

RESOLUTION NUMBER R- 315399DATE OF FINAL PASSAGE MAR 11 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING AN ALLEY ADJACENT TO LOTS 8, 9, 34, AND 35 OF BLOCK 12, MAP 352 (RIGHT-OF-WAY VACATION NO. PMT-2593328) – RELATED TO THE BISHOP’S SCHOOL PROJECT - PROJECT NO. PRJ-698140, LOCATED AT 7607 LA JOLLA BOULEVARD AND 7552, 7554, AND 7556 DRAPER AVENUE.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, The Bishop’s School filed an application to vacate a 50-foot alley adjacent to Lots 8, 9, 24, 35 of Block 12, Map 352, being described as Right-of-Way Vacation No. PMT-2593328; and

WHEREAS, Right-of-Way Vacation No. PMT-2593328 is located on property owned by The Bishop’s School; and

WHEREAS, the matter was set for public hearing, 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 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 Right-of-Way Vacation No. PMT-2593328, the Council finds (pursuant to San Diego Municipal Code section 125.0941) 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.

There is no present or prospective public use for the easement. The project proposes to vacate approximately 999.85 square feet (sf) of public right-of-way of an existing unnamed alley between APN 350-420-05 and 350-442-20, in an area located adjacent to Lots 8, 9, 34, and 35 of Block 12, Map 352 within the Bishop's School Campus. The existing 50-foot-long portion of the vacated alley will revert to the abutting parcel owners, which is the Bishop's School on both sides of the proposed area of vacation. On March 23, 2004, the City Council approved The Bishop's School (Project No. 6162) and adopted the associated Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program (MMRP) (Resolution No. R-298993). The Bishop's School (Project No. 6162) included the demolition of nine existing buildings and the expansion and construction of new school facilities. That project included a dead-end ally that terminated south of the residential structures that are proposed to be demolished. The proposed project will vacate that portion of the alley south of the residential structures and dead-end at the new property line.

The neighborhood has several existing improved public rights-of-way that provide the public circulation necessary to the community and this portion of the alley is not needed for providing public circulation, as this segment of the alley would only lead to property within the Bishop's School Campus. The existing utilities and associated access easements will remain as identified in Exhibit B. Therefore, there is no present or prospective public use for this portion of public right-of-way, 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 right-of-way vacation because the land made available by the vacation will allow the adjacent landowner (Bishop's School) to incorporate the land into planned development on either side of the alley. The public will benefit from the vacation through the improved use of the lands made available by the vacation because it is no longer a road that will be use. It allows the adjacent property owner to utilize the land and limit the liability of the City. 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 would allow the adjacent lots acquiring the land to be incorporated into the existing developed school campus. The 11.49-acre project site is fully developed with an existing private school within an urbanized area. The La Jolla Community Plan and the La Jolla and La Jolla Shores Local Coastal Plans (Community Plan) designates the site as School and Medium Residential (15-30 DU/AC). Per San Diego Municipal Code Section (SDMC) 159.0301(g) and (h), the site is located in the La Jolla Planned District Zone 5 and Zone 6. The northern half of the project site is in Zone 6 and the southern half is in Zone 5. Currently, school-related facilities exist on School and Medium Residential –designated properties within the project area. The proposal to amend the existing entitlements to construct batting cages, a creative sciences building, an athletics building, and an athletic center would be consistent with the recommended land use. Therefore, the vacation will not change the zoning or land use for the project site. Therefore, the vacation does not adversely affect any applicable land use plan.

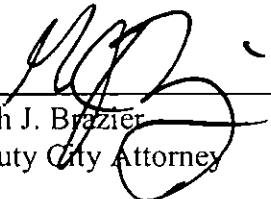
4. The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The proposed project will not detrimentally affect the City's public facilities within the existing right-of-way. The alley to the east of the proposed vacation will continue to serve its main purpose by providing access to fire vehicles and continuing to facilitate vehicular travel to residential properties to the east and south. The property on both sides of the area proposed to be vacated is owned by The Bishop's School. No other adjacent property owners will be affected by the proposed vacation. The existing utilities and associated access easements will remain as identified in "Exhibit B." 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. PMT-2593328, as more particularly described in the legal description marked as "Exhibit A" and the right-of-way drawing 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 

Noah J. Brazier
Deputy City Attorney

NJB:nja
02/13/2024
03/08/2024 Cor. Copy
Or. Dept: DSD
Doc. No. 3563047

Attachments: Exhibit A – Legal Description
Exhibit B – Right-of-Way Drawing

EXHIBIT 'A'
LEGAL DESCRIPTION
VACATION OF PUBLIC ALLEY

PORTIONS OF BLOCK 12 OF LA JOLLA PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 352 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MARCH 2, 1887 AND DESCRIBED AS FOLLOWS:

PARCEL 1:

THE WESTERLY HALF OF THE 20.00 FOOT WIDE ALLEY ADJACENT TO AND NORTHEASTERLY OF LOTS 8 & 9 OF SAID BLOCK 12, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID ALLEY AS SHOWN ON PARCEL MAP 19523, (PM 19523) FILED JULY 8, 2004 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; SAID POINT BEING ALSO THE NORTHWESTERLY TERMINUS OF THAT CERTAIN COURSE ANNOTATED AS "N 14°47'46" W 149.99'" AS THE SOUTHWESTERLY LINE OF SAID ALLEY; THENCE SOUTHERLY ALONG SAID COURSE SOUTH 14°47'46" EAST, 50.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 9; THENCE PERPENDICULAR FROM SAID COURSE NORTH 75°12'14" EAST 10.00 FEET TO THE CENTERLINE OF SAID ALLEY; THENCE NORTHWESTERLY ALONG SAID CENTERLINE NORTH 14°47'46" WEST 49.99 FEET TO THE NORTHERLY LINE OF SAID ALLEY AS SHOWN ON PM 19523; THENCE LEAVING SAID CENTERLINE AND SOUTHWESTERLY ALONG SAID NORTHERLY LINE SOUTH 75°14'39" WEST 10.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 499.96 SQUARE FEET OR 0.011 ACRE MORE OR LESS.

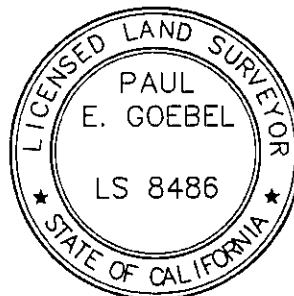
PARCEL 2:

THE EASTERLY HALF OF THE 20.00 FOOT WIDE ALLEY ADJACENT TO AND SOUTHWESTERLY OF LOTS 34 & 35 OF SAID BLOCK 12, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID ALLEY AS SHOWN ON SAID PARCEL MAP 19523 (PM 19523); SAID POINT BEING ALSO THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE ANNOTATED AS "N 75°14'39" E 20.00'" ON SAID PM 19523 AS THE NORTHERLY LINE OF SAID ALLEY; THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID ALLEY SOUTH 14°47'46" EAST, 49.99 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT 34; THENCE PERPENDICULAR FROM SAID NORTHEASTERLY LINE SOUTH 75°12'14" WEST 10.00 FEET TO THE CENTERLINE OF SAID ALLEY, BEING ALSO THE SOUTHEASTERLY CORNER OF ABOVE DESCRIBED PARCEL 1; THENCE NORTHWESTERLY ALONG SAID CENTERLINE NORTH 14°47'46" WEST 49.99 FEET TO SAID NORTHERLY LINE OF ALLEY; THENCE LEAVING SAID CENTERLINE AND NORTHEASTERLY ALONG SAID NORTHERLY LINE NORTH 75°14'39" EAST 10.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING: 499.89 SQUARE FEET OR 0.011 ACRE MORE OR LESS.

SEE EXHIBIT B PLAT, CONSISTING OF 2 SHEETS, BEING CITY OF SAN DIEGO DRAWING NO. XXXXX-B, ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



A handwritten signature in cursive script, appearing to read "Paul E. Goebel".

8/12/2022

PAUL E. GOEBEL, PLS 8486

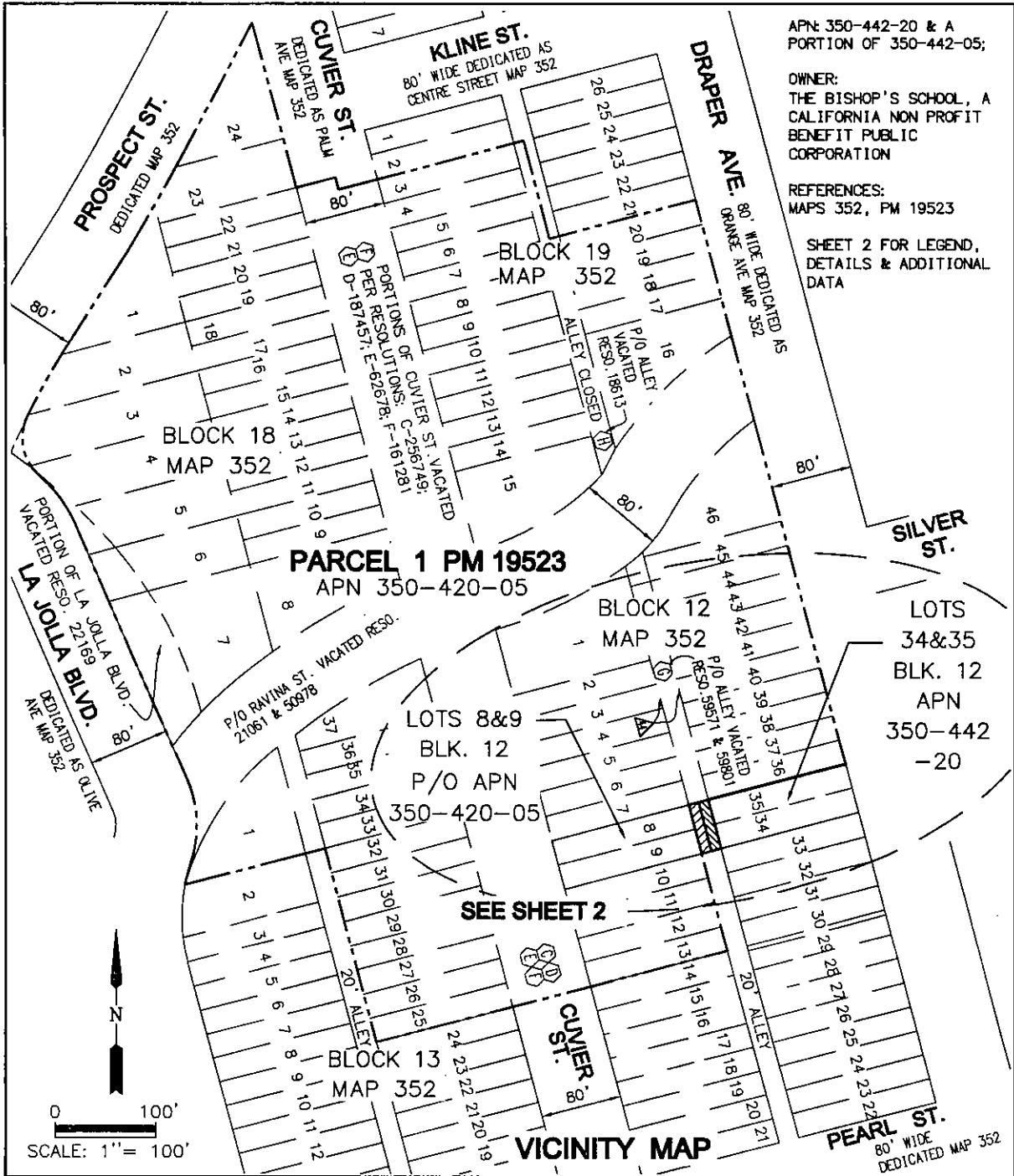
EXPIRES 12/31/2022

MBI JN 182696

PTS _____

DRAWING NO. _____-B

EXHIBIT 'B'



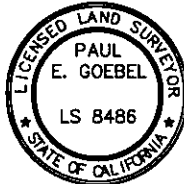
APN 350-442-20 & A
PORTION OF 350-442-05;

OWNER:
THE BISHOP'S SCHOOL, A
CALIFORNIA NON PROFIT
BENEFIT PUBLIC
CORPORATION

REFERENCES:
MAPS 352, PM 19523

SHEET 2 FOR LEGEND,
DETAILS & ADDITIONAL
DATA

MICHAEL BAKER INTL.
9755 CLAIREMONT MESA BLVD
SAN DIEGO, CALIFORNIA 92124
PHONE: 858.614.5000
182696-VACATION1.DWG



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

PRELIMINARY 8/12/22
PAUL E. GOEBEL LS 8486 EXPIRES 12/31/2022

VACATION OF ALLEY ADJACENT TO LOTS 8,9,34,35 OF BLOCK 12, MAP 352

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEET(S)	PTS I.O.
1ST SUBMITTAL	MBI		3.28.22			19XX-62XX
REVISIONS	MBI		8.12.22			CCS 83 COORDINATES
					FOR CITY LAND SURVEYOR DATE	XXX-XXXX
						NAD27 COORDINATES
						XXXXX-B
STATUS						

EXHIBIT 'B'

LEGEND

- () RECORD DATA PER PM 19523
[] RECORD DISTANCE PER MAP 352
WHICH SHOWS NO BEARINGS
=EXISTING VACATIONS PER PM 19523
RESO. =CITY OF SAN DIEGO RESOLUTION NO.
=EXISTING EASEMENT PER TITLE
REPORTS IN VICINITY OF VACATION

L1
N75°12'14"E
10.00' HOLD
90° FROM
SWLY LINE OF
ALLEY

L2
N75°14'39"E
10.00'

L3
N14°47'46"W
49.99'

PARCEL 1
VACATION:
PORTION OF
ALLEY
VACATED -
REVERTS TO
THE PORTION
OF APN
350-420-05
BEING
LOTS 8 & 9

LEGEND CONTINUED

VACATION LIMITS:

PARCEL 1

WEST PORTION TO REVERT TO

APN 350-420-05 499.96 SF (0.01 AC)

PARCEL 2

EAST PORTION TO REVERT TO

APN 350-442-20 499.89 SF (0.01 AC)

- RIGHT OF WAY

SUBDIVISION BOUNDARY PM 19523

LOT LINE MAP 352

EASEMENT

CENTER LINE

EASEMENT NOTES:

(G) PORTION OF ALLEY CLOSED PER
 CITY RESOLUTIONS:
 R-59801 ADOPTED 3/8/1933
 R-59571 ADOPTED 1/23/1933

ENCROACHMENT,
MAINTENANCE, REMOVAL
AGREEMENT FOR PRIVATE STORM
DRAIN, PRIVATE WATER AND
FIRE SERVICES AND PRIVATE
LANDSCAPE/HARDSCAPE,
RECORDED AS FILE
2007-0360427 REC. 5/29/2007
OFFICIAL RECORDS

0 50'

SCALE: 1" = 50'

BASIS OF BEARINGS:
THE BASIS OF
BEARINGS OF THIS
PLAT IS THE SWLY
RIGHT OF WAY OF THE
ALLEY IN BLOCK 12,
MAP 352 PER PER PM
19523
I.E. N14°47'46"W

DETAIL: PORTION OF
BLOCK 12, MAP 352
PER PARCEL MAP 19523

MICHAEL BAKER INTL.
9755 CLAIREMONT MESA BLVD
SAN DIEGO, CALIFORNIA 92124
PHONE: 858.614.5000
182696-VACATION2.DWG

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

VACATION OF ALLEY ADJACENT TO
LOTS 8,9,34,35 OF BLOCK 12, MAP 352

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 2 SHEET(S)	PTS _____ I.O. _____
1ST SUBMITTAL	MBI		3.28.22			19XX-62XX
REVISIONS	MBI		8.12.22			CCS 83 COORDINATES
						XXX-XXXX
					FOR CITY LAND SURVEYOR DATE	NAD27 COORDINATES
						XXXXX-B
STATUS						

Passed by the Council of The City of San Diego on MAR 11 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 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 11 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- 315399