

RESOLUTION NUMBER R- 313450

DATE OF FINAL PASSAGE MAR 02 2021

A RESOLUTION VACATING A PUBLIC PEDESTRIAN ACCESS EASEMENT AND PUBLIC WATER EASEMENT WITHIN LOTS 2, 3, 5, AND 5 OF THE VISTA AT RANCHO BERNARDO MAP NO. 15736 LOCATED AT 16945 VIA DEL CAMPO – PROJECT NO. 656325.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public service easements by City Council resolution; and

WHEREAS, Spears and Associates, Inc. filed an application to vacate a Public Pedestrian Access Easement and Public Water Easement, being described as Public Pedestrian Access Easement Vacation No. 2386467 and Public Water Easement Vacation No. 2407375; and

WHEREAS, Public Pedestrian Access Easement Vacation No. 2386467 and Public Water Easement Vacation No. 2407375 is located at 16945 Via Del Campo on property owned by The Sunstone Group, L.P.; and

WHEREAS, under San Diego 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 March 2, 2021, 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 it adopts the following findings with respect to Public Pedestrian Access Easement Vacation No. 2386467 and Public Water Easement Vacation No. 2407375:

**A. PUBLIC SERVICE EASEMENT AND OTHER EASEMENT VACATIONS**

**[MUNICIPAL CODE SECTION 125.1040]**

**1. Findings for Public Service Easement and Other Easement Vacations**

**(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 32,899 square-foot Public Water Easement was granted to the City of San Diego per Vista at Rancho Bernardo Map No. 15736 (Map) within Lots 2, 3, 4, and 5. In 2006, the site was approved to subdivide the 38.42-acre site into five lots, including to maintain existing buildings for corporate research on Lot 1, and construction of new industrial buildings, and construction of a four-level parking structure on Lots 2-5, pursuant to Planned Development Permit No. 8528 and Site Development Permit No. 260305 (Project No. 4873). In December 2008, the Map recorded that subdivided the site into five lots. In 2009, Lots 2-5 were sold off to another party. The new property owner for Lots 2-5 abandoned the prior envisioned project and developed the site in 2020 with a single light industrial building and parking lot that covers Lots 2-5 in conformance with the underlying zoning. The new building is located over portions of both easements that were recorded with the Map for the previously envisioned project. Due to the current development of the site, the recorded easements were never utilized and were determined not to be needed for public use. 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 Public Water Easement granted to the City within Lots 2, 3, 4, and 5 of the Vista at Rancho Bernardo Map No. 15736 were determined not to be needed for public purposes. The City currently controls and is liable for this area that does not serve a public benefit. The public will benefit by the reduction of liability to the City and increase the area of privately-owned land subject to property taxation. With an increase of tax revenue, the general public will benefit by the increase of available public funds. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

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

The Public Water Easement is located within a fully developed light industrial complex at 16945 Via Del Campo within the Rancho Bernardo Community Plan area. The Rancho Bernardo Community Plan (Community Plan) designates the subject property as Light Industrial, which is intended to provide a mix of light industrial and office uses. The new building and its uses that exist over the easements are consistent with the Light Industrial designation, and supports the Community Plan objectives of establishing viable industrial parks consisting of large and small industrial firms engaged in a wide variety of non-polluting industrial activities, and encouraging a labor-intensive industry to broaden the employment base in the community. Therefore, the vacation is consistent with any 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 32,899 square-foot Public Water Easement was granted to the City of San Diego per Vista at Rancho Bernardo Map No. 15736 (Map) within Lots 2, 3, 4, and 5. In 2006, the site was approved to subdivide the 38.42-acre site into five lots, including to maintain existing buildings for corporate research on Lot 1, and construction of new industrial buildings, and construction of a four-level parking structure on Lots 2-5, pursuant to Planned Development Permit No. 8528 and Site Development Permit No. 260305 (Project No. 4873). In December 2008, the Map recorded that subdivided the site into five lots. In 2009, Lots 2-5 were sold off to another party. The new property owner for Lots 2-5 abandoned the prior envisioned project and developed the site in 2020 with a single light industrial building and parking lot that covers Lots 2-5 in conformance with the underlying zoning. The new building is located over portions of the easement that was recorded with the Map for the previously envisioned project. Due to the current development of the site, the recorded easement were never utilized and were determined not to be needed for public use. 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.

**B. PUBLIC RIGHT-OF-WAY VACATION [MUNICIPAL CODE SECTION 125.0941]**

**1. Findings for Public Right-of-Way Vacations**

**(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 5,822 square-foot Public Pedestrian Access Easement was granted to the City of San Diego per Vista at Rancho Bernardo Map No. 15736 (Map) within Lots 2, 3, 4, and 5. In 2006, the site was approved to subdivide the 38.42-acre site into five lots, including to maintain existing buildings for corporate research on Lot 1, and construction of new industrial buildings, and construction of a four-level parking structure on Lots 2-5, pursuant to Planned Development Permit No. 8528 and Site Development Permit No. 260305 (Project No. 4873). In December 2008, the Map recorded that subdivided the site into five lots. In 2009, Lots 2-5 were sold off to another party. The new property owner for Lots 2-5 abandoned the prior envisioned project and developed the site in 2020 with a single light industrial building and parking lot that covers Lots 2-5 in conformance with the underlying zoning. The new building is located over portions of both easements that were recorded with the Map for the previously envisioned project. Due to the current development of the site, the recorded easements were never utilized and were determined not to be needed for public use. 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.

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

The Public Pedestrian Access Easement granted to the City within Lots 2, 3, 4, and 5 of the Vista at Rancho Bernardo Map No. 15736 were determined not to be needed for public purposes. The City currently controls and is liable for this area that does not serve a public benefit. The public will benefit by the reduction of liability to the City and increase the area of privately-owned land subject to property taxation. With an increase of tax revenue, the general

public will benefit by the increase of available public funds. 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 Public Pedestrian Access Easement is located within a fully developed light industrial complex at 16945 Via Del Campo within the Rancho Bernardo Community Plan area. The Community Plan designates the subject property as Light Industrial, which is intended to provide a mix of light industrial and office uses. The new building and its uses that exist over the easements are consistent with the Light Industrial designation, and supports the Community Plan objectives of establishing viable industrial parks consisting of large and small industrial firms engaged in a wide variety of non-polluting industrial activities, and encouraging a labor-intensive industry to broaden the employment base in the community. 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 5,822 square-foot Public Pedestrian Access Easement was granted to the City of San Diego per Vista at Rancho Bernardo Map No. 15736 (Map) within Lots 2, 3, 4, and 5. In 2006, the site was approved to subdivide the 38.42-acre site into five lots, including to maintain existing buildings for corporate research on Lot 1, and construction of new industrial buildings, and construction of a four-level parking structure on Lots 2-5, pursuant to Planned Development Permit No. 8528 and Site Development Permit No. 260305 (Project No. 4873). In December 2008, the Map recorded that subdivided the site into five lots. In 2009, Lots 2-5 were sold off to another party. The new property owner for Lots 2-5 abandoned the prior envisioned project and developed the site in 2020 with a single light industrial building and parking lot that covers Lots

2-5 in conformance with the underlying zoning. The new building is located over portions of both easements that were recorded with the Map for the previously envisioned project. Due to the current development of the site, the recorded easements were never utilized and were determined not to be needed for public use. 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 Public Pedestrian Access Easement Vacation No. 2386467 and Public Water Easement Vacation No. 2407375, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 41859-B and 41860-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

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/ Shannon C. Eckmeyer  
Shannon C. Eckmeyer  
Deputy City Attorney

SCE:sc  
02/02/2021  
02/19/2021 COR. COPY  
Or.Dept:DSD  
Document No.: 2578723

Attachments: Exhibit A: Legal Descriptions of Easements  
Exhibit B: Easement Drawings

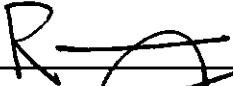
# EXHIBIT "A"

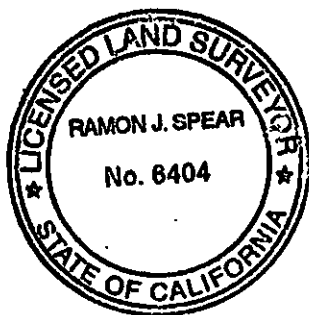
## LEGAL DESCRIPTION

### PEDESTRIAN ACCESS EASEMENT VACATION

BEING THAT EASEMENT FOR PEDESTRIAN RIGHT OF WAY ACCESS DEDICATED TO PUBLIC USE WITHIN LOTS 2, 3, 4 AND 5 OF THE VISTA AT RANCHO BERNARDO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15736, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 22, 2008, VACATED.

ATTACHED HERETO IS A DRAWING NO. 41859-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

 12/18/2020  
RAMON J. SPEAR, L.S. 6404



P.T.S.: 656325

CITY DWG: 41859-B



# EXHIBIT "A"

## LEGAL DESCRIPTION

### WATER EASEMENT VACATION

BEING THAT PORTION OF THE WATER EASEMENT GRANTED WITHIN LOTS 1, 2 AND 5 OF THE VISTA AT RANCHO BERNARDO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15736, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 22, 2008, AS SAID PORTION OF THE WATER EASEMENT IS SHOWN ON SHEET 7 OF SAID MAP NO. 15736, VACATED.

ATTACHED HERETO IS A DRAWING NO. 41860-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

  
RAMON J. SPEAR, L.S. 6404






P.T.S.: 656325

CITY DWG: 41860-B

# EXHIBIT "B"

128430

## LEGEND

-  INDICATES PEDESTRIAN ACCESS EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. 15736, VACATED.
-  LOT LINE
-  EASEMENT LINE

## REFERENCE DWG NO'S

41074-D  
MAP NO. 15736

## ASSESSOR'S PARCEL NO'S

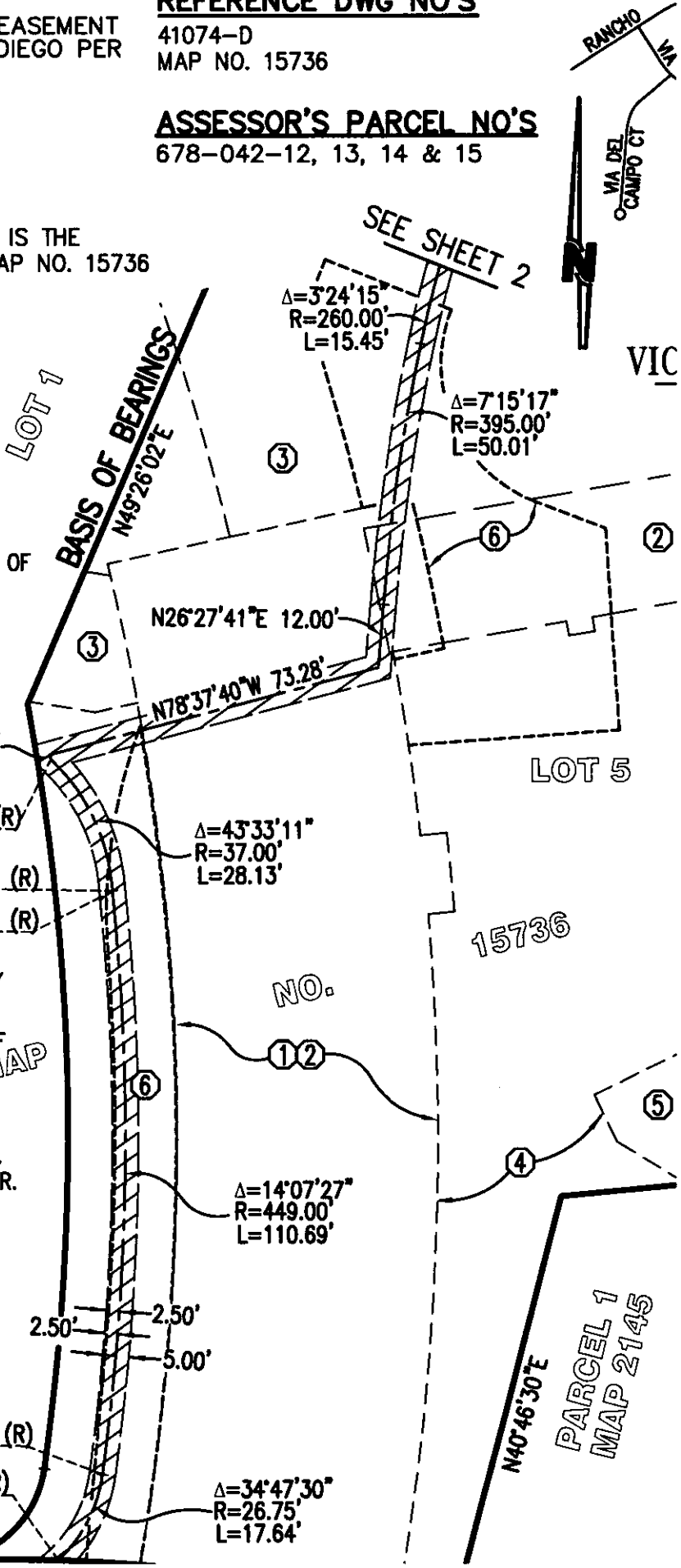
678-042-12, 13, 14 & 15

## BASIS OF BEARINGS

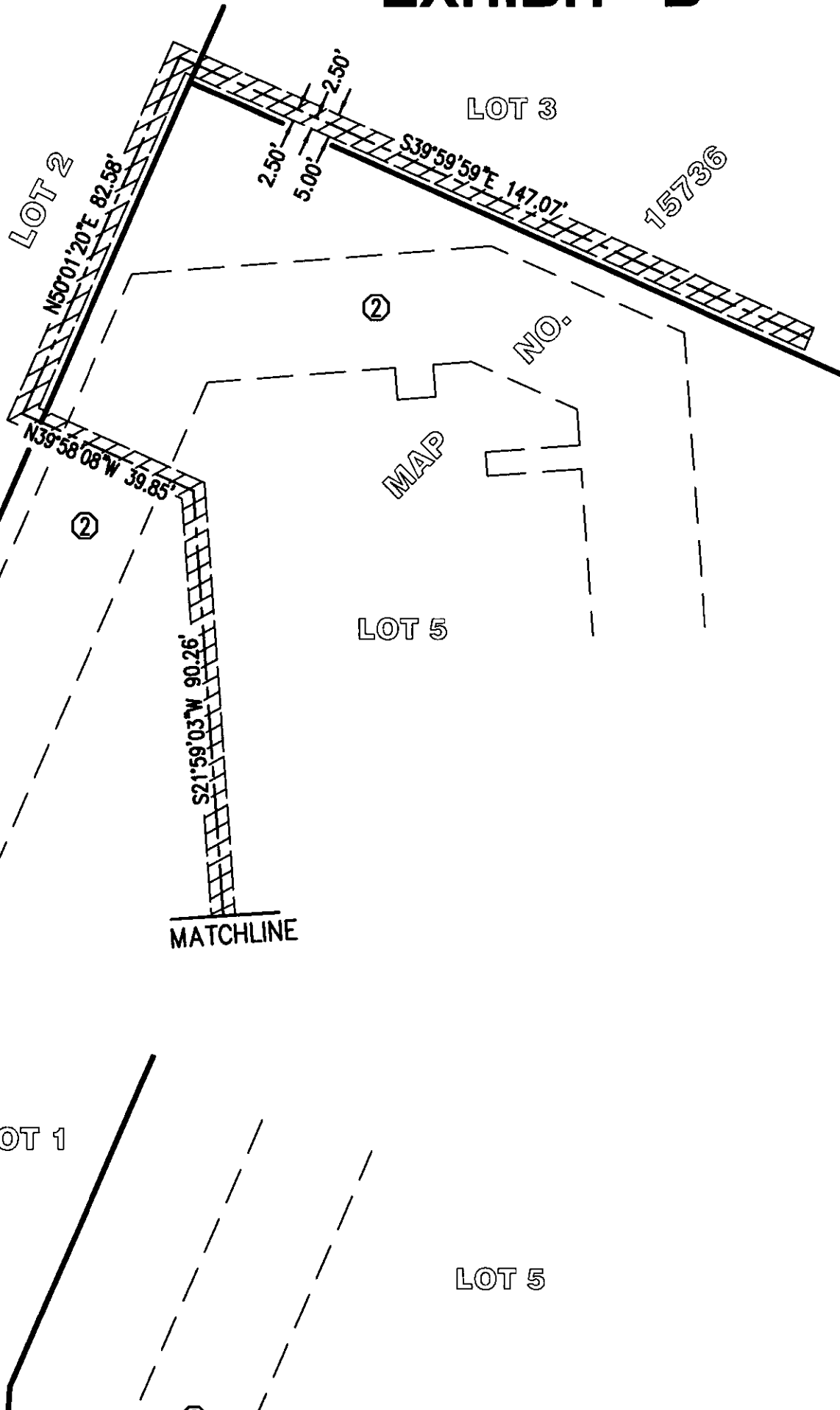
THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EASTERLY LINE OF LOT 1 AS SHOWN PER MAP NO. 15736 I.E. N49°26'02"E

## EASEMENTS

- ① EASEMENT FOR RECLAIMED WATER FACILITIES GRANTED TO CITY OF SAN DIEGO, REC. 12/17/1992, FILE NO. 1992-0808776, O.R.
- ② WATER EASEMENT GRANTED TO CITY OF SAN DIEGO PER MAP NO. 15736.
- ③ WATER & SEWER EASEMENT GRANTED TO CITY OF SAN DIEGO, REC. 12/17/1992, FILE NO. 1992-0808775, O.R.
- ④ EMERGENCY ACCESS EASEMENT OVER LOT 5 GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. 15736.
- ⑤ OPEN SPACE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. 15736.  
EASEMENTS FOR PUBLIC UTILITIES IN FAVOR OF SAN DIEGO GAS & ELECTRIC RECORDED:  
SEPTEMBER 12, 1967 AT F/P NO. 138888 O.R.  
SEPTEMBER 12, 1967 AT F/P NO. 138902 O.R.  
SEPTEMBER 22, 1967 AT F/P NO. 145725 O.R.  
MAY 03, 1993 AS DOC. NO. 1993-0272553 O.R.  
EASEMENTS ARE NOT PLOTTABLE
- ⑥ WATER EASEMENT GRANTED TO CITY OF SAN DIEGO PER DOC. 2020-0522167 REC. 9-9-2020, O.R.






# EXHIBIT "B"



# EXHIBIT "B"

128430

## LEGEND

-  INDICATES WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. 15736, VACATED.
-  LOT LINE
-  EASEMENT LINE

## REFERENCE DWG NO'S

41074-D  
MAP NO. 15736

## BASIS OF BEARINGS

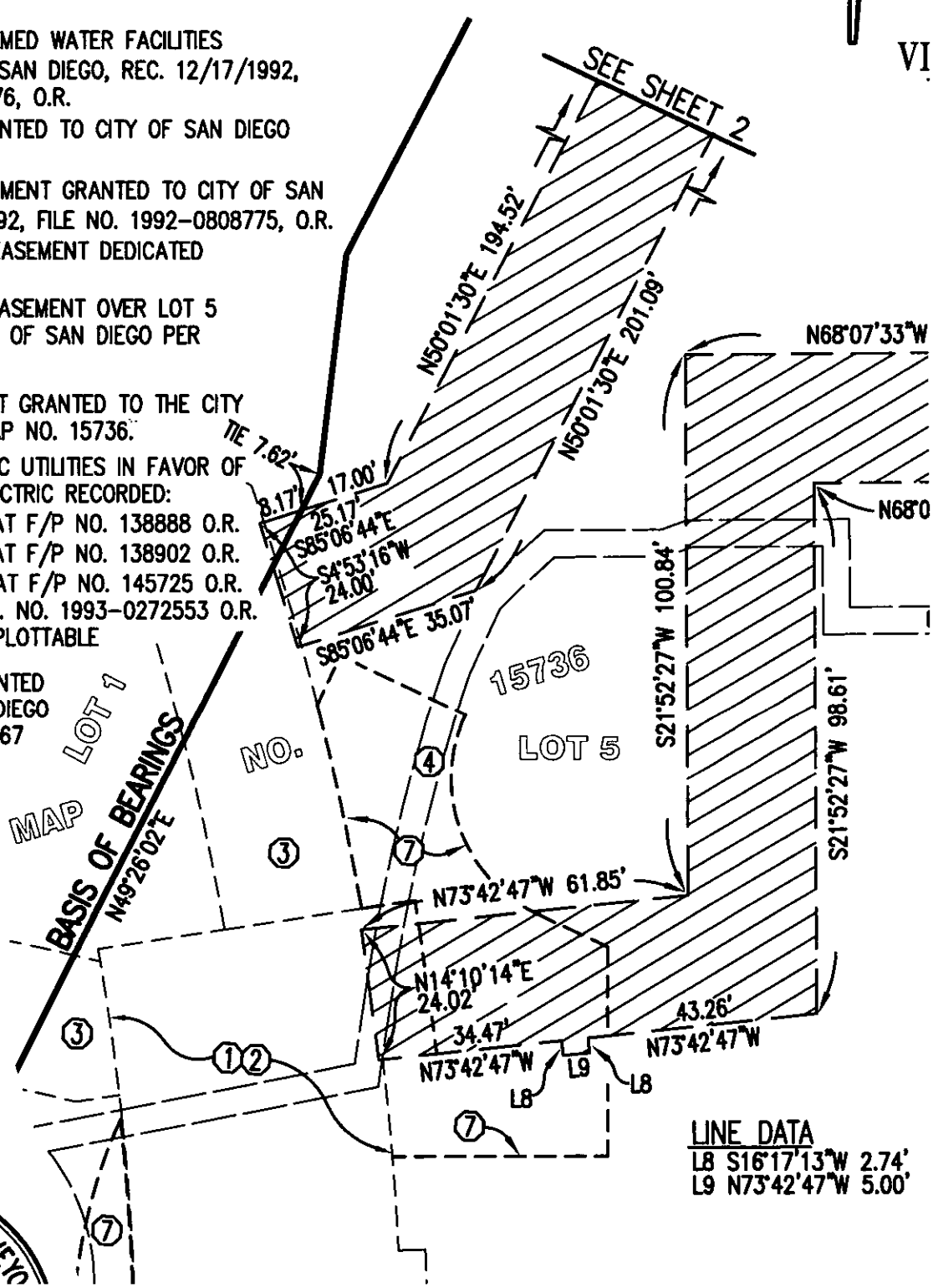
THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EASTERLY LINE OF LOT 1 AS SHOWN PER MAP NO. 15736 I.E. N49°26'02"E

## ASSESSOR'S PARCEL NO'S

678-042-11, 12 & 15

## EASEMENTS

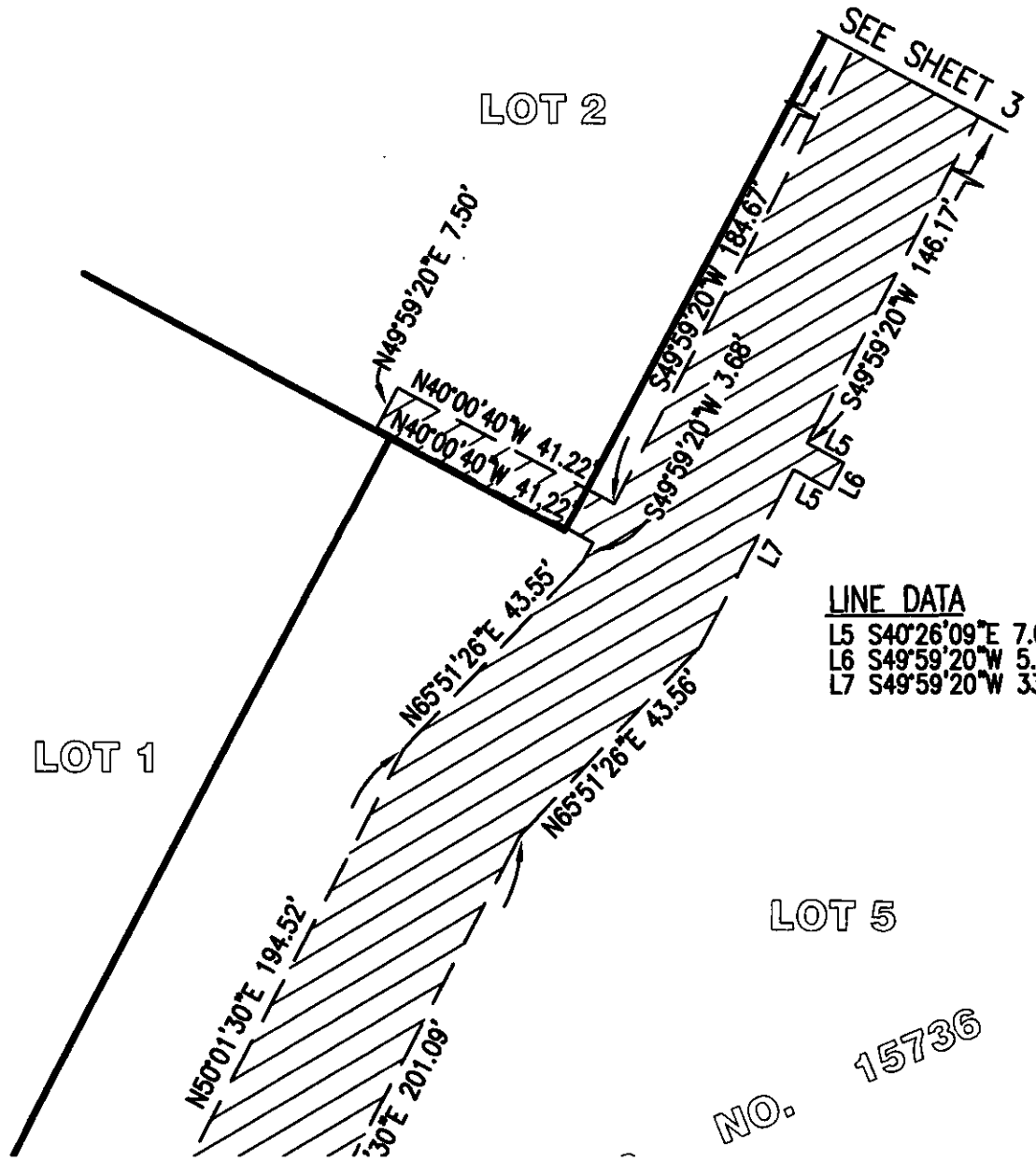
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- ⑦ WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOC. 2020-0522167 REC. 9-9-2020, O.R.



**LINE DATA**  
L8 S16°17'13"W 2.74'  
L9 N73°42'47"W 5.00'



# EXHIBIT "B"



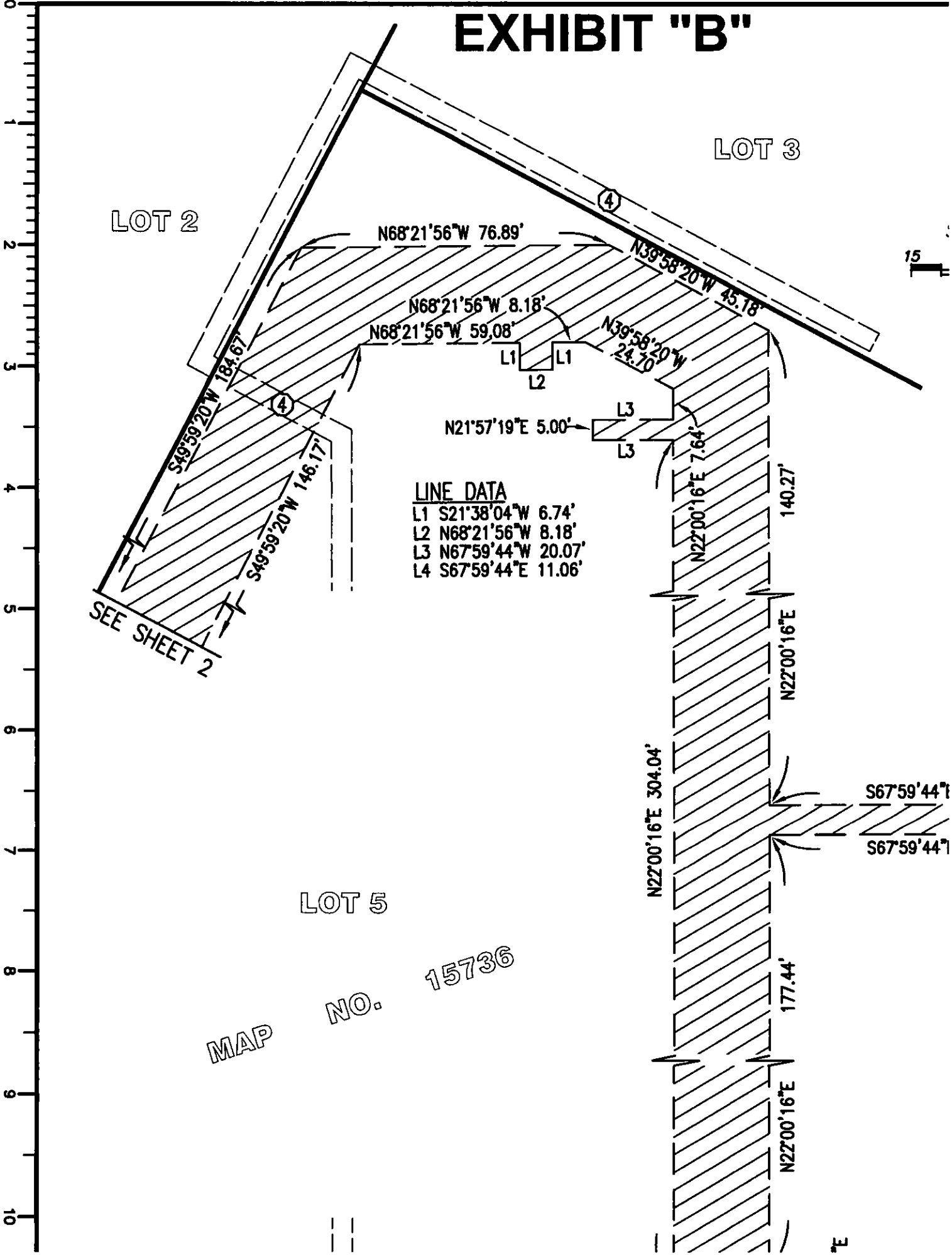
**LINE DATA**

L5	S40°26'09"E	7.03'
L6	S49°59'20"W	5.00'
L7	S49°59'20"W	33.70'

LOT 5

NO. 15736

# EXHIBIT "B"



LOT 2

LOT 3

LOT 5

MAP NO. 15736

LINE DATA

- L1 S21°38'04"W 6.74'
- L2 N68°21'56"W 8.18'
- L3 N67°59'44"W 20.07'
- L4 S67°59'44"E 11.06'

SEE SHEET 2

15

"E

Passed by the Council of The City of San Diego on MAR 02 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 02 2021.

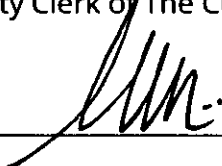
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
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- 313450