

#332B  
6/16/20

(R-2020-383)

RESOLUTION NUMBER R- 313102

DATE OF FINAL PASSAGE JUN 16 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO SUMMARILY VACATING AN UNIMPROVED  
PORTION OF 54TH STREET, PUBLIC RIGHT-OF-WAY  
VACATION NO. 2315193, WITH RESERVATION OF  
EASEMENT – PROJECT NO. 640708.

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

WHEREAS, PE3 San Diego, LLC filed an application to vacate a portion of 54th Street and University Avenue, north of Rex Road and south of Parc Lane, being described as Right-of-Way Vacation No. 2315193; and

WHEREAS, Right-of-Way Vacation No. 2315193 is located on property owned by PE3 San Diego, LLC; and

WHEREAS, on January 28, 2020, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 *et seq.*) under CEQA Guideline Section 15305, and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520

WHEREAS, in connection with Public Right-of-Way Vacation No. 2315193, the City desires to reserve and except a public service easement; and

WHEREAS, the public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; The public right-of-way

lies within one ownership and does not continue through that ownership or touch the property of another owner, and; the public right-of-way vacation does not terminate a public service easement, unless the easement vacation satisfies the requirements of the California Streets and Highways Code section 8333; and

WHEREAS, there are no existing public utility facilities that are in use that would be affected by the vacation; and

WHEREAS, the public right-of-way to be vacated contains public utility facilities that would not be affected by the 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 June 16, 2020, 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. 2315193, 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 proposes to vacate an unimproved portion of 54th Street including the curvature area located along the north side of University Avenue in the El Cerrito Heights sub-

community area of the Eastern Neighborhood of the Mid-City Communities Plan area within the CC-3-5 (Commercial-Community Service) zone in the Central Urbanized Planned District. The area to be vacated encompasses approximately 7,449 square feet and is owned in fee by PE3 San Diego, LLC.

The land intended to be vacated is no longer needed as a public right-of-way and is not needed to provide public circulation or services. Ten feet from the existing face of curb along University Avenue and 54th Street shall remain part of the public right-of-way. The area extending 14 feet to 24.5 feet from the 10-foot right-of-way along 54th Street and University Avenue is proposed to be vacated. This excess public right-of-way was originally acquired for circulation, access, and public services by the City of San Diego. 54th Street is classified as a four-lane major with a 55.50-foot right-of-way on the east side of the centerline within the Mid-City Communities Plan. The existing right-of-way on the east side of 54th Street extends approximately 70 feet east of the centerline of 54th Street where 55.50 feet is required for the existing 54th Street roadway in accordance with the Mid-City Communities Plan. The additional 14 –24.5-foot wide area (proposed vacation area) varies because of street curvature. Both 54th Street and University Avenue have been built out to its ultimate classifications.

San Diego Association of Governments (SANDAG) has proposed a re-alignment of the northeast corner of 54th Street and University Avenue to a traditional 90-degree intersection which includes the elimination of the existing “free right turn” from westbound University Avenue to northbound 54th Street and installation of Class II bicycle lane improvements. All proposed improvements by SANDAG fall within the 55.5 feet east of the centerline (i.e. all SANDAG improvements for the re-alignment to be from the existing face of curb moving into the street). As such, the proposed vacation is outside of the 55.5-foot required street

classification and is not necessary and will have no prospective public use for the right-of-way, either for the purpose for which it was originally acquired, or for any other public use of 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 proposes to vacate an unimproved portion of 54th Street and University Avenue located in the El Cerrito Heights sub-community area of the Eastern Neighborhood of the Mid-City Communities Plan area within the CC-3-5 (Commercial-Community Service) zone in the Central Urbanized Planned District. The portion of 54th Street and University Avenue to be vacated encompasses approximately 7,449 square feet and is owned in fee by PE3 San Diego, LLC.

Currently, the unimproved public right-of-way is limited and reserved for circulation and public utility purposes. The adjacent property immediately to the east and abutting the proposed vacation area is owned by a local small business owner and consists of an eco-friendly express car wash facility. The City will benefit from the vacation by converting the remnant public right-of-way to privately-owned land subject to new property tax revenue and the City relinquishing its liability. The property is highly visible from 54th Street and University Avenue. 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 proposes to vacate an unimproved portion of 54th Street and University Avenue within the CC-5-3 zone. The site is located in the El Cerrito Heights sub-community area of the Eastern Neighborhood of the Mid-City Communities Plan area within the CC-3-5

(Commercial-Community Service) zone in the Central Urbanized Planned District. The portion of undeveloped 54th Street and University Avenue being vacated encompasses approximately 7,449 square feet and is owned in fee by PE3 San Diego, LLC., and is adjacent to property designated Community Commercial.

Condominiums are located to the north of the site and an eco-friendly express car wash facility is located east and immediately adjacent of the proposed vacation area. The area proposed to be vacated will become part of the adjacent property owner's property to facilitate the fullest and highest use of the land as designated by the Mid-City Communities Plan Eastern Area consistent with the Community Commercial designation and the CC-5-3 zone. The proposed Public Right-of-Way boundaries will be in accordance with the Mid-City Communities Plan dated August 4, 1998.

54th Street is classified as a four-lane major with a 55.50-foot right-of-way on the east side of the centerline within the Mid-City Communities Plan. The existing right-of-way on the east side of 54th Street extends 70 feet east of the centerline of 54th Street where 55.50 feet is required for the existing 54th Street roadway in accordance to the Mid-City Communities Plan. The additional 14.5 – 24-foot wide area (proposed vacation area, varies due to curvature) is currently landscaped and was installed and maintained by the adjacent property owner. Both 54th Street and University Avenue have been built out to its ultimate classification. SANDAG has proposed a re-alignment of the northeast corner of 54th Street and University Avenue to a traditional 90-degree intersection which includes the elimination of the existing "free right turn" from westbound University Avenue to northbound 54th Street and installation of Class II bicycle lane improvements. All the proposed improvements by SANDAG fall within the 55.5 feet east of the centerline. 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 public right-of-way was originally acquired for circulation, access, and public services by the City of San Diego. Sufficient right-of-way would be maintained by the proposed vacation to accommodate future development and improvements for 54th Street and University Avenue. 54th Street is classified as a four-lane major with a 55.50-foot right-of-way on the east side of the centerline. The existing right-of-way currently extends approximately 70 feet east of the centerline of 54th Street and includes the excess area of 14.5-24 feet per Exhibit B (proposed vacation area). A 55.50-foot right-of-way east from the current center line of 54th Street is being reserved. The landscaping area within the proposed vacated area will be maintained by the existing owner and there will be no negative impact to either public vehicular circulation or pedestrian circulation.

As a condition of the proposed Public Right-of-Way Vacation, an easement will be reserved over the applicable area proposed to be vacated for the City sewer and storm drain infrastructure. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Right-of-Way Vacation No. 2315193, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41474-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated subject to the following condition(s) which are made a part of this resolution:

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Right-of-Way Vacation No. 2315193 the permanent easement for public utility purposes, as

more particularly described hereinafter in the legal description marked as Exhibit "A" and shown on Drawing No. 41474-B marked as Exhibit "B."

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along, and across that portion of University Avenue, vacated by this Document and as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41474-B marked as Exhibit "B."

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 /s/ Noah J. Brazier  
Noah J. Brazier  
Deputy City Attorney

NJB:als  
03/05/2020  
Or.Dept:DSD  
Doc. No.: 2344583

Attachments: Exhibit A – Legal Description  
Exhibit B – Drawing Map No. 41474-B

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
PUBLIC RIGHT OF WAY VACATION  
(PORTIONS OF 54<sup>TH</sup> STREET & UNIVERSITY AVENUE)**

THOSE PORTIONS OF 54<sup>TH</sup> STREET AND UNIVERSITY AVENUE GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 550594 IN BOOK 6507, PAGE 552 OF OFFICIAL RECORDS, RECORDED MARCH 25 1957, LYING WITHIN LOT 22 OF LEMON VILLA IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 734, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 2, 1892, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 22;  
THENCE ALONG THE NORTHERLY LINE THEREOF, NORTH 89°51'10" EAST 45.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF MC GRATH CORNER, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ACCORDING TO MAP NO. 4576, BEING THE TRUE POINT OF BEGINNING;

THENCE ALONG THE WESTERLY AND SOUTHWESTERLY LINE THEREOF THE FOLLOWING COURSES:

SOUTH 00°01'00" EAST 157.03 FEET;

THENCE SOUTH 03°22'59" EAST 113.27 FEET TO THE BEGINNING OF A 85.00 FOOT RADIUS TANGENT CURVE CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 54°23'14" A DISTANCE OF 80.69 FEET;

THENCE TANGENT TO SAID CURVE SOUTH 57°46'13" EAST 57.76 FEET, MORE OR LESS, TO THE SOUTHEASTERLY CORNER OF SAID LOT 1;

THENCE LEAVING SAID SOUTHWESTERLY LINE OF LOT 1, AND ALONG THE SOUTHERLY PROLONGATION OF THE EASTERLY LINE OF SAID LOT 1, SOUTH 00°01'00" EAST 18.63 FEET;

THENCE NORTH 68°04'30" WEST 39.59 FEET TO THE BEGINNING OF A TANGENT 110.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 62°57'30" A DISTANCE OF 120.87 FEET;

THENCE TANGENT TO SAID CURVE NORTH 05°07'00" WEST 48.52 FEET TO A POINT ON A LINE THAT IS PARALLEL WITH AND 30.50 FEET EASTERLY OF (MEASURED AT RIGHT ANGLES) THE WESTERLY LINE OF SAID LOT 22;



THENCE ALONG SAID PARALLEL LINE NORTH 00°01'00" WEST 231.04 FEET TO THE  
NORTHERLY LINE OF SAID LOT 22;  
THENCE ALONG SAID NORTHERLY LINE NORTH 89°51'10" EAST 14.50 FEET TO THE  
TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 7,449 SF, 0.171 ACRE, MORE OR LESS.

ATTACHED HERETO IS A CITY DRAWING NO. 41474-B, LABELED EXHIBIT "B", AND  
BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY ME OR  
UNDER MY DIRECTION

  
DENNIS W. GOOD LS8084



LO # 24008314  
PTS # 640708  
DWG # 41474-B

## EXHIBIT "B"

### EASEMENT NOTES:

- A** 10 FOOT WIDE EASEMENT(S) FOR PUBLIC SEWER AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO THE CITY OF SAN DIEGO, REC OCT 05, 1949, IN BOOK 3341, PAGE 83, O.R.
- B** 8 FOOT WIDE EASEMENT(S) FOR STORM DRAIN OR DRAINS AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO THE CITY OF SAN DIEGO, REC JUNE 24, 1952, IN BOOK 4505, PAGE 19, O.R.
- C** 8 FOOT WIDE EASEMENT(S) FOR STORM DRAIN OR DRAINS AND RIGHTS INCIDENTAL THERETO, AS GRANTED IN A DOCUMENT TO THE CITY OF SAN DIEGO, REC OCT 18, 1949, IN BOOK 3358, PAGE 158, OFFICIAL RECORDS.
- D** THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY THE DOCUMENT, REC JAN 03, 1957, IN BOOK 6403, PAGES 279 AND 283, O.R.
- E** THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN RELINQUISHED BY SAID MAP 4576.
- F** 15 FOOT WIDE SEWER AND STORM DRAIN EASEMENT RESERVED HEREON IN FAVOR OF THE CITY OF SAN DIEGO

### SITE ADDRESS

4055 54TH STREET.

### REFERENCE DRAWINGS/DOCUMENTS

MAP 4576, PM 20749, DWG NO. 12105-L, DWG NO. 8330-L, DWG NO. 8330-AL,  
CITY COUNCIL RESOLUTION NO. 138141, BOOK 6507/PAGE 552  
CITY COUNCIL RESOLUTION NO. 108327, BOOK 4597/PAGE 527


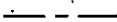
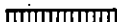

### ASSESSOR'S PARCEL NO.

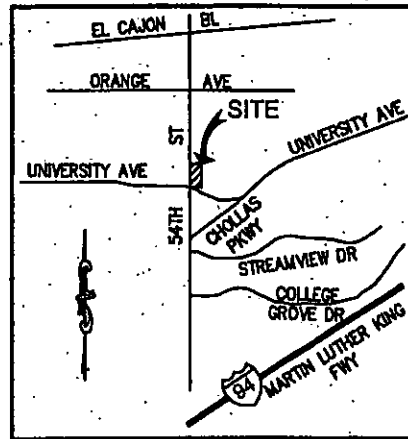
472-400-05

### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EASTERLY LINE OF MAP 4576 I.E. N 00°01'00" W

### LEGEND

-  INDICATES PORTION OF 54TH STREET & UNIVERSITY AVENUE, VACATED: 7,449 S.F. (0.171 AC)
-  INDICATES CENTERLINE
-  INDICATES ACCESS RIGHTS RELINQUISHED
-  INDICATES RECORD DATA PER MAP 4576
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING

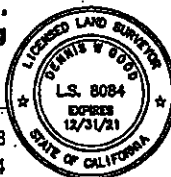


VICINITY MAP

NO TO SCALE



**K & S ENGINEERING, INC.**  
Planning . Engineering . Surveying



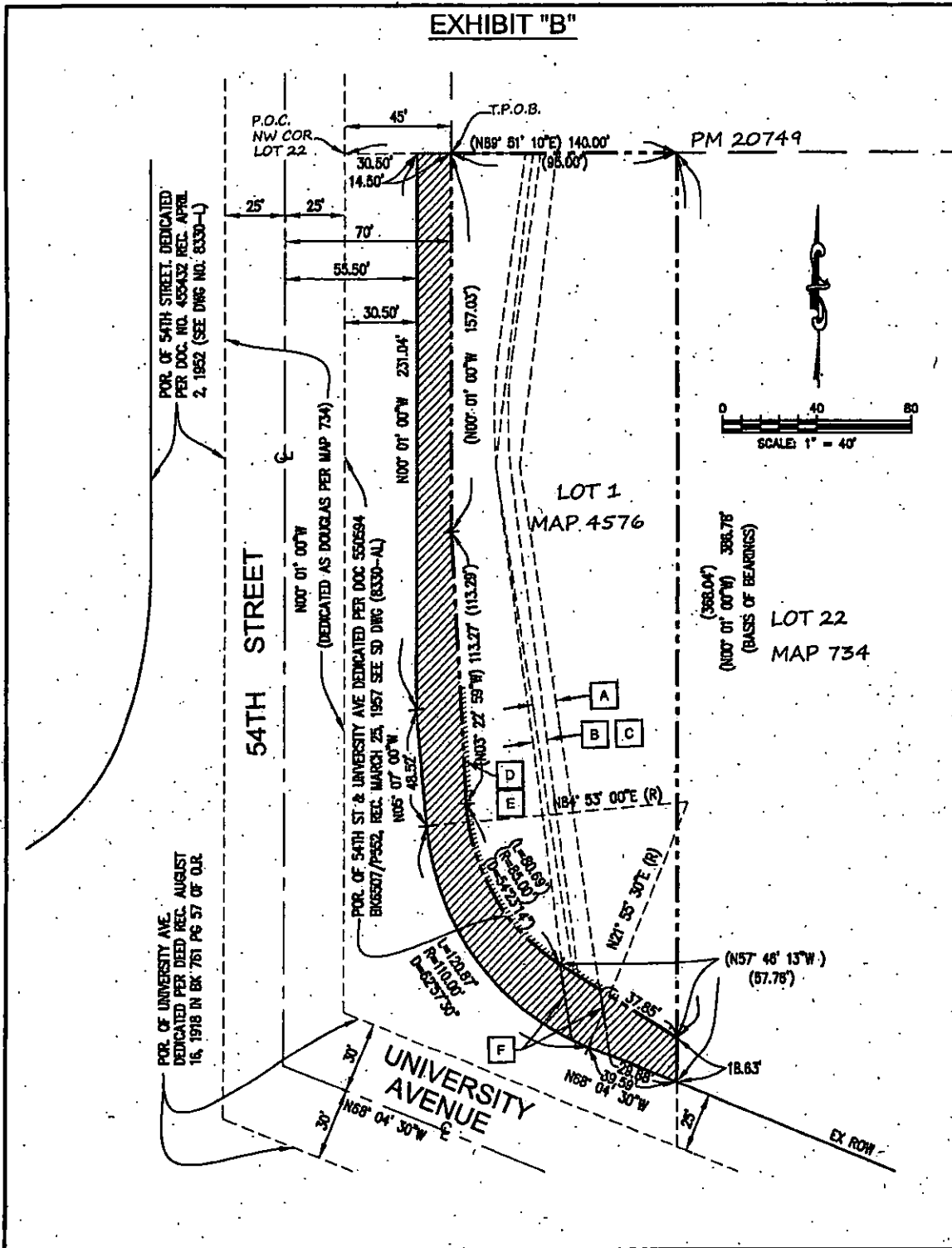
DENNIS W. GOOD, LS 8084 DATE \_\_\_\_\_  
7801 Mission Center Court, Suite 100 San Diego, CA 92108  
(619) 296-5565 Fax: (619) 296-5564

RESOLUTION NO. \_\_\_\_\_  
DATE ADOPTED \_\_\_\_\_  
DOC NO. \_\_\_\_\_  
RECORDED \_\_\_\_\_

### VACATION OF A PORTION OF 54TH STREET AND UNIVERSITY AVENUE ADJOINING LOT 1, MAP 4576

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 2 SHEET	LO.# 24008314 PTS# 640708
ORIGINAL	K&S					1852-8305
					FOR CITY LAND SURVEYOR	CCS&S COORDINATES
					DIVISION HEAD	212-1745
					SECTION HEAD	LAMBERT COORDINATES
STATUS						41474-1-B

EXHIBIT "B"

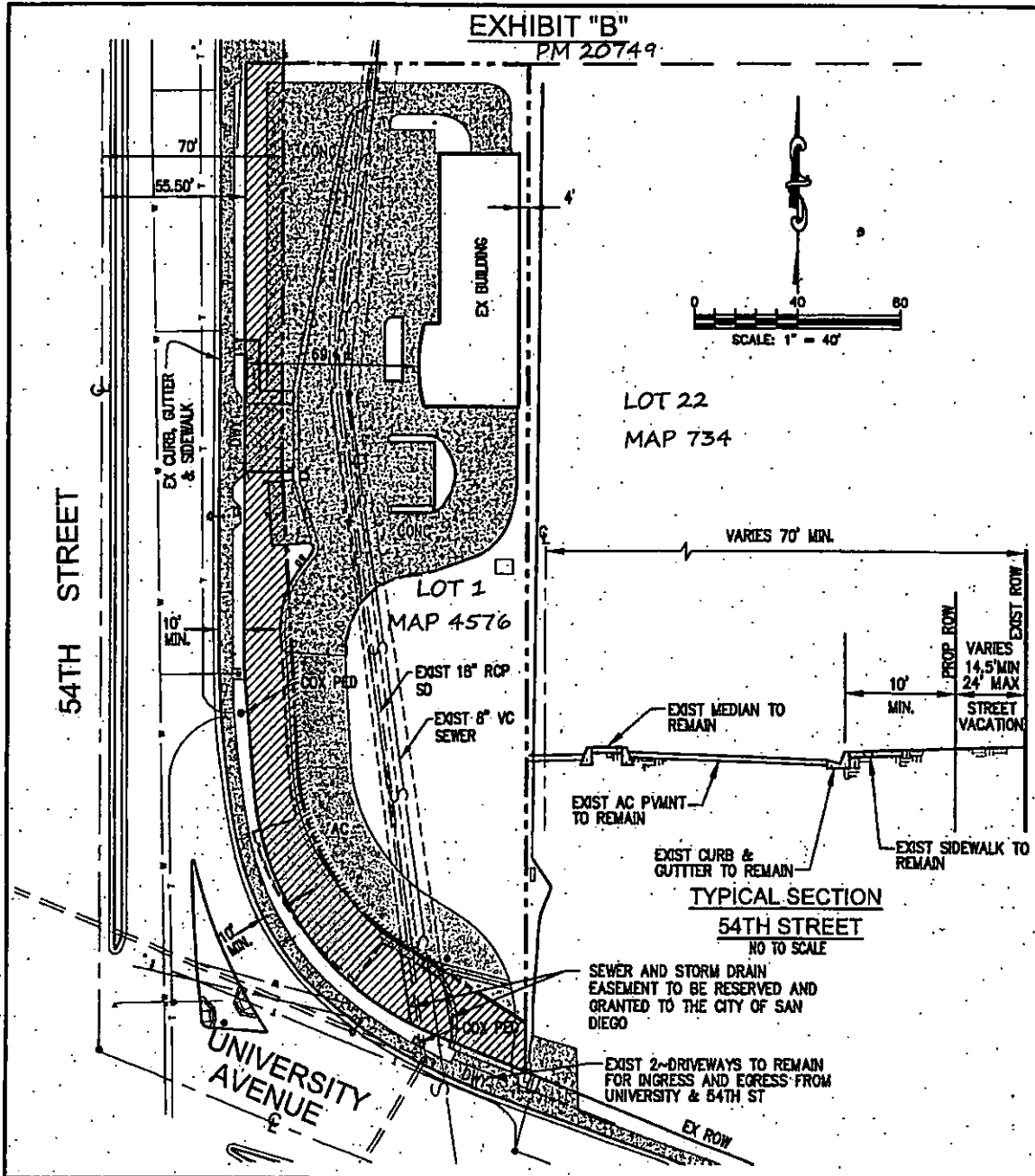


VACATION OF A PORTION OF 54TH STREET AND UNIVERSITY AVENUE  
ADJOINING LOT 1, MAP 4576

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 3 SHEET	I.O.# 24008314 PTS# 840708
ORIGINAL	K&S					1852-8306 DCS&S COORDINATES
					FOR CITY LAND SURVEYOR	212-1745 LAMBERT COORDINATES
					DIVISION HEAD	
					SECTION HEAD	41474-2-B
					STATUS	

EXHIBIT "B"

PM 20749



INFORMATIONAL SHEET ONLY

VACATION OF A PORTION OF 54TH STREET AND UNIVERSITY AVENUE  
ADJOINING LOT 1, MAP 4576

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 3 OF 3 SHEET	I.O.# 24008314
ORIGINAL	K&S					PTS# 640708
						1852-6305
						CCS83 COORDINATES
						212-1746
						LAIBERTY COORDINATES
						41474-3-B
					DIVISION HEAD	
					SECTION HEAD	
				STATUS		

Passed by the Council of The City of San Diego on JUN 16 2020, 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 16 2020.

**(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.

By Gina Quisenberry, Deputy



Office of the City Clerk, San Diego, California

Resolution Number R- 313102