

330B 3-19-24
(R-2024-390)

RESOLUTION NUMBER R- 315442

DATE OF FINAL PASSAGE MAR 19 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING THOSE PORTIONS OF SLOPE EASEMENTS WITHIN LOT 8 OF PACIFIC CORPORATE CENTER UNIT NO. 8, MAP NO. 11988 LOCATED AT 5975 PACIFIC MESA COURT – PROJECT NO. PRJ-1070889, SLOPE EASEMENTS VACATION NO. PMT-3204100.

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 slope easements by City Council resolution; and

WHEREAS, Sterling City Science South Development, Limited Liability Corporation (LLC) filed an application to vacate slope easements, being described as Slope Easements Vacation No. PMT-3204100; and

WHEREAS, the existing Slope Easement Nos. 83-055695 and 83-055696 are located at 5975 Pacific Mesa Court in the Industrial-Light (IL-2-1) and the Airport Influence Area (MCAS Miramar Review Area 1) within the Mira Mesa Community Plan area of the City of San Diego on property owned by Sterling City Science South Development, LLC; and

WHEREAS, the matter was set for a public hearing on March 19, 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 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that for Slope Easements Vacation No. PMT-3204100, 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 7,979.8 square-foot, (0.18 acres) portions of the Slope Easements were granted to the City of San Diego, as described in documents recorded February 2, 1983, as Document No. 83-055695 and No. 83-055696, both of official records, and are within Lot 8 of Pacific Corporate Center Unit No. 8, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 11988 filed in the Office of the County Recorder of San Diego County on January 13, 1988. The existing slope easements were recorded for the construction of the public right-of-way for Mira Mesa Boulevard which has been constructed to its intended classification. The slope easements are located within private property and within one ownership and do not extend beyond that ownership or touch the property of another owner. Although the slope easements are no longer required for roadway purposes, a portion of the easement area will be dedicated for additional parkway to meet current parkway standards and improve pedestrian access along Mira Mesa Boulevard and Pacific Heights Boulevard. The project will be conditioned to include a 12-foot right-of-way dedication along Mira Mesa Boulevard to achieve

a 22-foot parkway, and a 5-foot right-of-way dedication along Pacific Heights Boulevard to achieve a 15-foot parkway as identified on Exhibit B .

The slope easements were placed on private property for purposes related to the construction of Mira Mesa Boulevard and since Mira Mesa Boulevard is built out and additional parkway will be dedicated, the remainder of the slope easements are no longer necessary. Although the slope easements are no longer required for roadway purposes, the vacation does allow the City to dedicate the additional parkway for improved pedestrian access. Therefore, there is no present or prospective public use for the slope easements, either for the facility or purpose for which it was originally acquired, or 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 existing easements lie within a portion of Lot 8 of Map No. 11988 and are located north of Mira Mesa Boulevard and were recorded for the construction of Mira Mesa Boulevard. Mira Mesa Boulevard has been constructed and the slope easements to be vacated are no longer required for the construction of the public right-of-way. The slope easements are no longer needed since Mira Mesa Boulevard has been constructed, however a portion of the area along the existing Mira Mesa Boulevard right-of-way and along the adjacent Pacific Heights Boulevard right-of-way will be dedicated for additional parkway for improved pedestrian access, as identified on Exhibit B. The slope easements encroach further into the private property than the additional parkway being requested, and vacating the slope easements will remove those encumbrance that have fulfilled their original purpose, remove the maintenance and liability of the slope easements from the City of San Diego, and dedicate additional right-of-way for the parkways, as described in Finding 1.

The City currently controls and is liable for the remnant slope easements. The public will benefit from the reduction of liability to the City with the proposed vacation and therefore, the public will benefit from the action through improved utilization of the land made available by the slope easement vacation while also providing additional right-of-way for the parkways, as described in Finding 1, to improve pedestrian access.

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

The slope easements are located within the Mira Mesa Community Plan area. The Community Plan designates the subject property as Light Industrial, intended to provide a mix of light industrial and office uses. The slope easement vacations would not adversely affect the Community Plan which calls for providing and maintaining essential facilities and infrastructure to serve existing and future development. Since the slope easements were recorded for the construction of Mira Mesa Boulevard right-of-way and the construction has been completed to the ultimate width pursuant to the community plan, the vacation of the existing slope easements complies with the Community Plan.

The construction of Mira Mesa Boulevard is complete and the slope easements that were in place for the construction are no longer required therefore, the vacation will further allow for the utilization of the private property and is consistent with the 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.

Of the 7,979.80 square feet (0.18 acre), portions of the Slope Easements were granted to the City of San Diego, designated as Parcel 2 per Document No's 83-055695 and 83-055696 recorded on February 22, 1983, within Lots 8 of the Pacific Corporate Center Unit No. 8, in the City of San Diego, County of San Diego, State of California according to Map No. 11988, and

allowed for the temporary construction, repair, and maintenance of slopes and drainage facilities associated with the construction of Mira Mesa Boulevard.

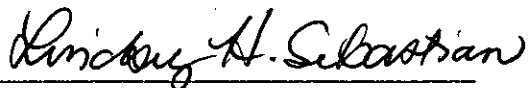
The slope easements are within one ownership and do not extend beyond that ownership or touch the property of another owner. The existing slope easements were recorded for the construction of Mira Mesa Boulevard. The slope easements to be vacated are no longer required since Mira Mesa Boulevard is constructed to its intended classification. The purpose and intent for which the slope easements were originally acquired have been met and the anticipated improvements have been constructed. Therefore, the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED that Slope Easements Vacations No. 3204100, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing Nos. 100776-1-B and 100776-2-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 is made a part of this resolution:

Prior to the recordation of the slope easements vacation, the Owner/Permittee shall dedicate 12 feet of right-of-way along Mira Mesa Boulevard to achieve a 22-foot wide parkway, and 5 feet along Pacific Heights Boulevard to achieve a 15 foot wide parkway, satisfactory to the City Engineer.

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 
Lindsey H. Sebastian
Deputy City Attorney

LHS:jdf:nja
02/21/2024
Or. Dept: DSD
Doc. No. 3577913_2

Attachments: Exhibit A Legal Description
Exhibit B Drawing Nos. 100776-1-B and 100776-2-B

EXHIBIT 'A'
LEGAL DESCRIPTION

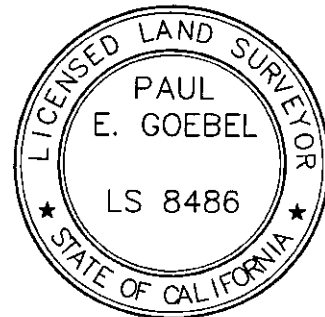
VACATION OF A PORTION OF SLOPE EASEMENT

All That portion of Parcel 2, Slope Easement in the City of San Diego, County of San Diego, State of California as described in documents recorded February 22, 1983 as document no.'s 83-055695 and 83-055696, both of official records lying within Lot 8 of Pacific Corporate Center Unit No. 8, in the City of San Diego, County of San Diego, State of California, according to map thereof no. 11988 filed in the Office of the County Recorder of San Diego County January 13, 1988.

CONTAINING: 7,979.80 square feet or 0.183 acre more or less.

ATTACHED HERETO IS DWG. NO. _____-B, CONSISTING OF 1 SHEET, LABELED AS EXHIBIT B AND BY THIS REFERENCE MADE A PART HEREOF.

Prepared by me or under my direction



Paul E. Goebel, LS 8486
Michael Baker International Inc.
9755 Clairemont Mesa Boulevard
San Diego, CA 92124
March 7, 2022
PROJECT NO. _____
DWG _____-B

EXHIBIT 'B'

LEGEND



INDICATES PORTIONS (PARCEL 2) OF SLOPE EASEMENTS GRANTED PER DOCUMENTS # 83-055695 & #83-055696, BOTH RECORDED 2/22/1983, OFFICIAL RECORDS, LYING WITHIN LOT 8 OF MAP NO. 11988, VACATED HEREON
 AREA = 7,979.80 S.F. (0.183 AC)

- RIGHT OF WAY
- LOT LINE
- - - - - EASEMENT
- - - - - CENTER LINE

- OR OFFICIAL RECORDS
- () RECORD DATA PER DD1 & DD2
- ⊕ STREET DEDICATION LABEL, SEE SHEET 2
- DD1 STREET & SLOPE EASEMENT DEDICATION PER DOC. #83-055695 RECORDED 2/22/1983, O.R.
- DD2 STREET & SLOPE EASEMENT DEDICATION PER DOC. #83-055696 RECORDED 2/22/1983, O.R.

[NOTE: THE LEGAL DESCRIPTIONS OF SLOPE EASEMENT PARCEL 2 IN DD1 & DD2 ARE THE SAME]

REFERENCES

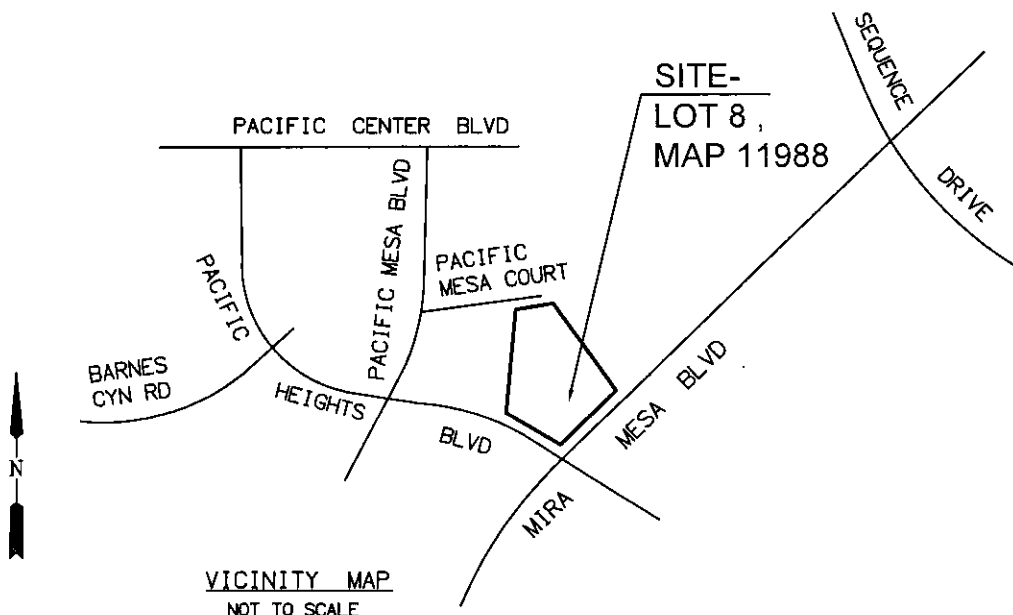
- MAP 11988, 11560
- CITY DWGS: 100727-D; 16027-D (SHEETS 1,4,5); 100945-B
- APN 341-392-25
- DD1- (PARCEL 2) SLOPE EASEMENT GRANTED PER DOC. #83-055695 RECORDED 2/22/1983, O.R.
- DD2- (PARCEL 2) SLOPE EASEMENT GRANTED PER DOC. #83-055696 RECORDED 2/22/1983, O.R.

BASIS OF BEARINGS

ALL DATA SHOWN IS RECORD PER MAP 11988 EXCEPT AS NOTED ().

EXISTING EASEMENT NOTE:

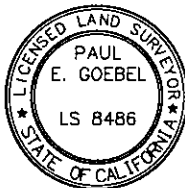
EXISTING PUBLIC UTILITY EASEMENT TO SAN DIEGO GAS & ELEC. CO. RECORDED 10/30/1986 AS DOC. 86-493434, OFFICIAL RECORDS, AFFECTS LOT 8 BUT HAS NO PLOTTABLE LOCATION AND THEREFORE CANNOT BE SHOWN HEREON



MICHAEL BAKER INTL.
 9635 GRANITE RIDGE DR
 SAN DIEGO, CA 92123
 858-614-5000 187866 ESMT VACA

Paul E. Goebel 2/14/2024

PAUL E. GOEBEL PLS 8486 DATE

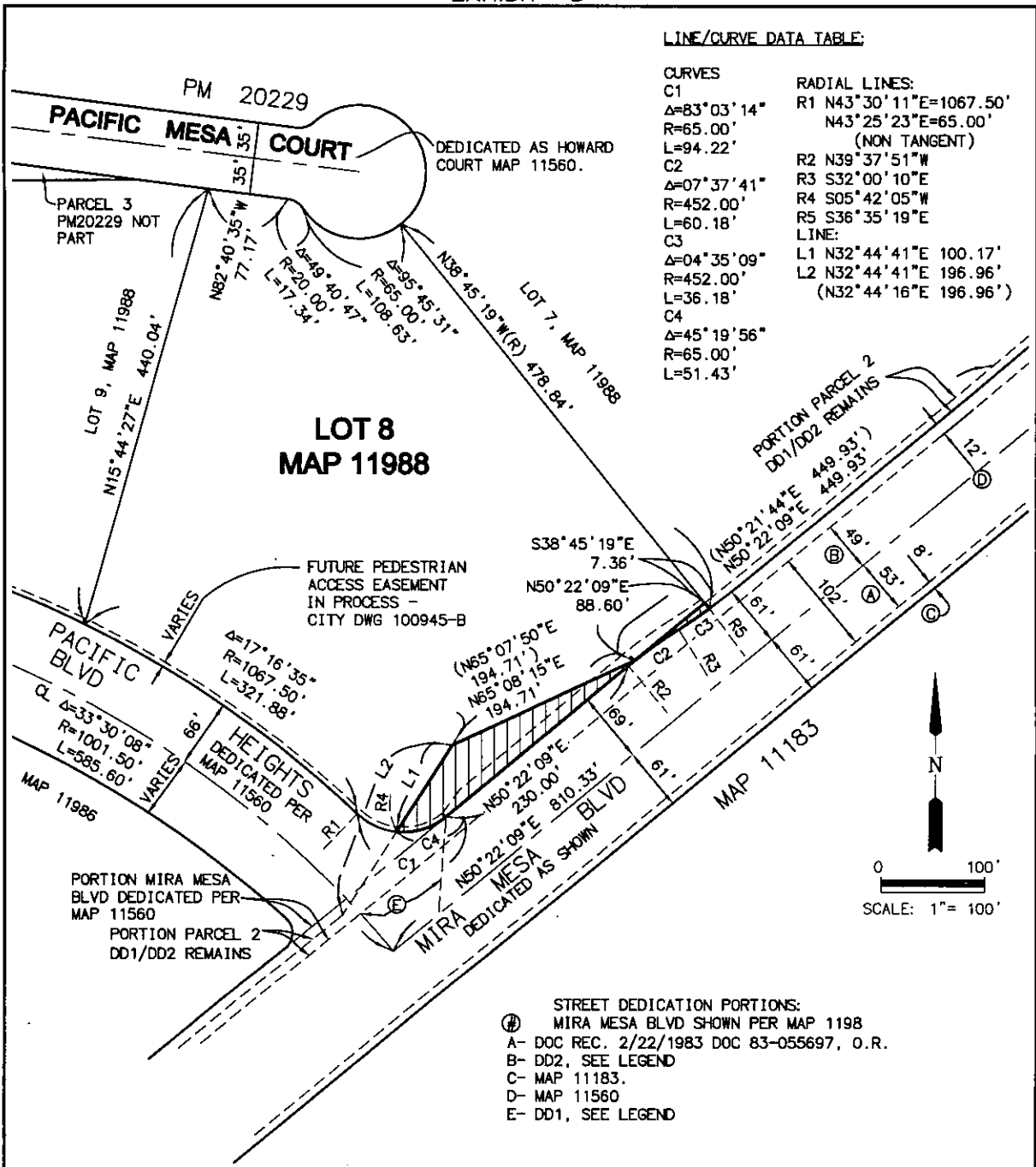


RESOLUTION No. _____
 RECORDED _____
 DOCUMENT No. _____
 RECORDED _____

SLOPE EASEMENTS - VACATION
 WITHIN LOT 8 OF MAP 11988

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEETS	PRJ 1070889
1ST SUB	MBI		2.7.23			
2ND SUB	MBI		4.21.23			
REV ST. ESMT	MBI		5.22.23			1908-6271
3rd SUB	MBI		7.11.23		FOR CITY LAND SURVEYOR	DATE
MYLAR.FINAL	MBI		9.28.23			CCS 83 COORDINATES
REV.FINAL	MBI		2.14.24			268-1711
						NAD 27 COORDINATES
STATUS					100776-1-B	B01

EXHIBIT 'B'



MICHAEL BAKER INTL. 9635 GRANITE RIDGE DR SAN DIEGO, CA 92123 858-614-5000 187866 ESMT VACA	RESOLUTION No. _____ RECORDED _____ DOCUMENT No. _____ RECORDED _____
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**SLOPE EASEMENTS - VACATION
WITHIN LOT 8 OF MAP 11988**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PRJ
1ST SUB	MBI		2.7.23		SHEET 2 OF 2 SHEETS	1070889
2ND SUB	MBI		4.21.23			
REV ST. ESMT	MBI		5.22.23		FOR CITY LAND SURVEYOR	1908-6271
3rd SUB	MBI		7.11.23		DATE	OCS 83 COORDINATES
MYLAR.FINAL	MBI		9.28.23			268-1711
REV.FINAL	MBI		2.14.24			NAD 27 COORDINATES
STATUS					100776-2-B	B02

Passed by the Council of The City of San Diego on MAR 19 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 19 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.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- **315442**