 San Diego, Ca. 92122-2848
 Phone: (858) 597-2001

**OPEN SPACE EASEMENT VACATION
 PORTION OF LOT 12 OF MAP NO. 11924**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 2 SHEET	PTS NO. 534380 I.O. NO. 24007166
ORIGINAL	LEC					1928-6299
					FOR CITY ENGINEER	CCS NAD 83 COORDINATES
					DATE	288-1739
						LAMBERT COORDINATES
						40006-2-B
STATUS						

Passed by the Council of The City of San Diego on JUN 18 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 18 2019.

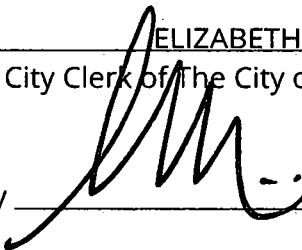
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312528