

RESOLUTION NUMBER R- 315323
DATE OF FINAL PASSAGE JAN 29 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO SUMMARILY VACATING THE TORREY HILLS
FLOOD WATER STORAGE AND LANDSCAPING
EASEMENTS (PUBLIC SERVICE EASEMENT VACATION
NO. 2600377 – PROJECT NO. 0697945).

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and 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, it is proposed that a 4,965-square-foot and 5,598-square-foot (0.243-acres)
easement for floodwater storage and a 12,346-square-foot and 13,048-square-foot (0.583 acres)
easement for landscaping located at 11208 El Camino Real (all of that floodwater and
landscaping easement located within Parcel 2 and Parcel 3 of Parcel Map No. 18148 – Public
Service Easement Vacation No. 2600377) be vacated; and

WHEREAS, the easement has not been used for the purpose for which it was dedicated
or acquired for 5 consecutive years immediately preceding the proposed abandonment; and the
easement has been superseded by relocation and there are no other public facilities located within
the easement; and

WHEREAS, the easement does not contain public utility facilities; or does not contain
active public utility facilities that would be affected by the vacation; and

WHEREAS, the matter was set for public hearing on January 29, 2024, testimony having
been heard, evidence having been submitted, and the City Council having fully considered the
matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; 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; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that with respect to Public Service Easement Vacation No. 2600377, 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 approximately 0.243 acres of floodwater storage easement and 0.583 acres of landscaping easement do not provide or present prospective public use, nor is it needed by the City to provide for any additional public facility, use, or improvement. The landscaping area was reduced to a minimal area when additional dedicated public right-of-way was required for the street widening along the project site frontage (due to development of the property). The vacation will also transfer the maintenance obligations of landscaping from the Maintenance Assessment District (MAD) to the private owners of the project site. The floodwater storage easement was previously required when the property was undeveloped. It has since been developed, and onsite storm- and floodwater runoff will be privately maintained as required per the San Diego Municipal Code. 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.

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

The public will benefit from the public service vacations because the land will be returned to private ownership, thus eliminating the responsibility and liability as well as any future economic constraints for the City of San Diego. The vacated easement will also allow further development of the project site, with public rights-of way improved with sidewalk, curb

and gutter, and landscaping as anticipated for the roadway classification noted in the community plan. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

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

The vacation is consistent with the Torrey Hills Community Plan (THCP). The THCP does not provide a recommendation for vacations. However, the property has been developed, and the rights-of-way have been improved with wider, ADA-compliant sidewalks which includes street trees as recommended in the THCP. The THCP policy recommends that improvements be made to the requirements of specific roadway widths (6-lane collector). These improvements were made as a result of the development and construction of the property, and the vacation will remove the easements that are no longer required. Therefore, the vacation is consistent with the THCP.

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.

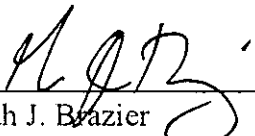
The proposal vacates excess floodwater storage and landscape easements originally established for undeveloped land. The floodwater easements were necessary for undeveloped land to be kept in a more natural state. Also, additional landscaping easement area was provided along the frontage in lieu of providing dedications or improvements. The land is now developed, with public improvements constructed along the frontage (dedicated land with street trees and sidewalks). Therefore, the purpose for which these easements were acquired no longer exists.

BE IT FURTHER RESOLVED, that the all of that floodwater and landscaping easement located within Parcel 2 and Parcel 3 of Parcel Map No. 18148 in connection with Grading Permit No. 684831, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 42567-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 which are made a part of this resolution:

Prior to the recordation of the easement vacation, the Owner/Permittee shall complete the grading operation per PTS-0684831 and construct the post-construction Best Management Practices (BMPs) per the approved Storm Water Quality Management Plan per PTS-069832.

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 

Noah J. Brazier
Deputy City Attorney

NJB:nja
12/15/2023
01/23/2024 Cor. Copy
Or. Dept: DSD
Doc. No. 3506828_3

Attachments: Exhibit A – Legal Description
Exhibit B – Vacation, 42567-1-B, 42567-2-B, 42567-3-B

EXHIBIT 'A'
LEGAL DESCRIPTION

FLOOD WATER STORAGE EASEMENT VACATION


ALL OF THAT FLOOD WATER STORAGE EASEMENT, LYING WITHIN PARCEL 3 OF PARCEL MAP NO. 18148, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS DESCRIBED AS PARCEL "A" AND PARCEL "B" IN GRANT DEED TO THE CITY OF SAN DIEGO, RECORDED JUNE 17, 2008 AS DOCUMENT NO. 2008-0324424 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TO BE VACATED.

THE ABOVE-DESCRIBED FLOOD WATER STORAGE EASEMENT CONTAINS 10,562.8 SQ. FT. (0.243 ACRES).

PARCEL "A" CONTAINS 4,964.8 SQ. FT. (0.114 ACRES);

PARCEL "B" CONTAINS 5,598.0 SQ. FT. (0.129 ACRES).

ATTACHED HERETO IS DRAWING NO. 42567-B LABELED "EXHIBIT 'B'" AND BY REFERENCE MADE A PART HEREOF.



3/21/2022

PAUL E. GOEBEL, PLS 8486
MBI JN 179889

PTS 697945
42567-B

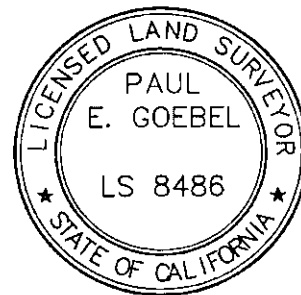


EXHIBIT 'A'
LEGAL DESCRIPTION

LANDSCAPING EASEMENT VACATION

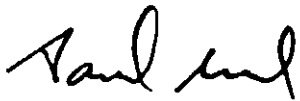
ALL OF THAT LANDSCAPING EASEMENT, LYING WITHIN PARCEL 2 AND PARCEL 3 OF PARCEL MAP NO. 18148, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS DESCRIBED AS PARCEL "A" AND PARCEL "B" IN GRANT DEED TO THE CITY OF SAN DIEGO, RECORDED OCTOBER 12, 2004 AS DOCUMENT NO. 2004-0968235 OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, TO BE VACATED.

THE ABOVE-DESCRIBED LANDSCAPING EASEMENT CONTAINS 25,394.0 SQ. FT. (0.583 ACRES).

PARCEL "A" CONTAINS 12,346.14 SQ. FT. (0.283 ACRES);

PARCEL "B" CONTAINS 13,047.81 SQ. FT. (0.300 ACRES).

ATTACHED HERETO IS DRAWING NO. 42567-B LABELED "EXHIBIT 'B'" AND BY REFERENCE MADE A PART HEREOF.



3/21/2022

PAUL E. GOEBEL, PLS 8486
MBI JN 179889

PTS 697945
42567-B

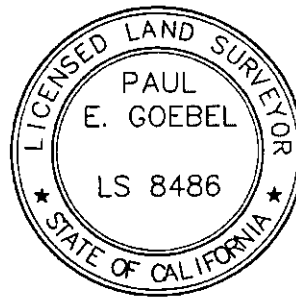




EXHIBIT 'B'

LEGEND

 FLOOD WATER STORAGE EASEMENT (13)
 PER DOC. #2008-0324424, O.R. RECORDED
 6/17/2008 CONTAINING 10,562.8 S.F. (0.243 AC)
 VACATED (SEE SHEET 2)

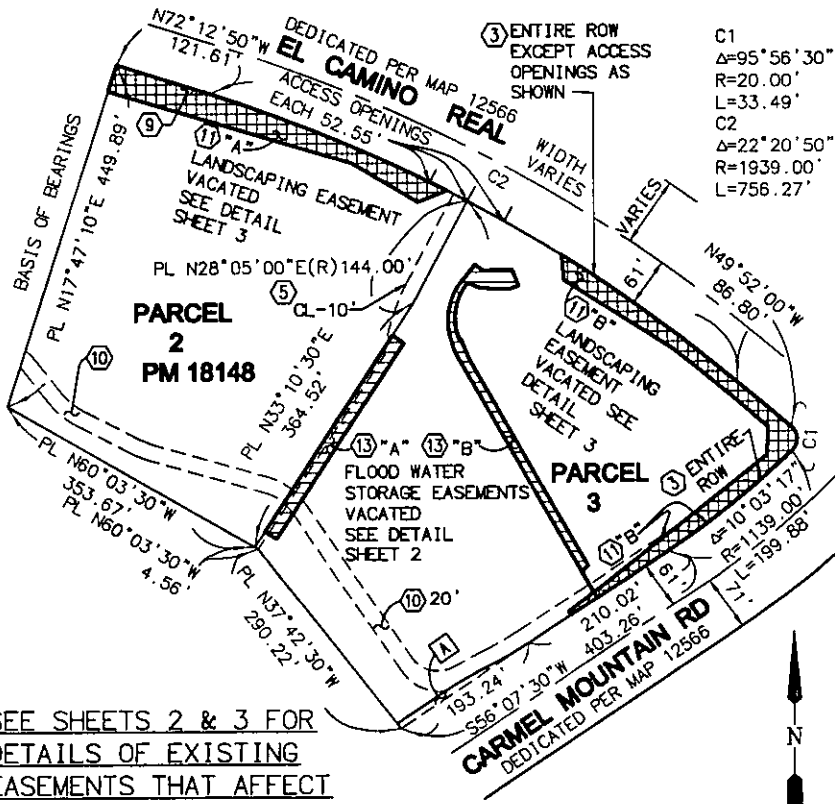
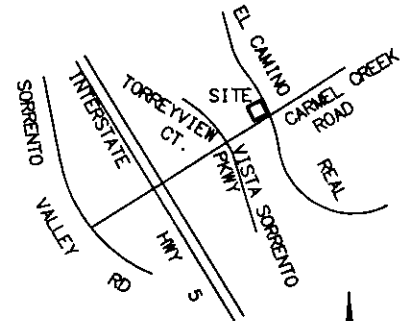
 LANDSCAPING EASEMENT (11)
 PER DOC. #2004-0968235 O.R. RECORDED
 10/12/2004 CONTAINING 25,394.0 S.F. (0.583 AC)
 VACATED (SEE SHEET 3)

PL PROPERTY LINE PER PM 18148

O.R. OFFICIAL RECORDS

(D) EXISTING EASEMENT LABEL-EASEMENTS AFFECTING VACATIONS
 SEE SHEETS 2 & 3 FOR DETAILS

(A) PORTION OF CARMEL MT. RD DEDICATED PER DOCUMENT
 RECORDED 10/1/1996 AS DO. 1996-0499583, O.R.
 (CITY DWG 27489-D)

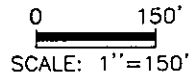


- REFERENCES:**
- PARCEL MAP 18148,
 - CITY DWG 20686-B (13)
 - CITY DWG 19990-B (11)
 - CITY DWG 27489-D (A)
 - CITY DWG 100039-D
 - CITY DWG 42307-D

BASIS OF BEARINGS:
 WEST LINE OF PARCEL 2,
 PM 18148
 I.E. N17°47'10" E

NOTE: ALL PARCEL LINE
 DATA SHOWN HEREON IS
 RECORD PER PM 18148

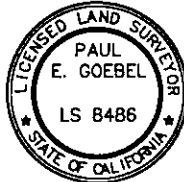
APN: 307-350-21,22
 OWNER: TORREY VIEW
 OWNER, LLC



SEE SHEETS 2 & 3 FOR
 DETAILS OF EXISTING
 EASEMENTS THAT AFFECT
 VACATIONS

MICHAEL BAKER INTL.
 9635 GRANITE RIDGE DRIVE
 SAN DIEGO, CALIFORNIA 92123
 PHONE: 858.614.5000
 179889-PLATS-RECORD VACATIONS.DWG

Paul E. Goebel 7/19/2023
 PAUL E. GOEBEL LS 8486

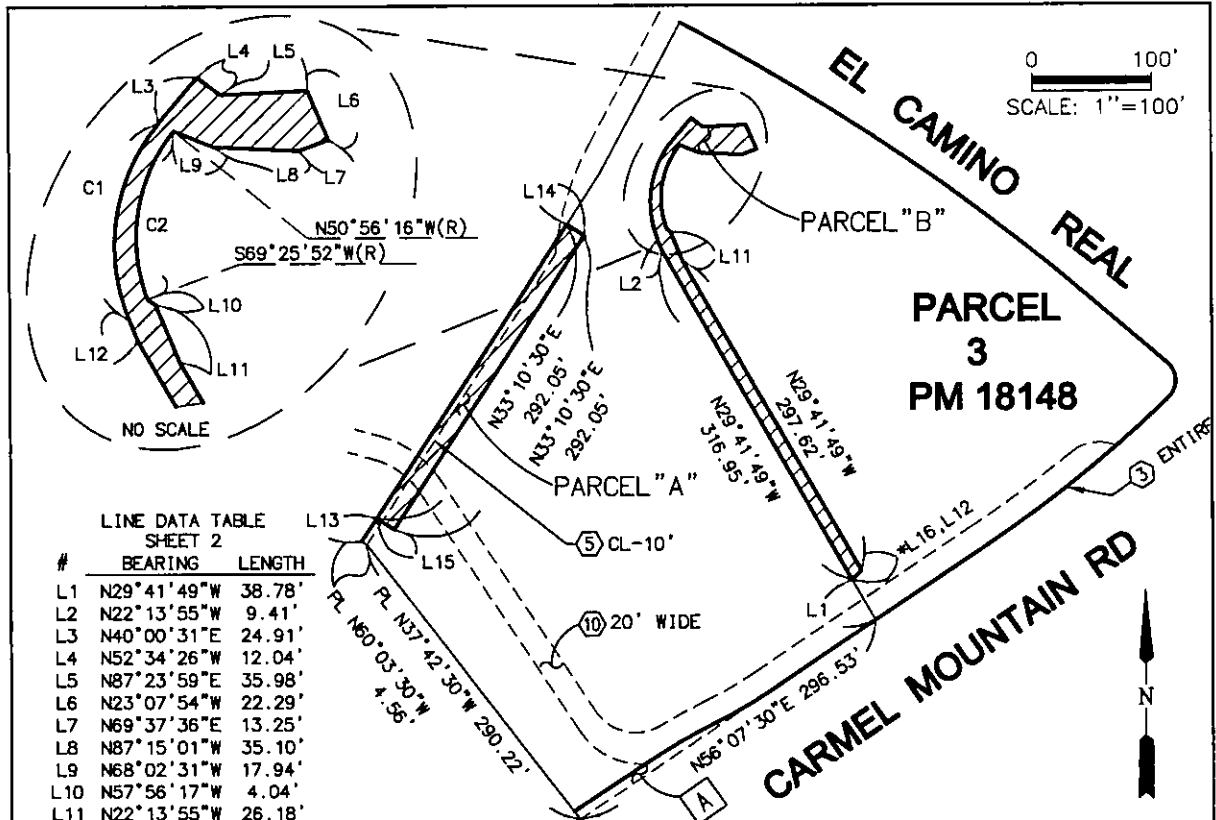


RESOLUTION NO. _____
 ADOPTED _____
 DOCUMENT NO. _____
 RECORDED _____

PUBLIC FLOOD WATER STORAGE EASEMENT VACATION & PUBLIC LANDSCAPING EASEMENT VACATION OVER PORTIONS OF PARCELS 2 & 3, PARCEL MAP 18148

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 3 SHEET(S)	PTS 697945 I.O. N/A
						1914-6257
						CCS 83 COORDINATES
						276-1699
						NAD27 COORDINATES
						42567-1-B
STATUS						

EXHIBIT 'B'



LINE DATA TABLE
SHEET 2

#	BEARING	LENGTH
L1	N29°41'49"W	38.78'
L2	N22°13'55"W	9.41'
L3	N40°00'31"E	24.91'
L4	N52°34'26"W	12.04'
L5	N87°23'59"E	35.98'
L6	N23°07'54"W	22.29'
L7	N69°37'36"E	13.25'
L8	N87°15'01"W	35.10'
L9	N68°02'31"W	17.94'
L10	N57°56'17"W	4.04'
L11	N22°13'55"W	26.18'
*L12	N60°18'11"E	8.95'
L13	N33°10'30"E	23.19'
L14	N56°49'30"W	17.00'
L15	N56°49'30"W	17.00'
*L16	N44°52'41"E	11.03'

CURVE DATA TABLE

#	DELTA	RADIUS	LENGTH
C1	62°14'26"	80.00'	86.90'
C2	59°37'52"	71.00'	73.89'

LEGEND SHEET 2
 FLOOD WATER STORAGE EASEMENT VACATED -
 PER DOC. #2008-0324424, O.R.
 RECORDED 6/17/2008
 CONTAINING 10,562.8 S.F. (0.243 AC)

PARCEL "A" CONTAINING
 4,964.85 S.F. (0.114 AC)
 PARCEL "B" CONTAINING
 5,597.97 S.F. (0.129 AC)

*NOTE: ALL EASEMENT DATA IS RECORD PER DOC.NO. 2008-0324424,
 O.R. RECORDED 6/17/2008 EXCEPT WHERE SHOWN *.

EASEMENT PARCEL "B" DOES NOT CLOSE USING RECORD DATA.
 FORCED CLOSURE AT *L12 = *L16

EXISTING PLOTTABLE EASEMENTS AFFECTING FLOOD WATER STORAGE EASEMENT VACATION
 PER FIDELITY NATIONAL TITLE COMPANY PRELIMINARY REPORT ORDER 997-30078523 DATED 1/4/2022.

- ① PURPOSE-GRANTED TO/ REC. DATE / DOC / LOCATION OR DESCRIPTION:
- 3 RELINQUISHED ACCESS 2/15/1990 PM 12566, ROW EL CAMINO REAL & CARMEL MT RD, EXCEPT ACCESS OPENINGS: ELY 52.55' PAR. 2; WLY 52.55' PAR. 3
 - 5 PRIVATE DRAINAGE-OWNERS 11/12/1998 PM 18148 SHOWN
 - 10 PUBLIC UTIL. SAN DIEGO GAS & ELEC. CO. 7/10/1997 1997-0323957 SHOWN

DETAIL-FLOOD WATER STORAGE EASEMENT VACATED

MICHAEL BAKER INTL.
 9635 GRANITE RIDGE DRIVE
 SAN DIEGO, CALIFORNIA 92123
 PHONE: 858.614.5000
 179889-PLATS-RECORD VACATIONS.DWG

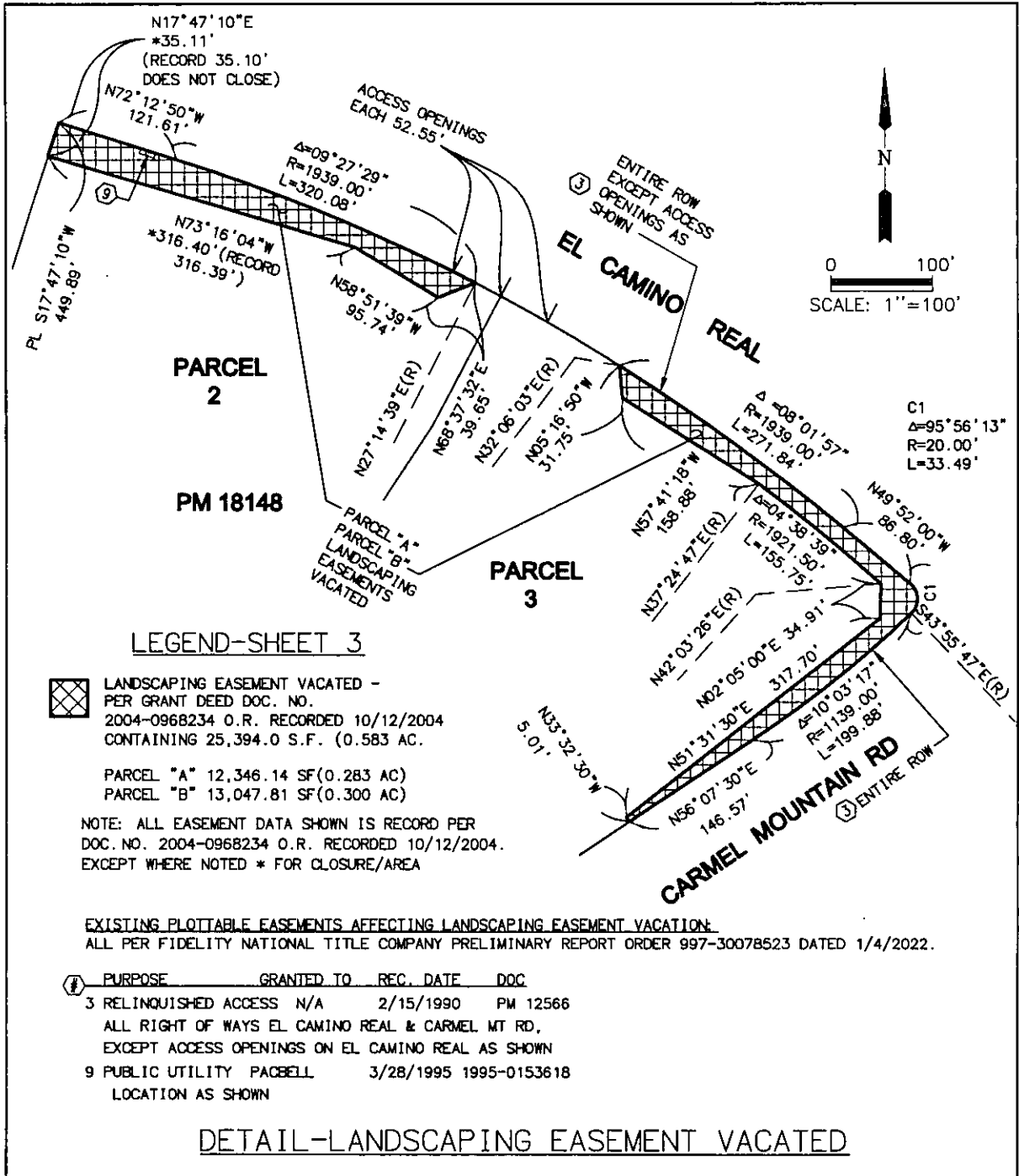
RESOLUTION NO. _____
 ADOPTED _____
 DOCUMENT NO. _____
 RECORDED _____

PUBLIC FLOOD WATER STORAGE EASEMENT VACATION
 PER GRANT DEED DOC.# 2008-0324424, O.R. REC. 6/17/2008
 OVER PORTIONS OF PARCELS 2 & 3, PARCEL MAP 18148

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 3 SHEET(S)	PTS 697945 I.O. N/A
						1914-6257
					FOR CITY LAND SURVEYOR	CCS 83 COORDINATES
					DATE	276-1699
						NAD27 COORDINATES
						42567-2-B

STATUS

EXHIBIT 'B'



MICHAEL BAKER INTL. 9635 GRANITE RIDGE DRIVE SAN DIEGO, CALIFORNIA 92123 PHONE: 858.614.5000 179889-PLATS-RECORD VACATIONS.DWG	RESOLUTION NO. _____ ADOPTED _____ DOCUMENT NO. _____ RECORDED _____																																							
PUBLIC LANDSCAPING EASEMENT VACATION PER GRANT DEED DOC. NO. 2004-0968234 O.R. RECORDED 10/12/2004 OVER PORTIONS OF PARCELS 2 & 3, PM 18148																																								
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 20%;">DESCRIPTION</th> <th style="width: 10%;">BY</th> <th style="width: 10%;">APPROVED</th> <th style="width: 10%;">DATE</th> <th style="width: 10%;">FILMED</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	DESCRIPTION	BY	APPROVED	DATE	FILMED																					<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">CITY OF SAN DIEGO, CALIFORNIA</td> <td style="width: 40%;">PTS 697945</td> </tr> <tr> <td style="text-align: center;">SHEET 3 OF 3 SHEET(S)</td> <td>I.O. N/A</td> </tr> <tr> <td> </td> <td style="text-align: center;">1914-6257</td> </tr> <tr> <td>FOR CITY LAND SURVEYOR</td> <td>DATE</td> </tr> <tr> <td> </td> <td style="text-align: center;">276-1699</td> </tr> <tr> <td> </td> <td>NAD27 COORDINATES</td> </tr> <tr> <td style="text-align: center;">STATUS</td> <td style="text-align: center;">42567-3-B</td> </tr> </table>	CITY OF SAN DIEGO, CALIFORNIA	PTS 697945	SHEET 3 OF 3 SHEET(S)	I.O. N/A		1914-6257	FOR CITY LAND SURVEYOR	DATE		276-1699		NAD27 COORDINATES	STATUS	42567-3-B
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STATUS	42567-3-B																																							

Passed by the Council of The City of San Diego on JAN 29 2024, 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"/>
District 4 - vacant	<input 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"/>
Kent Lee	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JAN 29 2024

(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) DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315323