

RESOLUTION NUMBER R- 312641

DATE OF FINAL PASSAGE AUG 06 2019

ITEM #334C

8/6/19

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING EASEMENT VACATION
NO. 2123272 FOR SEABREEZE SENIOR LIVING - PROJECT
NO. 600824.

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

WHEREAS, Bell Valley Holding Company, LP filed an application to vacate existing utility and utility access easements located at 5720 Old Carmel Valley Road in the AR-1-1, CVPD-SF2 and CVPD-OS zones of the Carmel Valley Community Plan area, being described as Easement Vacation No. 2123272; and

WHEREAS, Easement Vacation No. 2123272 is legally described as: Parcel A – Being all of that certain Access Easement for Water Facilities granted to the City of San Diego per Document recorded March 10, 2003 as Instrument No. 2003-0268368 of Official Records of the San Diego County Recorder’s Office, in the City of San Diego, County of San Diego, State of California; Parcels B, C and D – Being a portion of that certain 20-foot-wide Water Easement granted to the City of San Diego in Lot 153 per Map of Seabreeze Farms, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14007 filed in the Office of the San Diego County Recorder on July 21, 2000; and

WHEREAS, it is proposed that Easement Vacation No. 2123272 be approved; and

WHEREAS, on May 23, 2019, the Planning Commission of the City of San Diego considered Easement Vacation No. 2123272 and, pursuant to Resolution No. 5010-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 August 6, 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 Council of the City of San Diego, that with respect to Easement Vacation No. 2123272, the Council finds that:

(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.

The existing easements to be vacated were acquired for water, sewer, general utility and utility access purposes related to the existing equestrian facility, which would be demolished and developed with a residential care facility with project implementation. The current easements primarily run through the middle of the developable portion of the site and are not conducive to construction of the care facility. With project implementation, the existing easements to be vacated are no longer needed as the equestrian facility they were designed to serve would be demolished.

The easement areas to be vacated would be used for the construction of the residential care facility and for portions of the new 20- to 26-foot-wide utility and utility access easements required to serve the project. Onsite utilities required for the proposed care facility would be

private and the proposed vacations would not impact the provision of utility service or utility access to any surrounding properties.

Therefore, 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.

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

The property is being developed with a new Residential Care Facility. The existing utility lines are no longer needed to develop the property because they will be located elsewhere on site and will be abandoned, and there is no present or prospective use for the Public Service Easement. All utilities servicing the new development will be private and the proposed easement vacation will unencumber the site allowing for the Residential Care Facility. Therefore, the public will benefit through improved utilization of the land and no longer have to maintain the public easement.

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

The proposed easement vacation allows for the proposed development and the proposed land use change from Equestrian Facility to Residential Care Facility. The change in land use would be consistent with the Carmel Valley Neighborhoods 4, 5, and 6 Precise Plan as the project proposes low intensity development that is residential in use and character. The project would provide low intensity development that is residential in use and character, massing and architecture and is similar to the surrounding neighborhood. Therefore, the vacation is consistent with the applicable land use plan.

(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 easements to be vacated were acquired for water, sewer, general utility and utility access purposes related to the existing equestrian facility, which would be demolished and developed with a residential care facility with project implementation. The current easements primarily run through the middle of the developable portion of the site and are not conducive to construction of the care facility.

The easement areas to be vacated would be used for the construction of the residential care facility and for portions of the new 20- to 26-foot utility and utility access easements required to serve the project. Onsite utilities required for the proposed care facility would be private and the proposed vacations would not impact the provision of water and sewer service or utility access to any surrounding properties.

Therefore, 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.

BE IT FURTHER RESOLVED, that Easement Vacation No. 2123272 located within the project boundaries as shown on project plans in connection with Project No. 600824 as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 40980, Pages 1-B, 2-B and 3-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated, subject to the satisfaction of all conditions of Planned Development Permit No. 2256375, Conditional Use Permit No. 2123276, and Site Development Permit No. 2123277.

BE IT FURTHER RESOLVED, that, upon satisfaction of the conditions of Planned Development Permit No. 2256375, Conditional Use Permit No. 2123276, and Site Development Permit No. 2123277, as determined by the City Engineer, 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
07/16/2019
Or.Dept:DSD
Doc. No.: 2039199

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR
WATER EASEMENT VACATIONS

Parcel 'A'

Being all of that certain Access Easement for Water Facilities granted to the City of San Diego per Document recorded March 10, 2003 as Instrument No. 2003-0268368 of Official Records of the San Diego County Recorder's Office, in the City of San Diego, County of San Diego, State of California.

Said parcel contains 30,236 square feet or 0.694 acre, more or less.

Parcel 'B'

Being a portion of that certain 20 foot wide Water Easement granted to the City of San Diego in Lot 153 per Map of Seabreeze Farms, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14007 filed in the Office of the San Diego County Recorder on July 21, 2000, more particularly described as follows:

Commencing at the most Westerly corner of Lot 63 of said Map No. 14007, also being an angle point in said Lot 153 and on the Northeasterly line of that certain 30 foot wide Water and Sewer Easement granted to the City of San Diego per said Map No. 14007; thence along said Northeasterly line North 24°38'41" West 35.59 feet to the most Northerly corner of said Water and Sewer Easement and the **Point of Beginning**, said point also being on the Southerly line of a portion of said 20 foot wide Water Easement common to the Northwesterly line of said 30 foot wide Water and Sewer Easement; thence along said common line South 61°20'27" West 19.12 feet to a point hereinafter referred to as **Point 'A'**; thence leaving said Northwesterly line and continuing along the Southerly lines of said 20 foot wide Water Easement the following courses: North 27°14'30" West 13.97 feet; thence North 60°59'30" West 51.28 feet; thence South 62°45'30" West 99.65 feet to the beginning of a non-tangent 261.69 foot radius curve concave to the Southeast, a radial line to said point bears North 34°10'27" West; thence Southwesterly along the arc of said curve through a central angle of 7°21'29" a distance of 33.61 feet to a point hereinafter referred to as **Point 'B'**; thence leaving said Southerly line North 23°11'42" East 41.11 feet to a point on the Northerly line of said portion of said 20 foot wide Water Easement; thence along the Northerly lines of said portion the following courses: North 62°45'30" East 68.79 feet; thence North 59°17'07" East 41.27 feet; thence South 60°59'30" East 71.04 feet; thence South 24°38'41" East 19.58 feet to the **Point of Beginning**.

Said parcel contains 4,008 square feet or 0.092 acre, more or less.

Parcel 'C'

Being a portion of that certain 20 foot wide Water Easement granted to the City of San Diego in Lots 153 and 154 per Map of Seabreeze Farms, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14007 filed in the Office of the San Diego County Recorder on July 21, 2000, more particularly described as follows:

Commencing at the above-described **Point 'B'**, being on the Southerly line of said portion of said 20 foot wide Water Easement and a point on a 261.69 foot radius curve concave to the Southeast, a radial line to said point bears North 41°31'56" West; thence along the Southerly lines of said portion the following courses: Southwesterly along the arc of said curve through a central angle of 36°40'55" a distance of 167.54 feet; thence South 13°52'56" West 137.52 feet to the **Point of Beginning**; thence South 13°52'56" West 110.09 feet; thence North 76°07'04" West 28.15 feet to the beginning of a tangent 1136.00 foot radius curve concave to the Southwest; thence Northwesterly along the arc of said curve through a central angle of 6°23'41" a distance of 126.79 feet; thence North 82°30'45" West 67.03 feet to a point on the Westerly line of said Lot 154; thence leaving said Southerly line and along said Westerly line North 0°14'17" East 20.16 feet to the Northerly line of said portion of said 20 foot wide Water Easement; thence leaving said Westerly line and along the Northerly lines of said portion the following courses: South 82°30'45" 69.57 feet to the beginning of a tangent 1156.00 foot radius curve concave to the Southwest; thence Southeasterly along the arc of said curve through a central angle of 6°47'56" a distance of 137.17 feet; thence North 13°52'56" East 90.12 feet; thence leaving said Northerly line South 76°07'04" East 20.00 feet to the **Point of Beginning**.

Said parcel contains 6,289 square feet or 0.144 acre, more or less.

Parcel 'D'

Being a portion of that certain 20 foot wide Water Easement granted to the City of San Diego in Lot 153 per Map of Seabreeze Farms, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 14007 filed in the Office of the San Diego County Recorder on July 21, 2000, more particularly described as follows:

Commencing at the above-described **Point 'A'**; thence along the Northerly lines of said portion of said 20 foot wide Water Easement the following courses: South 61°20'27" West 16.23 feet to the beginning of a tangent 412.50 foot radius curve concave to the Southeast; thence Southwesterly along the arc of said curve through a central angle of 31°53'07" a distance of 229.56 feet to the **Point of Beginning**; thence continuing Southwesterly along the arc of said curve through a central angle of 6°57'42" a distance of 50.12 feet; thence South 22°29'38" West 91.54 feet; thence leaving said Northerly line South 45°00'22" East 21.65 feet to a point on the Southerly line of said portion of said 20 foot wide Water Easement; thence along said Southerly lines of said portion the following courses: North 22°29'38" East 99.83 feet to the beginning of a tangent 392.50 foot radius curve concave to the Southeast; thence Northeasterly along the arc of said

curve through a central angle of 7°20'50" a distance of 50.33 feet; thence leaving said Southerly line North 68°03'50" West 20.18 feet to the to the **Point of Beginning**.

Said parcel contains 2,918 square feet or 0.067 acre, more or less.

Attached hereto is a City Drawing No. 40980-B labeled as Exhibit 'B' and by this reference made a part thereof.

This legal description was prepared by me or under my direction in conformance with the Land Surveyors' Act.

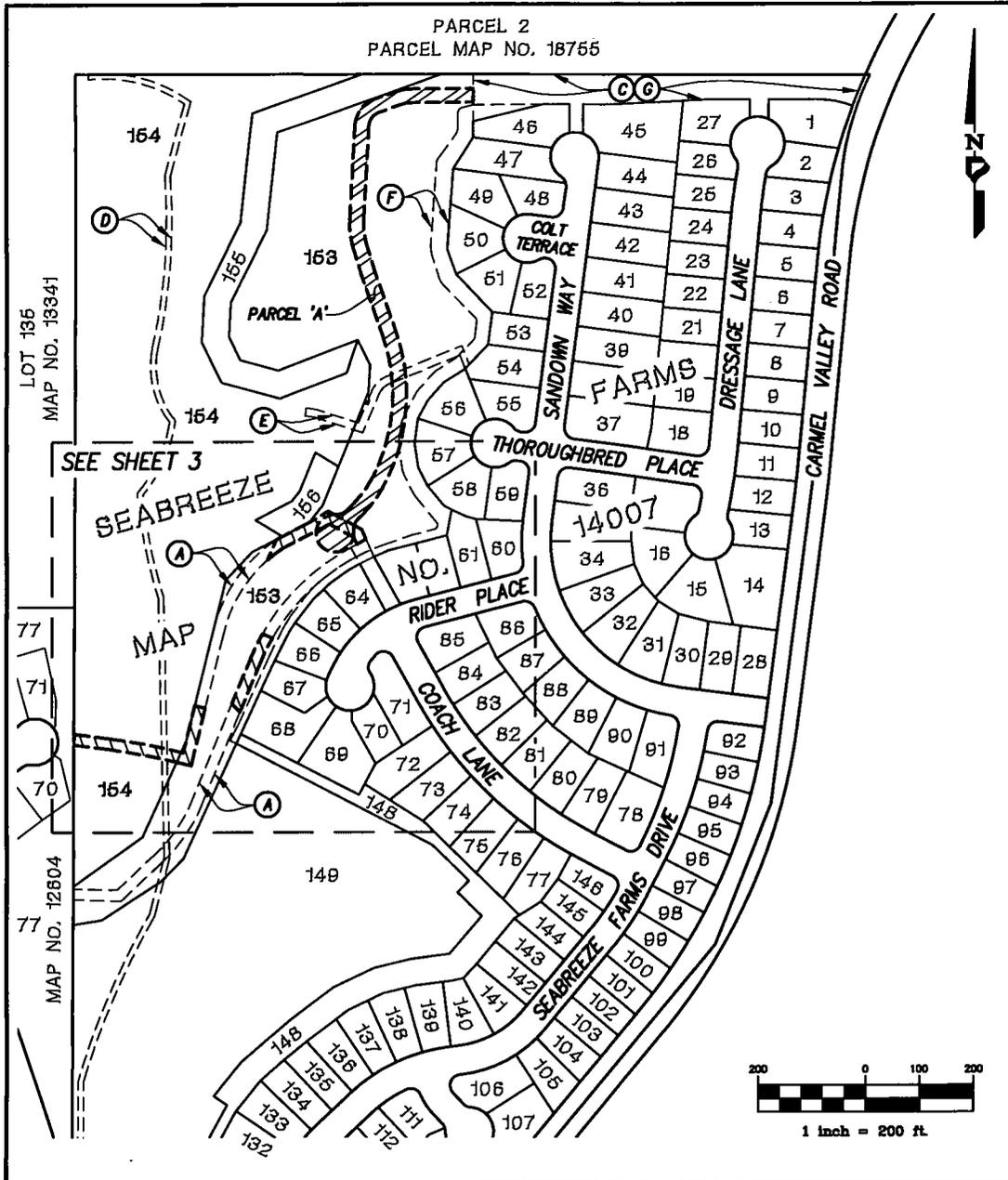

GARY L. HUS
LS 7019

03-28-2019
DATE



P.T.S. No. 600824
Dwg. No. 40980-B
I.O. No. 24007776

EXHIBIT "B"



PROJECT DESIGN CONSULTANTS
701 B Street, Suite 800 San Diego, CA 92101
619.235.6471 Tel 619.234.0349 Fax

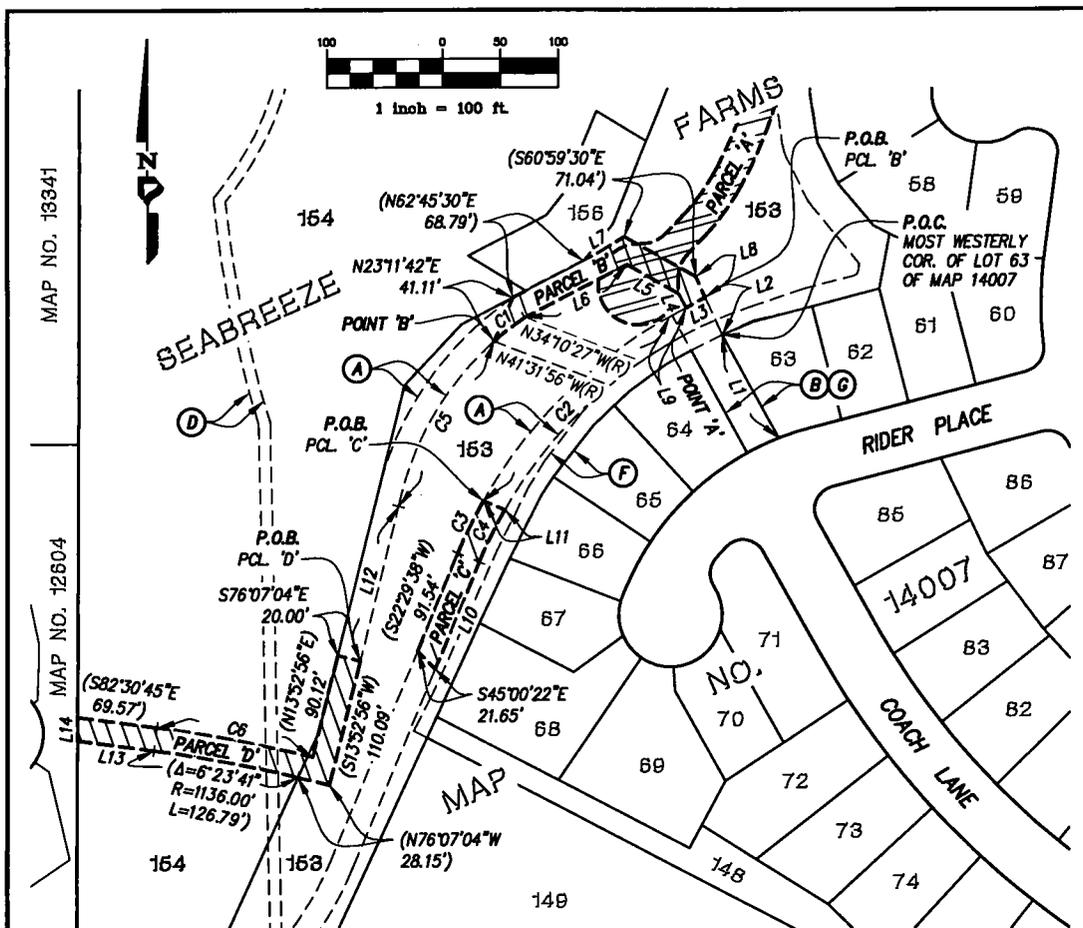
DOCUMENT NO.: _____
RECORDED: _____
RESOLUTION NO.: _____
ADOPTED.: _____

WATER EASEMENT VACATIONS

WITHIN PORTIONS OF LOT 153 OF SEABREEZE FARMS, MAP NO. 14007

DESCRIPTION	BY	APPRVD.	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 3 SHEETS	P.T.S. NO. 600824 I.O. NO. 24007776
ORIGINAL	PDC				FOR CITY LAND SURVEYOR _____ DATE _____	1926-6267 CCS83 COORDINATES 286-1707 LAMBERT COORDINATES
STATUS						40980-2-B

EXHIBIT "B"



CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	721'29"	(261.69')	33.61'
C2	31'53'07"	(412.50')	229.56'
C3	6'57'42"	(412.50')	50.12'
C4	7'20'50"	(392.50')	50.33'
C5	36'40'55"	(261.69')	167.54'
C6	(6'47'56"	1156.00'	137.17')

LINE TABLE		
LINE	DIRECTION	LENGTH
L1	(N28'39'33"W	101.82')
BASIS OF BEARINGS		
L2	(N24'38'41"W	35.59'
L3	(S61'20'27"W	19.12'
L4	(N27'14'30"W	13.97'
L5	(N60'59'30"W	51.28'
L6	(S62'45'30"W	99.65'

L7	(N59'17'07"E	41.27')
L8	(S24'38'41"E	19.58'
L9	(S61'20'27"W	16.23'
L10	(N22'29'38"E	99.83'
L11	(N68'03'50"W	20.18'
L12	(S13'52'56"W	137.52'
L13	(N82'30'45"W	67.03'
L14	(N0'14'17"E	20.16'



PROJECT DESIGN CONSULTANTS
 701 B Street, Suite 800 San Diego, CA 92101
 619.236.8471 Tel 619.234.0349 Fax

DOCUMENT NO.: _____
 RECORDED: _____
 RESOLUTION NO.: _____
 ADOPTED.: _____

WATER EASEMENT VACATIONS

WITHIN PORTIONS OF LOT 153 OF SEABREEZE FARMS, MAP NO. 14007

DESCRIPTION	BY	APPRVD.	DATE	FILMED
ORIGINAL	PDC			

CITY OF SAN DIEGO, CALIFORNIA
 SHEET 3 OF 3 SHEETS

FOR CITY LAND SURVEYOR DATE

P.T.S. NO. 600824
 I.O. NO. 24007776

1926-6267
 CCS83 COORDINATES
 286-1707
 LAMBERT COORDINATES

STATUS

40980-3-B

Passed by the Council of The City of San Diego on AUG 06 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 06 2019.

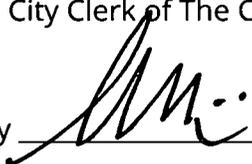
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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- 312641