

RESOLUTION NUMBER R- 315905

DATE OF FINAL PASSAGE NOV 19 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING EASEMENT VACATION NO. PMT-2605866 FOR CLAIREMONT VILLAGE – PROJECT NO. PRJ-0697307.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. 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 Council resolution.

B. Clairemont Village Quad, LLC, a California Limited Liability Company, Applicant, submitted an application to the City of San Diego to vacate a portion of a 10-foot-wide unnamed easement totaling 1,756 square feet granted to the City for incidental purposes, legally described as being a portion of Parcel 1 according to Map No. 13891, and more particularly described as a 10-foot unnamed easement granted to the public per Map No. 3065 recorded March 17, 1954, being described as Easement Vacation No. PMT-2605866.

C. On September 26, 2024, the Planning Commission of the City of San Diego considered Easement Vacation No. PMT-2605866 and voted to recommend approval of the project pursuant to Resolution No. 5313-PC.

D. On November 19, 2024, the Council held a noticed public hearing to consider Easement Vacation No. PMT-2605866. The Council received for its consideration written and oral presentations, evidence, and testimony from all interested parties at the public hearing. The Council has fully considered and has been fully advised on this matter.

E. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

F. Under San Diego Charter section 280(a)(2), this Resolution is not subject to veto by the Mayor because this matter requires the 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 Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. Portion of the unnamed easement totaling 1,756 square feet to be vacated is located at the easterly portion of the property located at 3005 Clairemont Drive located within the project boundaries as shown in Easement Vacation No. PMT-2605866 are vacated. The Council adopts the following findings with respect to Easement Vacation No. PMT-2605866:

PUBLIC SERVICE EASEMENT AND OTHER EASEMENT VACATION FINDINGS – SDMC SECTION 125.1040

- 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 portion of the unnamed easement totaling 1,756 square feet to be vacated is located at the easterly portion of the property located at 3005 Clairemont Drive. The other portions of the unnamed easement will remain in existence as identified on Exhibit B. The purpose of the easement is stated to be “for incidental purposes.” The portion of the existing easement to be vacated was used by San Diego Gas & Electric Company, AT&T, and Spectrum and will no longer be needed. The proposed redevelopment of the project site requires a portion of the easement to be vacated to allow the partial demolition of retail commercial space and the construction of a fire-access lane for a new five-story multi-dwelling unit building over two stories of parking. The City will not be responsible for maintaining the area of the portion of the unnamed easement to be vacated. 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 vacations.

The project proposes to vacate a portion of an existing unnamed easement, granted to the City of San Diego, located within the property at 3005 Clairemont Drive in the Clairemont Mesa Community Plan area. The unnamed easement was granted to the City of San Diego for incidental purposes. The portion of the existing easement to be vacated totals 1,756 square feet and was used by San Diego Gas & Electric Company, AT&T, and Spectrum. The portion of the existing easement to be vacated is no longer needed and will be removed. There are no public facilities that will be impacted by this easement vacation. The public will benefit from the easement vacation since it will eliminate an unnecessary encumbrance from the property. The elimination of the easement that is no longer needed would facilitate a more productive use of the property in the by the project. The land made available by the vacation will improve development of the property consistent with the Clairemont Mesa Community Plan, in that the vacation would allow the development of the project site consistent with the Community Plan's land use designation of Clairemont Village. Therefore, the public will benefit from the action through improved utilization of the land made available by the vacation.

3. The vacations are consistent with the applicable land use plan.

The Clairemont Community Plan identifies the project site as "Clairemont Village" and designates the 12.96-acre site as Community Center and within the Clairemont Community Plan Implementation Overlay Zone (CPIOZ) -Type B. The proposed easement vacation would facilitate more productive use of the property, and the development of the site consistent with the adopted Clairemont Mesa Community Plan. Therefore, the vacation 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 vacations or the purpose for which the easement was acquired no longer exists.

The existing unnamed easement was granted to the City of San Diego in 1954 for incidental purposes. The existing easement was used by San Diego Gas & Electric Company, AT&T, and Spectrum. The dry utilities will be rerouted along the perimeter of the new five-story multi-dwelling unit building over two levels of parking, therefore the easement is no longer needed and will be removed. There are no public facilities that will be impacted by this easement vacation. 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.

2. Easement Vacation No. PMT-2605866, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 42615-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: The Easement Vacation shall be recorded once the City receives written confirmation that the utility easement is no longer needed by existing users (SDG&E, Spectrum, and AT&T&) and after new, relocated lines are installed and operating.

3. The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated by this reference.

4. Based on these findings adopted by the Council, Easement Vacations No. PMT-2605866 is granted to Clairemont Village Quad, LLC, subject to the attached conditions which are made a part of this Resolution by this reference.

5. 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  for _____
Shannon C. Eickmeyer
Deputy City Attorney

SCE:cm
October 18, 2024
Or.Dept: Development Services
Doc. No. 3851551

ATTACHMENT: Exhibit A: Legal Description
Exhibit B: Sheet Drawings

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on
NOV 19 2024.

DIANA J.S. FUENTES
City Clerk

By Connie Patterson
Deputy City Clerk *for Gil Sanchez*

EXHIBIT 'A'
LEGAL DESCRIPTION
UNNAMED EASEMENT VACATION

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 13891, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 31, 1985 AS INSTRUMENT NO. 85-274379 OF OFFICIAL RECORDS, SAID PORTION BEING A 10.00 FOOT WIDE UNNAMED EASEMENT ACCEPTED BY THE CITY OF SAN DIEGO AS DEDICATED FOR PUBLIC USE ON MAP OF CLAIREMONT PLAZA, ACCORDING TO MAP THEREOF No. 3065, RECORDED MARCH 17, 1954 AS FILE No. 34269, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BOTH IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EASTERLY CORNER OF LOT 2 OF SAID MAP No. 3065, SAID CORNER ALSO BEING THE BEGINNING OF A 970.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, A LINE RADIAL TO SAID BEGINNING BEARS SOUTH 75° 28'55" EAST; THENCE SOUTHWESTERLY 144.33 FEET ALONG SAID CURVE AND THE SOUTHEASTERLY PROPERTY LINE OF SAID LOT 2 THROUGH A CENTRAL ANGLE OF 08°31'31" TO THE NORTHEASTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT, BEING THE **TRUE POINT OF BEGINNING**, A RADIAL LINE TO SAID POINT BEARS SOUTH 66°57'24" EAST;

THENCE CONTINUING SOUTHWESTERLY 10.00 FEET ALONG SAID CURVE AND SAID SOUTHEASTERLY PROPERTY LINE THROUGH A CENTRAL ANGLE OF 00°35'26" TO THE SOUTHWESTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT, TO WHICH A RADIAL LINE BEARS SOUTH 66°21'58" EAST;

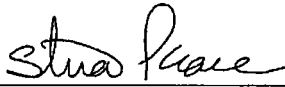
THENCE LEAVING SAID CURVE AND SAID SOUTHEASTERLY PROPERTY LINE, NORTH 66°25'00" WEST 168.51 FEET ALONG THE SOUTHWESTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT;

THENCE LEAVING SAID SOUTHWESTERLY SIDELINE, NORTH 31°11'29" WEST 17.34 FEET TO A POINT ON THE NORTHEASTERLY SIDELINE OF SAID 10.00 FOOT WIDE UNNAMED EASEMENT;

THENCE ALONG SAID NORTHEASTERLY SIDELINE, SOUTH 66°25'00" EAST 182.63 FEET TO THE TRUE POINT OF BEGINNING.

THE HEREIN ABOVE-DESCRIBED AREA CONTAINS 1,756 SQ. FT. (0.040 ACRE), MORE OR LESS.

ATTACHED HERETO IS A DRAWING NO. 42615-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.



Stuart Peace RCE 27232

6-20-2024
Date



PTS: 697307
DWG: 42615-B
IO: 24009038

LEGEND





- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
-  INDICATES PORTION 10' WIDE UNNAMED EASEMENT PER MAP NO.3065, O.R. VACATED (CONTAINING 1756 SQ. FT.)
- () INDICATES RECORD DATA PER MAP NO. 3065
-  INDICATES EXISTING EASEMENT
-  INDICATES PROPERTY LINE
-  INDICATES RIGHT-OF-WAY LINE
- (R) INDICATES RADIAL

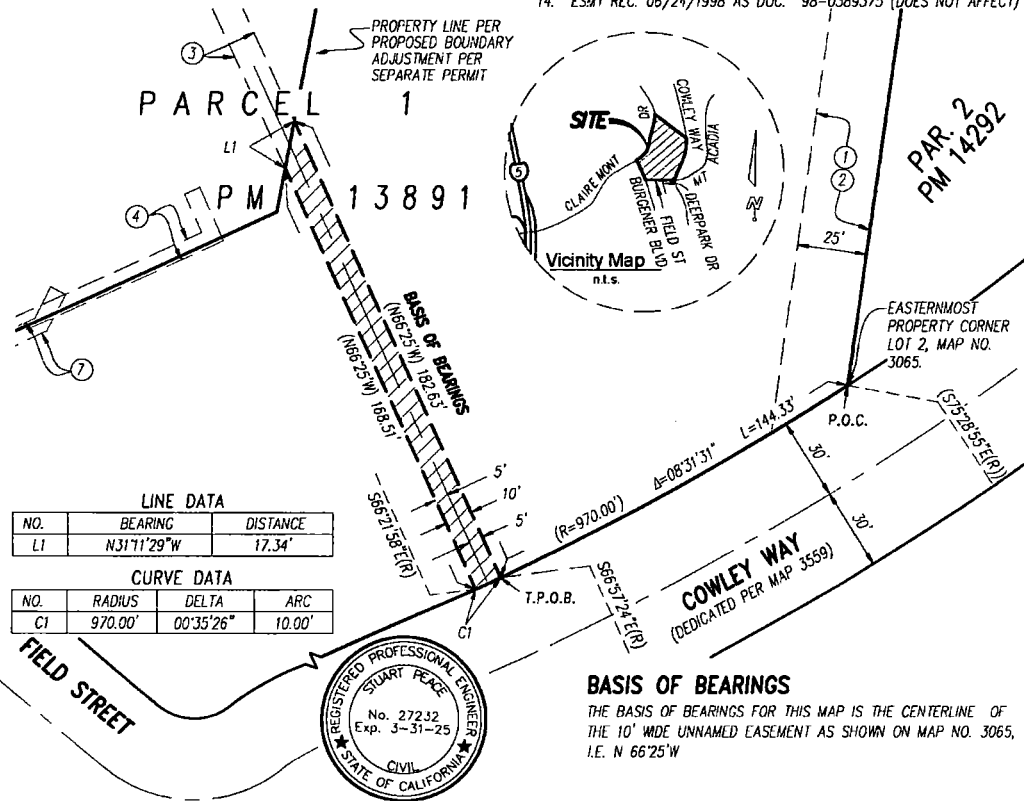
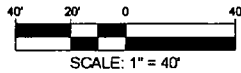
EXHIBIT "B"

EXISTING EASEMENTS

- ① ESMT REC. 10/02/1951 IN BK4251 PG549
- ② ESMT REC. 09/02/1953 IN BK4973 PG389
- ③ ESMT PER MAP 3065 (10' WIDE)
- ④ ESMT REC. 09/24/1954 INC BK5374 PG502
5. ESMT REC. 09/19/1960 AS DOC. 187788 (NOT PLOTTABLE)
6. ESMT REC. 11/23/1977 AS DOC. 485783 (NOT PLOTTABLE)
- ⑦ ESMT REC. 02/24/1982 AS DOC. 82-50236
8. ESMT REC. 02/02/1983 AS DOC. 83-35377 (NOT PLOTTABLE)
9. ESMT REC. 10/10/1985 AS DOC. 85-376785 (NOT PLOTTABLE)
10. ESMT REC. 07/28/1992 AS DOC. 92-470866 (NOT PLOTTABLE)
11. ESMT REC. 09/10/1992 AS DOC. 92-574543 (NOT PLOTTABLE)
12. ESMT REC. 08/17/1993 AS DOC. 93-536177 (DOES NOT AFFECT)
13. ESMT REC. 09/02/1994 AS DOC. 94-528977 (NOT PLOTTABLE)
14. ESMT REC. 06/24/1998 AS DOC. 98-0389375 (DOES NOT AFFECT)

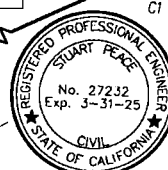
REFERENCE DWGS.

MAP NO. 3065
PARCEL MAP NO. 13891



LINE DATA		
NO.	BEARING	DISTANCE
L1	N31°11'29"W	17.34'

CURVE DATA			
NO.	RADIUS	DELTA	ARC
C1	970.00'	00°35'26"	10.00'



BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS MAP IS THE CENTERLINE OF THE 10' WIDE UNNAMED EASEMENT AS SHOWN ON MAP NO. 3065, I.E. N 66°25'W

LANDMARK CONSULTING
2521 PALOMAR AIRPORT RD. STE. 105-757
CARLSBAD, CA 92011
(858) 587-8070
Stuart Peace
STUART PEACE, RCE 27232 06-20-2024 DATE

RESOLUTION NO.: _____
DATED ADOPTED: _____
DOCUMENT NO.: _____
RECORDED: _____

**10' WIDE UNNAMED EASEMENT VACATION
OVER A PORTION OF PARCEL 1, PARCEL MAP NO. 13891 AS
DEDICATED ON MAP OF CLAIREMONT PLAZA, MAP NO. 3065.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S.
ORIGINAL	L.C.				SHEET 1 OF 1 SHEET	697307
					<i>Federal R & Pay</i> FOR CITY LAND SURVEYOR	1868-6269
					6/25/2024 DATE	OCS 83 COORDINATES
						228-1709
						LAMBERT COORDINATES
					STATUS	42615-B

Passed by the Council of The City of San Diego on NOV 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"/>
Henry L. Foster III	<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"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 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.

(Seal)

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

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 315905