

000423

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 102
5/02

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT): Development Services

3. DATE: February 8, 2007

4. SUBJECT: Recreation Easement Vacation in Del Mar Mesa Estates Unit No. 2 Map No. 14081

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
G. Bollenbach Ext. 65417 MS 501

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)
Arlene Lopez Ext. 65290 MS 501

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:
DEPT.					
ORGANIZATION					
OBJECT ACCOUNT					
JOB ORDER					
C.I.P. NUMBER					
AMOUNT					

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
1	ORIG. DEPT	<i>[Signature]</i>	4/10/07	5	DEPUTY CHIEF	<i>[Signature]</i>	4/13/07	
2	EAS	<i>[Signature]</i>	4/11/07					
3	PARK & RECREATION	<i>[Signature]</i>	4-11-07	6	CITY ATTORNEY	<i>[Signature]</i>	5/1/07	
4	LIAISON OFFICE	<i>[Signature]</i>	4/17/07	7	ORIG. DEPT	<i>[Signature]</i>	5/18/07	
					DOCKET COORD:	<i>[Signature]</i>	COUNCIL LIAISON <i>[Signature]</i>	
					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<i>[Signature]</i>	<input type="checkbox"/> REFER TO:	COUNCIL DATE: 5/22/07	

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Authorizing the vacation of an unneeded recreation easement in Lots 11, 13 and 14 of Del Mar Mesa Estates Unit No. 2 Map No. 14081 as shown on Engineering Drawing No. 20469-1-B.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 1

COMMUNITY AREA(S): DEL MAR MESA

ENVIRONMENTAL IMPACT: THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15060 (C) (3)

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

ATTACHMENTS: VICINITY MAP, 20469-B, LEGAL DESCRIPTION

WORK ORDER NO. 038000 PTS NO. 90510

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EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: February 8, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Recreation Easement Vacation in Del Mar Mesa Estates Unit 2 Map No. 14081
COUNCIL DISTRICT(S): 1
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

to vacate
Council approval of an unneeded recreation easement in Lots 11, 13 and 14 of Del Mar Mesa Estates Unit No. 2 Map No. 14081

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This project is located in the Del Mar Mesa Community Plan area north of and parallel to Del Mar Mesa Road. The recreation easement being vacated is shown on Engineering Drawing No. 20469-1-B. It was granted and dedicated at no cost to the City on the final map Del Mar Mesa Estates Unit No. 2 Map No. 14081 for the purpose of an equestrian trail as specified in the Del Mar Mesa Specific Plan and as a condition of the Tentative Map. The southwesterly terminus is located at a dangerous road crossing near the curve of Del Mar Mesa Road and has been deemed to be inconsistent with the best interest of the community and the Specific Plan. The existing easement has been replaced within Lot 14 with a pedestrian and non-motor vehicle right-of-way easement of approximately equal value per Document No. 2006-0820587 recorded November 17, 2006 as shown on Engineering Drawing No. 20469-2-B. There is no present or prospective public use of the existing easement in its present location that can be anticipated.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

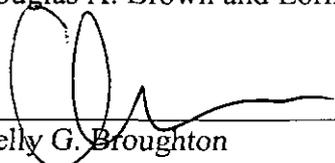
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Del Mar Mesa Community Planning Group is in favor of this action

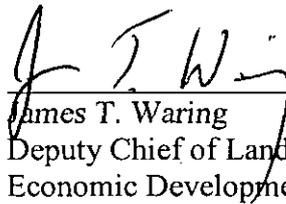
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KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Douglas A. Brown and Lorna L. Mildice



Kelly G. Broughton
Assistant Director
Development Services Department

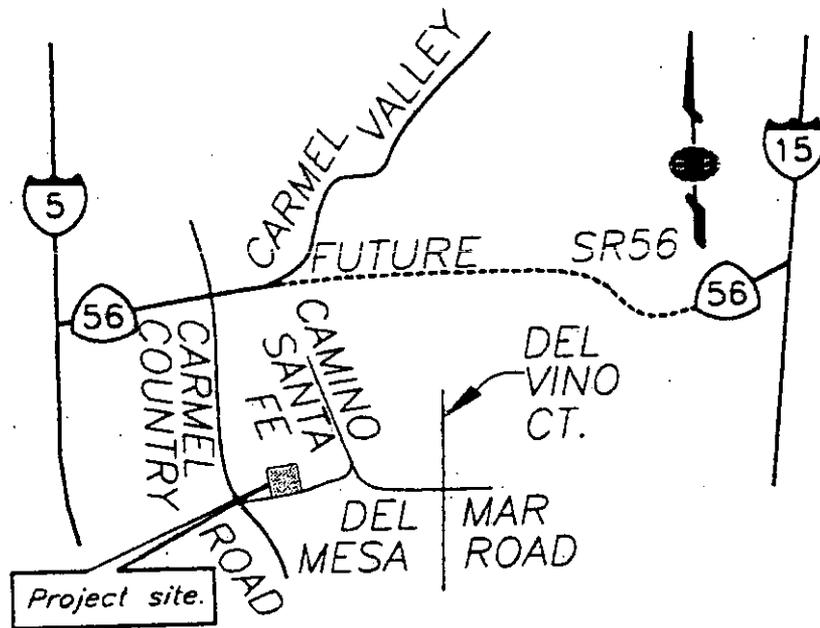


James T. Waring
Deputy Chief of Land Use and
Economic Development

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RECREATION EASEMENT

VACATION



VICINITY MAP

NO SCALE

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides a procedure for the summary abandonment of easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary recreation easement in Lots 11, 13 and 14 of Del Mar Mesa Estates Unit No. 2, Map No. 14081 as depicted on Engineering Drawing No. 20469-1-B, to unencumber his property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the recreation easement, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation; 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 and where a public hearing was required by law implicating due process rights of individuals affected by the

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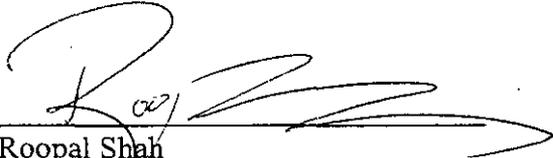
decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the recreation easement located within Lots 11, 13 and 14 of Del Mar Estates Unit No. 2, Map No. 14081, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20469-1-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-_____, and RR-_____, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Roopal Shah
Deputy City Attorney

RS:pev
04/23/07
Or.Dept:DSD
R-2007-1029
MMS #4694
EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

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EXHIBIT "A"
LEGAL DESCRIPTION
VACATION OF A RECREATION EASEMENT

THOSE PORTIONS OF LOTS 11,13, AND 14 OF DEL MAR MESA ESTATES UNIT 2, ACCORDING TO MAP THEREOF NO. 14081, FILED NOVEMBER 22, 2000 IN THE OFFICE OF COUNTY RECORDER OF THE SAN DIEGO COUNTY, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT 20 FOOT WIDE RECREATIONAL EASEMENT IN LOTS 11,13, AND 14 OF SAID MAP

SAID EASEMENT CONTAINS AN AREA OF 0.607 ACRES MORE OR LESS

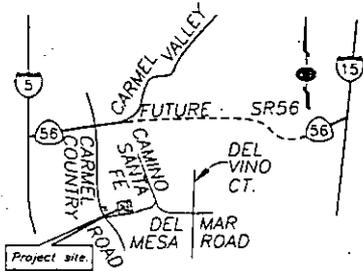

KEITH L. KEETER, R.C.E. 31138
My Registration Expires 06-30-2006



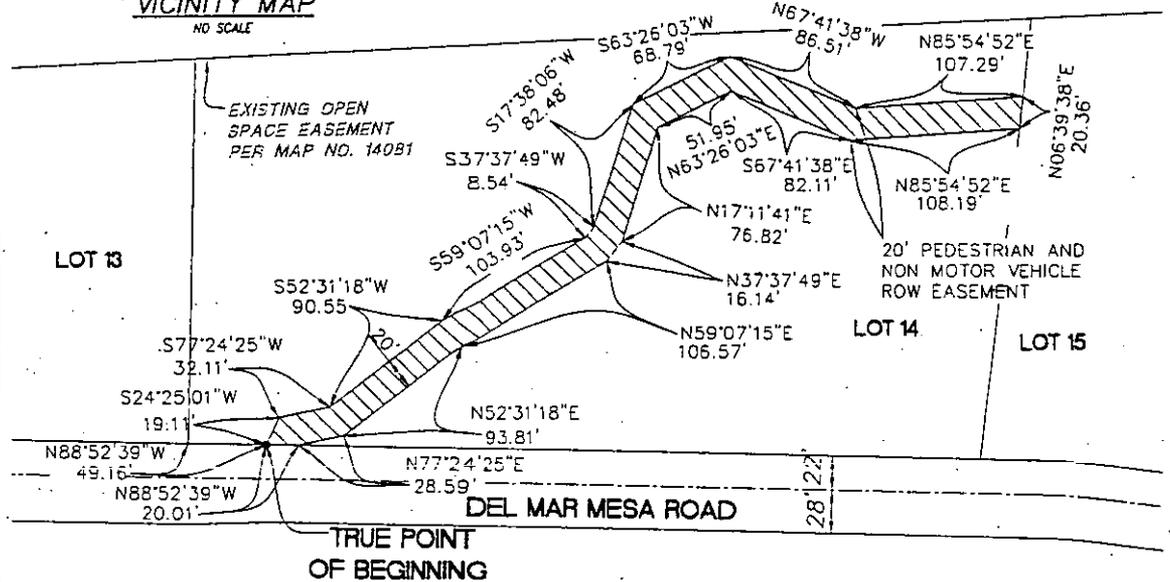
PTS 90510
DWG NO. 20469-1-B
JOB NO. 038000

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DEL MAR MESA ESTATES UNIT NO. 2
MAP NO. 14081



VICINITY MAP
NO SCALE



LEGEND:

- INDICATES EXISTING EASEMENTS
- INDICATES PEDESTRIAN AND NON MOTOR VEHICLE ROW EASEMENT 0.27 ACRES

REFERENCES:

30187-D AND MAP NO. 14081

ASSESSOR'S PARCEL NUMBER:

307-660-06-00

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE SOUTHERLY LINE OF LOT 14 OF MAP 14081, I.E. N88°52'39"W

Latitude 33
Planning and Engineering

4933 PARAMOUNT DRIVE, SECOND FLOOR
SAN DIEGO, CA 92123
858-751-0633 · Fax 858-751-0634



Keith L. Keeter
4-17-06

KEITH L. KEETER R.C.E. 31138 DATE
REGISTRATION EXPIRES 06-30-2006

DOCUMENT 2006-0820587
RECORDED NOVEMBER 17, 2006

1" = 80'

PEDESTRIAN AND NON MOTOR VEHICLE ROW EASEMENT
LOT 14 OF DEL MAR MESA ESTATES UNIT NO. 2 MAP NO. 14081

J.O. 038000

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT REVIEW DEPARTMENT SHEET 2 OF 2 SHEET	T.M. NO.
ORIGINAL	LAT33				<i>Latourea</i> FOR CITY ENGINEER	90510
					9/20/06 DATE	1922-6264 CCS '83 COORDINATES
						282-1704 LAMBERT COORDINATES
AQUIRED						20469-2-B