

# 334C  
04/12/2022

(R-2022-97)

RESOLUTION NUMBER R- 314066

DATE OF FINAL PASSAGE APR 12 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONDITIONALLY VACATING VARIOUS PUBLIC SERVICE EASEMENTS 9449 FRIARS ROAD (EASEMENT VACATION NO. 250353) – PROJECT NO. 665002 RELATED TO THE SAN DIEGO STATE UNIVERSITY MISSION VALLEY CAMPUS.

WHEREAS, the Board of Trustees of the California State University, the State of California acting in its higher education capacity on behalf of San Diego State University (CSU) requests that various public service easements (Easement Vacation No. 1330142) be vacated related to the SDSU Mission Valley Campus; and

WHEREAS, these easement vacations will be conditioned upon the completion of new realigned utilities and dedication of new utility easements; and

WHEREAS, California Streets and Highways Code section 8330 *et seq.* San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the summary vacation of public easements by City Council resolution; 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City 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 April 12, 2022, 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 of the City of San Diego, that with respect to various public service easement vacations (Easement Vacation No. 1330142), the Council finds that:

**1. 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 easements are for public water and sewer facilities that will be realigned by a public right-of-way permit and receive new easement dedications that will not affect these facilities. Therefore, when the conditions of this vacation are met, there will be no present or prospective public use for the easements, 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 location of the easements to be vacated are depicted on Exhibit B.

**2. The public will benefit from the action through improved utilization of the land made available by the vacation.**

The public will benefit through the improved use of the land that is facilitated by the vacation. The San Diego State University (SDSU) Mission Valley Campus will provide for innumerable benefits for the public, including the provision of the 34-acre San Diego River Park, the provision of approximately 460 affordable homes, the expansion of SDSU to include an additional 15,000 Full Time Equivalent Students which increases access to higher education, and the redevelopment of an underutilized infill site along a transit line which is consistent with the goals and policies of the recently updated Mission Valley Community Plan.

**3. The vacation is consistent with any applicable land use plan.**

The vacation is consistent with the SDSU Mission Valley Campus Master Plan and Final EIR, as well as the provisions of San Diego Municipal Code section 22.0908(c)(iv) which provides that the sale of the SDCCU Stadium Site to SDSU shall require "the City and SDSU to cooperate to modify or vacate easements or secure lot line adjustments on the Existing Stadium Site ... so that development of the Existing Stadium Site is facilitated."

**4. 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 easements are for public water and sewer facilities that will be realigned by public right of way permits and receive new easement dedications. Therefore, once the conditions of this vacation are met, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation and the purpose for which the easement was acquired will no longer exist. The locations of the easements to be vacated are depicted on Exhibit B.







**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**48" WATER EASEMENT VACATION**

THAT PORTION OF WATER EASEMENT PARCEL "A" GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 2020-0454909 RECORDED AUGUST 13, 2020, OF OFFICIAL RECORDS, BEING A PORTION OF LOTS 36, 42 AND 43 OF RANCHO MISSION SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO PARTITION MAP THEREOF ON FILE IN CASE NO. 348 OF SUPERIOR COURT IN SAN DIEGO COUNTY ENTITLED JUAN M. LUCO, ET AL. VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL., FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 35.00 FEET IN WIDTH LYING 17.50 FEET, MEASURED AT RIGHT ANGLES, ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:

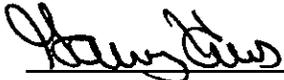
**BEGINNING** AT THE MOST SOUTHWESTERLY CORNER OF LAND DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO PER RESOLUTION NO. 189625, RECORDED MARCH 3, 1967, AS FILE/PAGE 29314, IN BOOK 1967, OF OFFICIAL RECORDS, SAID POINT BEING ON THE SOUTHERLY LINE OF FRIARS ROAD; THENCE NORTHEASTERLY ALONG SAID SOUTHERLY LINE OF FRIARS ROAD NORTH 62° 13' 09" EAST A DISTANCE OF 193.23 FEET TO THE BEGINNING OF A TANGENT 1000.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 432.61 FEET THROUGH A CENTRAL ANGLE OF 24° 47' 13"; THENCE NORTH 87° 00' 16" EAST, A DISTANCE OF 177.58 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 44° 41' 56" EAST, A DISTANCE OF 147.44 FEET; THENCE SOUTH 89° 46' 41" EAST, A DISTANCE OF 383.96 FEET; THENCE NORTH 89° 41' 10" EAST, A DISTANCE OF 268.94 FEET; THENCE SOUTH 89° 17' 09" EAST, A DISTANCE OF 131.41 FEET; THENCE NORTH 89° 52' 27" EAST, A DISTANCE OF 410.36 FEET; THENCE SOUTH 89° 54' 10" EAST, A DISTANCE OF 849.61 FEET; THENCE SOUTH 11° 43' 33" EAST, A DISTANCE OF 296.47 FEET TO THE **POINT OF TERMINUS**.

THE SIDELINES OF SAID 35.00 FOOT STRIP OF LAND SHALL BE PROLONGED OR SHORTENED TO TERMINATE NORTHERLY AT SAID SOUTHERLY RIGHT OF WAY LINE OF SAID FRIARS ROAD DESCRIBED ABOVE AND SOUTHERLY ON A LINE BEARING NORTH 78°12'04" EAST.

SAID PARCEL CONTAINS 2.001 ACRES, MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 42401-D AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS' ACT.

 08-17-2021  
GARY L. HUS DATE  
LS 7019



**P.T.S. No. 665002**  
**Dwg. No. 42401-D**

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**SEWER EASEMENT VACATION**

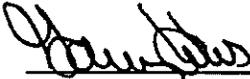
THAT PORTION OF LAND DESCRIBED IN STREET VACATION DOCUMENT (CITY DWG 41985-B) FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA \_\_\_\_\_, 2021 AS DOCUMENT NO. 2021-\_\_\_\_\_ OF OFFICIAL RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF 15 FOOT WIDE SEWER EASEMENT GRANTED TO THE COUNTY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 7, 1966 AS FILE NO. 58668, DOCUMENT RECORDED APRIL 7, 1966 AS FILE NO. 58670, AND DOCUMENT RECORDED OCTOBER 6, 1967 AS FILE NO. 154829, ALL OF OFFICIAL RECORDS.

SAID PARCEL CONTAINS 0.101 ACRES, MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 42401-D AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS' ACT.

  
GARY L. HUS                      02-17-2021  
LS 7019                                              DATE



**P.T.S. No. 665002**  
**Dwg. No. 42401-D**



Passed by the Council of The City of San Diego on APR 12 2022, 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 APR 12 2022.

**(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 314066