

001019

REQUEST FOR COUNCIL ACTION  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER  
(FOR AUDITOR'S USE ON

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
Development Services

3. DATE:  
07/12/2007

4. SUBJECT:  
Burbank Elementary School Street and Easement Vacations

5. FOR INFORMATION, CONTACT (NAME & MAIL STA.):  
Morris Dye

6. TELEPHONE NO.  
x65201

7. CHECK HERE IF BOX 1472A "DOCKET" SUPPORTING INFORMATION HAS BEEN COMPLETED ON PAGE 2:

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND				
DEPT.	1317			
ORGANIZATION	1711			
OBJECT ACCOUNT	4038			
JOB ORDER	422852			
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:  
No cost to the City. A deposit has been collected from the applicant to cover the costs associated with processing the proposed projects.

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	DEPARTMENT DIRECTOR	MARCELA ESCOBAR-ECK	7/19/07	8	CHIEF DEPUTY	JAMES WARING	8/6/07
2	DSD/EAS	MYRA HERRMANN	7/20/07	9	COO		
3				10	CITY ATTORNEY	Marianne Greene	8/10/07
4	LIAISON OFFICE	ED PLANK		11	ORIGINATING DEPARTMENT		
5				MGR. DOCKET COORD: _____		COUNCIL REP. _____	
6				✓	RULES COMMITTEE	<input type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
7						<input type="checkbox"/> REFER TO: _____	DATE: _____

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

Approving 1. A vacation of a portion of an unnamed alley between Evans and Sampson Streets, and between Irving and Julian Avenues, and vacation of two sewer easements.

11A. STAFF RECOMMENDATION:  
Approve the Resolution and Parcel Map.

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

COUNCIL DISTRICT: 8

COMMUNITY AREA: Southeastern San Diego

CITY CLERK INSTRUCTIONS: Return copy of Resolution to Development Services Project Manager. Public Notice Required.

ENVIRONMENTAL IMPACT: This activity is covered under demolition, reconstruction and expansion of Burbank elementary school Environmental Impact Report, School No. 2002021142 dated December 2002, prepared by the San Diego Unified School District and certified by the Board of Education on March 25, 2003 and Addendum to the EIR dated May 30, 2003, certified by the Board of Education on May 27, 2003. The activity is adequately addressed in the environmental documents and there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

OTHER ISSUES: Environmental Impact Report available for viewing upon request.

001020

DOCKET SUPPORTING INFORMATION  
CITY OF SAN DIEGO

DATE: 06/29/2007

**Subject: Burbank Elementary School Street and Easement Vacations**

BACKGROUND:

The San Diego School District is administering Proposition MM, a 1998 bond initiative passed by the electorate to construct 13 new schools, redevelop three existing school sites, and modernize, and upgrade the existing school site inventory. The Prop MM school sites require parcel consolidation and the vacation of existing public rights-of-way (streets and alleys) to create the new school sites.

The School District is processing both discretionary and ministerial actions to comply with City of San Diego standards related to Right-of-Way vacations and public improvements respectively. The public improvements typically include curb, gutter and sidewalks. These ministerial public improvement actions and discretionary right-of-way (ROW) vacations are being processed concurrently to allow the School District to maintain the Prop MM construction schedule and facilitate various school opening dates.

Burbank Elementary School is bounded by Evans and Sampson Streets, and Irving and Julian Avenues in the Southeastern San Diego Community Plan Area. The right-of-way to be vacated consists of a portion of an unnamed alley in the southeastern portion of the block. Two sewer easements would also be vacated.

To approve the requested vacations, the following four findings must be made.

1. There is no present or prospective use for the purpose for which the right of way was originally acquired.
2. The public will benefit from the vacation through improved utilization of land.
3. The vacation is consistent with the General Plan or an approved Community Plan.
4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

City staff has confirmed that there is no present or prospective use for the right-of-way for which it was originally acquired and that no public use of a like nature is anticipated. Transportation staff has determined that the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation. Proposition MM was approved by the voters and, in this area, would result in a school for an older, established neighborhood. In addition, new public improvements would be constructed around the school location. As such, the public would benefit from the vacation through improved utilization of the land.

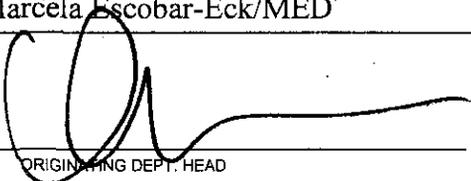
The Southeastern San Diego Community Plan recommends the San Diego Unified School District work with the City of San Diego to acquire additional land to expand existing school sites (Page 111). As the proposed ROW vacation would allow for re-construction of a Burbank Elementary School, the project would be consistent with the plan.

On May 9, 2005, the Southeastern San Diego Planning Committee voted 11-0-0 in favor of the Right-of-Way Vacation, with no recommended conditions.

BY LINE: (CITY MANAGER / DEPT. HEAD / AUTHOR INITIALS)

James T. Waring/Marcela Escobar-Eck/MED

SIGNATURES:



ORIGINATING DEPT. HEAD



CITY MANAGER  
(FOR MANAGERIAL DEPARTMENTS ONLY)

## EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: July 12, 2007

REPORT NO.:

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Burbank Elementary Right-of-Way Vacation, PTS Project Number 6707

COUNCIL DISTRICT(S): 8

STAFF CONTACT: Morris Dye, (619) 446-5201, mdye@sandiego.gov

REQUESTED ACTION:

Approve the vacation of portions of an unnamed alley between Evans Street and Sampson Street, and between Irving Avenue and Julian Avenue and associated sewer easements, within the Southeastern San Diego Community Plan area.

STAFF RECOMMENDATION:

**APPROVE** Public Right-of-Way and Sewer Easement Vacation No. 106234 and Parcel Map No. 106188.

EXECUTIVE SUMMARY:

The San Diego School District is administering Proposition MM, a 1998 bond initiative passed by the electorate to construct 13 new schools, redevelop three existing school sites, and modernize, and upgrade the existing school site inventory. The Prop MM school sites require parcel consolidation and the vacation of existing public rights-of-way (streets and alleys) to create the new school sites.

The School District is processing both discretionary and ministerial actions to comply with City of San Diego standards related to Right-of-Way vacations and public improvements respectively. The public improvements typically include curb, gutter and sidewalks. These ministerial public improvement actions and discretionary right-of-way (ROW) vacations are being processed concurrently to allow the School District to maintain the Prop MM construction schedules and facilitate various school opening dates.

Burbank Elementary School is bounded by Evans and Sampson Streets, and Irving and Julian Avenues in the Southeastern San Diego Community Plan Area. The right-of-way to be vacated consists of a portion of an unnamed alley in the southeastern portion of the block. Two sewer easements would also be vacated.

To approve the requested vacations, the following four findings must be made.

1. There is no present or prospective use for the purpose for which the right of way was originally acquired.
2. The public will benefit from the vacation through improved utilization of land.
3. The vacation is consistent with the General Plan or an approved Community Plan.

4. The public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

City staff has confirmed that there is no present or prospective use for the right-of-way for which it was originally acquired and that no public use of a like nature is anticipated. Transportation staff has determined that the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation.

Proposition MM was approved by the voters and, in this area, would result in a school for an older, established neighborhood. In addition, new public improvements would be constructed around the school location. As such, the public would benefit from the vacation through improved utilization of the land.

The Southeastern San Diego Community Plan recommends the San Diego Unified School District work with the City of San Diego to acquire additional land to expand existing school sites (Page 111). As the proposed ROW vacation would allow for reconstruction of a Burbank Elementary School, the project would be consistent with the plan.

FISCAL CONSIDERATIONS:

No cost to the city. A deposit has been collected from the applicant to cover the costs associated with processing the proposed projects.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

No previous City Council action.

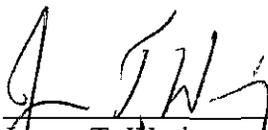
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On May 9, 2005, the Southeastern San Diego Planning Committee voted 11-0-0 in favor of the Right-of-Way Vacation, with no recommended conditions.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

San Diego Unified School District

  
\_\_\_\_\_  
Marcela Escobar-Eck  
Director  
Development Services Department

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

# PARCEL MAP NO.

SHEET 1 OF 4 SHEETS

001023

## OWNER'S CERTIFICATE

WE, THE OWNERS OF OR ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP.

WE HEREBY DEDICATE TO PUBLIC USE PORTIONS OF EVANS STREET, JULIAN AVENUE, AND SAMPSON STREET FOR USE AS PUBLIC STREETS AND APPURTENANCES THERETO, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

WE HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, THE EASEMENT WITH RIGHT OF INGRESS AND EGRESS FOR THE CONSTRUCTION AND MAINTENANCE OF WATER FACILITIES, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION DESIGNATED AS "WATER EASEMENT GRANTED HEREON," RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENT HEREIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY; AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERECTING OF BUILDINGS, MASONRY WALLS, MASONRY FENCES AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS; OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINES SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE.

IT IS OUR INTENT TO SUBSIDIZE AND LATER CONVEY OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING ANY REVERSIONARY RIGHTS THAT MAY EXIST WITHIN THE ADJOINING PUBLIC RIGHTS-OF-WAY, IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE A CLAIM ON THOSE REVERSIONARY RIGHTS THROUGH PRIOR CONVEYANCES.

SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA, A PUBLIC SCHOOL DISTRICT.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 NAME: DAVE UNSTOT  
 TITLE: CHIEF FACILITIES OFFICER

## CLERK OF THE BOARD CERTIFICATE

I, CLERK OF THE BOARD OF SUPERVISORS, HEREBY CERTIFY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT (DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE) REGARDING (A) DEPOSITS FOR TAXES, AND (B) CERTIFICATION OF THE ABSENCE OF LIENS FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES EXCEPT THOSE NOT YET PAYABLE, HAVE BEEN COMPLIED WITH.

THOMAS. J. PASTUSZKA BY: \_\_\_\_\_  
 CLERK OF THE BOARD OF SUPERVISORS DEPUTY  
 DATE: \_\_\_\_\_

STATE OF CALIFORNIA )  
 ) SS  
 COUNTY OF SAN DIEGO )

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVE UNSTOT, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON, OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND  
 SIGNATURE \_\_\_\_\_  
 PRINTED \_\_\_\_\_

MY COMMISSION EXPIRES ON \_\_\_\_\_ 20 \_\_\_\_  
 PRINCIPAL PLACE OF BUSINESS IN \_\_\_\_\_ COUNTY.

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. \_\_\_\_\_ THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF THE UNNAMED ALLEY IN BLOCK 224 OF MAP NO. 379 AND THE ABANDONMENT OF THE EASEMENTS AS INDICATED HEREON PURSUANT TO THE PROVISIONS OF SECTION 66445(j) OF THE STATE SUBDIVISION MAP ACT, AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN. IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.

ELIZABETH MALAND BY: \_\_\_\_\_  
 CITY CLERK DEPUTY

## PARCEL MAP

BEING A LOT CONSOLIDATION OF LOTS 1 TO 48 INCLUSIVE IN BLOCK 224 OF SAN DIEGO LAND AND TOWN COMPANY'S ADDITION ACCORDING TO MAP THEREOF NO. 379 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 30, 1886, TOGETHER WITH THE NORTHWESTERLY PORTION OF THE UNNAMED ALLEY IN SAID BLOCK 224 AS DEDICATED TO PUBLIC USE PER MAP NO. 379 AS CLOSED AND VACATED TO PUBLIC USE.

TOGETHER WITH THOSE PORTIONS OF IRVING AVENUE, JULIAN AVENUE, EVANS STREET AND SAMPSON STREET AS DEDICATED TO PUBLIC USE.

THE SOUTHEASTERLY PORTION OF THE UNNAMED ALLEY IN BLOCK 224 DEDICATED TO PUBLIC USE PER MAP 379 RECORDED OCTOBER 30, 1886; THE SEWER EASEMENT GRANTED TO THE CITY PER BOOK 2241, PAGE 224, RECORDED SEPTEMBER 20, 1946 OF OFFICIAL RECORDS; THE SEWER EASEMENT GRANTED TO THE CITY PER BOOK 228, PAGE 30, RECORDED OCTOBER 24, 1946 OF OFFICIAL RECORDS ARE NOT SHOWN WITHIN THIS MAP BECAUSE THEY HAVE BEEN VACATED PURSUANT TO SECTION 66445(j) OF THE SUBDIVISION MAP ACT.

TITLE REPORT BY: FIRST AMERICAN TITLE COMPANY  
 ORDER NO. DW-1285833 (22)

## SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT ON OCTOBER 8, 2003, AND I STATE THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND I WILL SET ALL OTHER MONUMENTS OF CHARACTER AND AT THE POSITIONS INDICATED BY THE LEGEND IN THIS MAP WITHIN 2 YEARS OF RECORDATION OF THIS MAP UNLESS EXTENDED BY THE CITY ENGINEER AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED (SEE LEGEND ON SHEET 2).

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.



THOMAS A. JONES DATE \_\_\_\_\_  
 L.S. 6622  
 LICENSE EXPIRES 12-31-07

## CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

HOSSEN RUH  
 CITY ENGINEER  
 BY: \_\_\_\_\_  
 LEROY C. HENNES, DEPUTY  
 L.S. 4804  
 DATE: \_\_\_\_\_

## RECORDER'S STATEMENT

FILE NO. \_\_\_\_\_  
 FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2007 AT \_\_\_\_\_  
 O'CLOCK \_\_\_\_\_ M. IN BOOK OF PARCEL MAPS AT PAGE \_\_\_\_\_  
 AT THE REQUEST OF THOMAS A. JONES.

GREGORY SMITH  
 COUNTY RECORDER  
 BY: \_\_\_\_\_  
 DEPUTY COUNTY RECORDER

FEES: \$14.00

PTS 6707	TPM NONE	W.O. 422852	L.C. 194-1725 C.C.S. 83 1834-6285
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# PARCEL MAP NO.

SHEET 1 OF 4 SHEETS

001024

### OWNER'S CERTIFICATE

WE, THE OWNERS OF OR ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP AND WE HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS PARCEL MAP.

WE HEREBY DEDICATE TO PUBLIC USE PORTIONS OF EVANS STREET, JULIAN AVENUE, AND SAMPSON STREET FOR USE AS PUBLIC STREETS AND APPURTENANCES THERETO, ALL AS SHOWN ON THIS MAP WITHIN THIS SUBDIVISION.

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IT IS OUR INTENT TO SUBDIVIDE AND LATER CONVEY OUR ENTIRE INTEREST IN THE REAL PROPERTY SHOWN ON THIS MAP WITHIN THE HEAVY BORDER, INCLUDING ANY REVERSIONARY RIGHTS THAT MAY EXIST WITHIN THE ADJOINING PUBLIC RIGHTS-OF-WAY, IT IS NOT OUR INTENT TO ALTER OR SEVER THE LEGITIMATE RIGHTS OF OTHERS WHO MAY HAVE A CLAIM ON THOSE REVERSIONARY RIGHTS THROUGH PRIOR CONVEYANCES.

SAN DIEGO UNIFIED SCHOOL DISTRICT OF SAN DIEGO COUNTY, CALIFORNIA, A PUBLIC SCHOOL DISTRICT.

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
NAME: DAVE UMSTOT  
TITLE: CHIEF FACILITIES OFFICER

### CLERK OF THE BOARD CERTIFICATE

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THOMAS. J. PASTUSZKA BY: \_\_\_\_\_  
CLERK OF THE BOARD OF SUPERVISORS DEPUTY  
DATE: \_\_\_\_\_

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO ) SS

ON \_\_\_\_\_ BEFORE ME, \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED DAVE UMSTOT, PERSONALLY KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN HIS AUTHORIZED CAPACITY, AND THAT BY HIS SIGNATURE ON THE INSTRUMENT THE PERSON OR THE ENTITY UPON BEHALF OF WHICH THE PERSON ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND  
SIGNATURE \_\_\_\_\_  
PRINTED \_\_\_\_\_

MY COMMISSION EXPIRES ON \_\_\_\_\_, 20\_\_\_\_.  
PRINCIPAL PLACE OF BUSINESS IN \_\_\_\_\_ COUNTY.

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. \_\_\_\_\_ THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF THE UNNAMED ALLEY IN BLOCK 224 OF MAP NO. 379 AND THE ABANDONMENT OF THE EASEMENTS AS INDICATED HEREON PURSUANT TO THE PROVISIONS OF SECTION 66445(J) OF THE STATE SUBDIVISION MAP ACT, AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN. IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS' SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ELIZABETH MALAND BY: \_\_\_\_\_  
CITY CLERK DEPUTY

### PARCEL MAP

BEING A LOT CONSOLIDATION OF LOTS 1 TO 48 INCLUSIVE IN BLOCK 224 OF SAN DIEGO LAND AND TOWN COMPANY'S ADDITION ACCORDING TO MAP THEREOF NO. 379 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 30, 1886, TOGETHER WITH THE NORTHWESTERLY PORTION OF THE UNNAMED ALLEY IN SAID BLOCK 224 AS DEDICATED TO PUBLIC USE PER MAP NO. 379 AS CLOSED AND VACATED TO PUBLIC USE.

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TITLE REPORT BY: FIRST AMERICAN TITLE COMPANY  
ORDER NO. DV-1265653 (22)

### SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT ON OCTOBER 8, 2003, AND I STATE THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL MONUMENTS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN THEREON, AND I WILL SET ALL OTHER MONUMENTS OF CHARACTER AND AT THE POSITIONS INDICATED BY THE LEGEND IN THIS MAP WITHIN 2 YEARS OF RECORDATION OF THIS MAP UNLESS EXTENDED BY THE CITY ENGINEER AND WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED (SEE LEGEND ON SHEET 2).

I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

THOMAS A. JONES DATE \_\_\_\_\_  
L.S. 6622  
LICENSE EXPIRES 12-31-07



### CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION; THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP AND THAT IT IS TECHNICALLY CORRECT.

HOSSEIN RUH  
CITY ENGINEER

BY: \_\_\_\_\_  
ANNE L. HOPPE, DEPUTY  
L.S. 7196  
DATE: \_\_\_\_\_

### RECORDER'S STATEMENT

FILE NO. \_\_\_\_\_  
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007 AT  
\_\_\_\_\_ O'CLOCK \_\_\_\_\_ M. IN BOOK OF PARCEL MAPS AT PAGE  
\_\_\_\_\_ AT THE REQUEST OF THOMAS A. JONES.

GREGORY SMITH  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

FEES: \$14.00

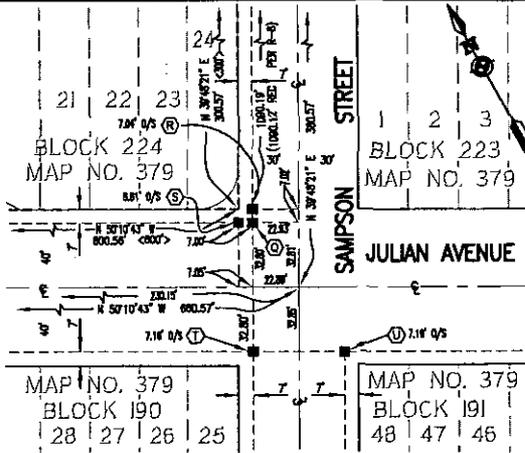
PTS 6707	TPM NONE	W.O. 422852	L.C. 184-1725 CCS 83 1834-6285
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# PARCEL MAP NO.

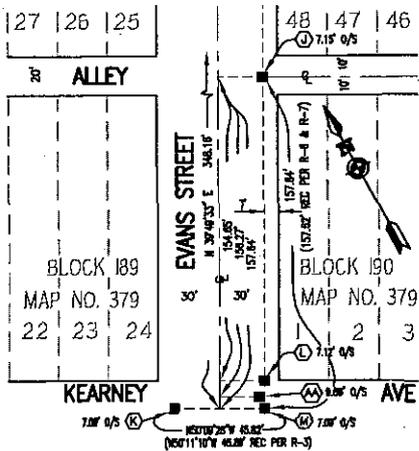
001025

## MONUMENTATION LEGEND

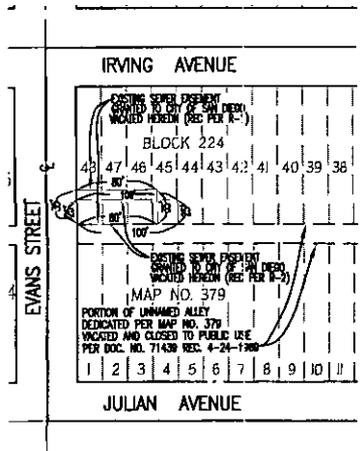
- ① INDICATES FOUND STANDARD STREET CENTERLINE MONUMENT PER CORNER RECORD NO. 18441.
- ② INDICATES FOUND STANDARD STREET CENTERLINE MONUMENT NO RECORD, ACCEPTED AS THE CENTERLINE INTERSECTION OF KEARNEY AVENUE AND IRVING STREET.
- ③ INDICATES FOUND LEAD AND TACK PER CITY OF SAN DIEGO THE POINT SHEET NO. 394.
- ④ INDICATES FOUND LEAD AND TACK PER CITY OF SAN DIEGO THE POINT SHEET NO. 380.
- ⑤ INDICATES FOUND LEAD AND TACK PER MAP NO. 0510.
- ⑥ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS THE 6.89' OFFSET FROM THE NORTHWESTERLY CORNER OF LOT 48 IN BLOCK 189 OF MAP NO. 379.
- ⑦ INDICATES FOUND LEAD WITH DISC STAMPED LS 3809 - NO RECORD, ACCEPTED AS A 32.89' OFFSET FROM THE CENTERLINE OF IRVING AVENUE.
- ⑧ INDICATES FOUND LEAD WITH DISC STAMPED RCE 8454 - NO RECORD, ACCEPTED AS THE 8.91' OFFSET FROM THE NORTHWESTERLY CORNER OF LOT 35 IN BLOCK 225 OF MAP NO. 379.
- ⑨ INDICATES FOUND LEAD WITH DISC STAMPED RE 813 - NO RECORD, ACCEPTED AS THE 7.07' OFFSET FROM THE NORTHEASTERLY CORNER OF LOT 45 IN BLOCK 190 OF MAP NO. 379.
- ⑩ INDICATES FOUND LEAD WITH DISC STAMPED CITY ENGINEER PER CORNER RECORD NO. 8495.
- ⑪ INDICATES FOUND LEAD AND TACK PER U.S. 785.
- ⑫ INDICATES FOUND NAIL - NO RECORD, ACCEPTED AS A 22.88' OFFSET FROM THE CENTERLINE OF EVANS STREET.
- ⑬ INDICATES FOUND LEAD AND TACK PER CORNER RECORD NO. 8495 & U.S. 785.
- ⑭ INDICATES FOUND LEAD WITH DISC STAMPED CITY ENGINEER PER CORNER RECORD NO. 19012.
- ⑮ INDICATES FOUND LEAD WITH DISC STAMPED CITY ENGINEER PER CORNER RECORD NO. 18548.
- ⑯ INDICATES FOUND LEAD WITH DISC STAMPED CITY ENGINEER PER CORNER RECORD NO. 1228.
- ⑰ INDICATES FOUND LEAD WITH DISC STAMPED CITY ENGINEER PER CORNER RECORD NO. 16771.
- ⑱ INDICATES FOUND LEAD WITH DISC STAMPED RCE 1532 PER CORNER RECORD NO. 18221.
- ⑲ INDICATES FOUND LEAD WITH DISC STAMPED RCE 1532 - NO RECORD, ACCEPTED AS A 32.81' OFFSET FROM THE CENTERLINE OF JULIAN AVENUE.
- ⑳ INDICATES FOUND LEAD AND TACK PER CORNER RECORD NO. 8495.
- ㉑ INDICATES FOUND LEAD AND TACK PER CITY OF SAN DIEGO THE POINT SHEET NO. 345.
- ㉒ INDICATES FOUND LEAD WITH DISC STAMPED LS 5024 PER RECORD OF SURVEY NO. 12398.
- ㉓ INDICATES FOUND LEAD AND TACK PER RECORD OF SURVEY NO. 12398.
- ㉔ INDICATES FOUND LEAD AND TACK PER RECORD OF SURVEY NO. 14740.
- ㉕ INDICATES FOUND LEAD AND TACK PER CORNER RECORD NO. 18271.
- ㉖ INDICATES FOUND LEAD AND TACK PER CITY OF SAN DIEGO THE POINT SHEET NO. 331.
- ㉗ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS A 20.34' OFFSET FROM THE CENTERLINE OF EVANS STREET.
- ㉘ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS THE 7.07' OFFSET FROM THE SOUTHEASTERLY CORNER OF LOT 3 IN BLOCK 240 OF MAP NO. 379.
- ㉙ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS A 35.10' OFFSET FROM THE CENTERLINE OF IRVING AVENUE.
- ㉚ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS A 23.01' OFFSET FROM THE CENTERLINE OF SAMPSON STREET.
- ㉛ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS THE 7.06' OFFSET FROM THE NORTHEASTERLY CORNER OF LOT 33 IN BLOCK 190 OF MAP NO. 379.
- ㉜ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS THE 6.96' OFFSET FROM THE SOUTHEASTERLY CORNER OF LOT 8 IN BLOCK 242 OF MAP NO. 379.
- ㉝ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS THE 7.00' OFFSET FROM THE SOUTHEASTERLY CORNER OF LOT 8 IN BLOCK 242 OF MAP NO. 379.
- ㉞ INDICATES FOUND LEAD AND TACK - NO RECORD, ACCEPTED AS THE 7.01' OFFSET FROM THE SOUTHEASTERLY CORNER OF LOT 12 IN BLOCK 242 OF MAP NO. 379.
- ㉟ INDICATES FOUND LEAD WITH DISC STAMPED RCE 8454 - NO RECORD, ACCEPTED AS THE 8.87' OFFSET FROM THE NORTHEASTERLY CORNER OF LOT 34 IN BLOCK 225 OF MAP NO. 379.



**DETAIL 'B'**  
NO SCALE



**DETAIL 'A'**  
NO SCALE



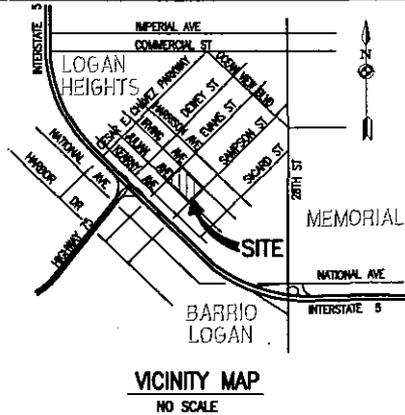
**DETAIL 'C'**  
NO SCALE

## RECORD REFERENCE LEGEND

- |               |   |
|---------------|---|
| (REC PER R-3) | INDICATES RECORD PER MONUMENTATION MAP NO. 785.                 |
| (REC PER R-4) | INDICATES RECORD PER RECORD OF SURVEY NO. 12398.                |
| (REC PER R-5) | INDICATES RECORD PER CORNER RECORD NO. 1085.                    |
| (REC PER R-6) | INDICATES RECORD PER CORNER RECORD NO. 5450.                    |
| (REC PER R-7) | INDICATES RECORD PER CORNER RECORD NO. 8495.                    |
| (REC PER R-8) | INDICATES RECORD PER CORNER RECORD NO. 18271.                   |
| (REC PER R-9) | INDICATES RECORD PER CITY OF SAN DIEGO THE POINT SHEET NO. 390. |

## EASEMENTS

- |               |  |
|---------------|--|
| (REC PER R-1) | INDICATES SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED SEPTEMBER 20, 1948 AS BOOK 2241, PAGE 224 OF OFFICIAL RECORDS, VACATED HEREIN. |
| (REC PER R-2) | INDICATES SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED OCTOBER 24, 1948 AS BOOK 2288, PAGE 30 OF OFFICIAL RECORDS, VACATED HEREIN.    |



**VICINITY MAP**  
NO SCALE

## SHEET 2 OF 4 SHEETS

### BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM ZONE 10, CGS 83, EPOCH 1991.35. MEASUREMENTS TO POINTS 'A' AND 'B' ARE SHOWN HEREIN. 'A' AND 'B' ARE ADJUSTED TO G.P.S. STATION 1144 PER RECORD OF SURVEY MAP NO. 14492. BEARING A-B: N 38°48'21" E

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SMD SYSTEM.

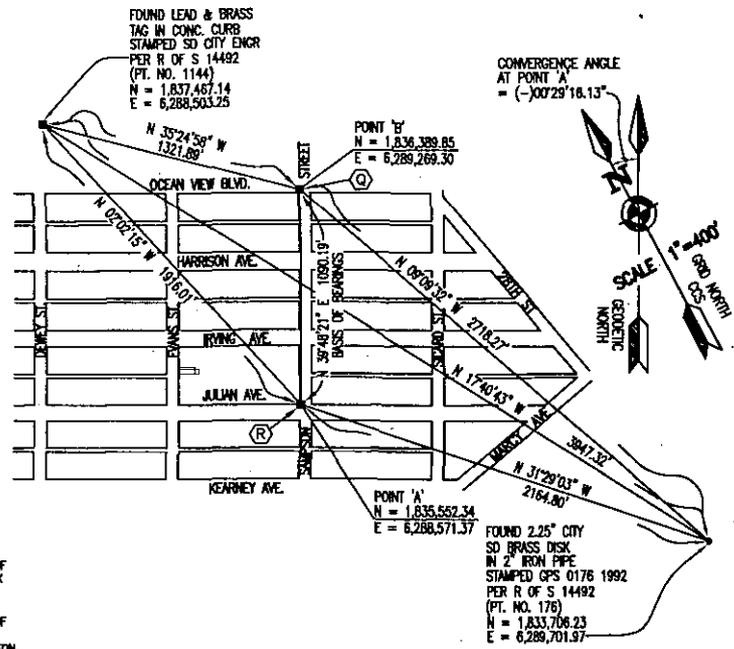
THE COMBINED GRID FACTOR AT POINT 'A' IS 1.00001070. GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR.

### LEGEND

- INDICATES WILL SET LEAD WITH DISC STAMPED L.S. 6822 AT A 7.00' OFFSET ON THIS SHEET.
- INDICATES FOUND LEAD AND DISC (OR TACK) AS NOTED PER MONUMENTATION LEGEND ON THIS SHEET.
- ▲ INDICATES FOUND STANDARD WELL MONUMENT AS NOTED PER MONUMENTATION LEGEND ON THIS SHEET.
- <> INDICATES RECORD PER MAP NO. 379.
- ( ) INDICATES RECORD PER RECORD REFERENCE LEGEND ON THIS SHEET.
- INDICATES PARCEL MAP BOUNDARY

### NOTES

- TOTAL NUMBER OF PARCELS = 1
- TOTAL AREA IN PARCEL 1 = 4.113 ACRES
- TOTAL AREA WITHIN PARCEL MAP BOUNDARY = 5.771 ACRES



## TIES TO NAD-83 COORDINATE SYSTEM

PTS 6707	TPM NONE	W.O. 422852	L.C. 194-1725
			CGS 83 1834-6285

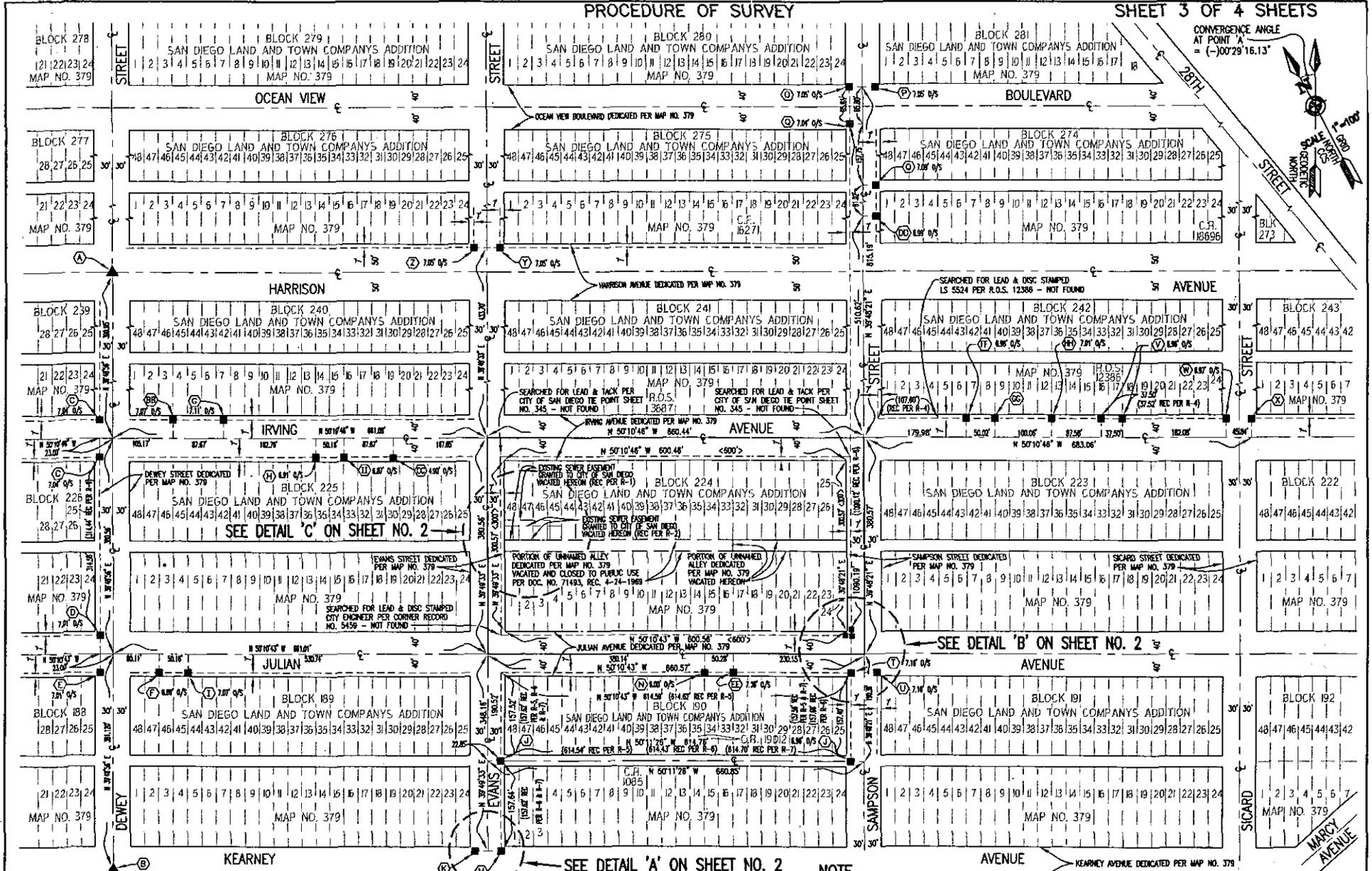
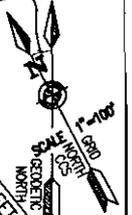
# PARCEL MAP NO.

001026

## PROCEDURE OF SURVEY

SHEET 3 OF 4 SHEETS

CONVERGENCE ANGLE  
AT POINT 'A'  
= (-)00°29'16.13"

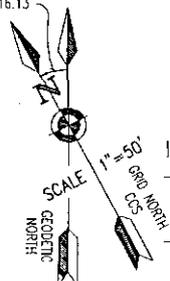


NOTE FOR MONUMENTATION LEGEND SEE SHEET NO. 2	PTS 6707	TPM NONE	W.O. 422852	LC. 194-1725 CCS 83 1634-8285
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# PARCEL MAP NO. \_\_\_\_\_

SHEET 4 OF 4 SHEETS

CONVERGENCE ANGLE  
AT POINT "A"  
=  $-100^{\circ}29'16.13''$



BLOCK 240  
MAP NO. 379

19 20 21 22 23 24

R.O.S.  
3687  
BLOCK 241  
SAN DIEGO LAND AND TOWN COMPANYS ADDITION  
MAP NO. 379

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

BLOCK 242  
MAP NO. 379

1 2 3 4 5 6

BLOCK 225  
30 29 28 27 26 25

19 20 21 22 23 24  
MAP NO. 379

BLOCK 189  
MAP NO. 379  
30 29 28 27 26 25

PARCEL 1  
4.113 ACRES

IRVING AVENUE  
DEDICATED PER  
MAP NO. 379

JULIAN AVENUE  
DEDICATED PER  
MAP NO. 379

EVANS STREET

SAMPSON STREET

BLOCK 223  
48 47 46 45 44 43

1 2 3 4 5 6  
MAP NO. 379

BLOCK 191  
MAP NO. 379  
48 47 46 45 44 43

BLOCK 190  
SAN DIEGO LAND AND TOWN COMPANYS ADDITION  
MAP NO. 379

48 47 46 45 44 43 42 41 40 39 38 37 36 35 34 33 32 31 30 29 28 27 26 25

PTS 6707	TPM NONE	W.O. 422852	L.C. 194-1725 CCS 83 1834-6285
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001027

001029

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

WHEREAS, San Diego Municipal Code section 125.0910 provides that a public right of way may be summarily vacated provided that the public right of way is excess and is not required for street or highway purposes; and

WHEREAS, the portion of an unnamed alley between Evans Street and Sampson Street, and between Irving Avenue and Julian Avenue is excess right of way and is not required for street purposes; and

WHEREAS, San Diego Municipal Code Section 125.1010 provides that a public service easement or other easement may be summarily abandoned if it does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment and the easement has been superceded by relocation and there are no other public facilities located within the easement.

WHEREAS, the 35-foot by 80-foot sewer easement and the 25-foot by 100-foot sewer easement, identified on Alley Vacation Exhibit, L.C. 194-1725, CCS 83 1834-6285, do not contain active public utilities that would be affected by the relocation and the easements have been superceded by relocation.

WHEREAS, Subdivision Map Act Section 66445(j) provides a procedure for the abandonment of public easements, such that the filing of a parcel map shall constitute as an abandonment of all public streets and easements not shown on the map; and

WHEREAS, the affected property owner has requested the vacation of the public street easement to unencumber this property; and

001030

WHEREAS, the City finds that:

- (a) there are no present or prospective uses for the public rights-of-way, public services easements, and other easements either for a public facility or the purposes for which they were 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 the improved utilization of land; and
- (c) the vacation does not adversely affect any applicable land use plan and is consistent with the General Plan and approved Community Plan; and
- (d) the public street system and the other public purposes for which the public service easements and the right-of-way were 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 decision and where 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 the Council finds that certain map surveyed by Thomas A. Jones, licensed Land Surveyor, titled "Parcel Map W.O. No. 422852" [MAP], being a lot consolidation of Lots 1 to 48 inclusive in Block 224 of San Diego Land and Town Company's addition according to map thereof No. 379 filed in the office of the County Recorder of San Diego County October 30, 1886, and together the northwesterly portion of the unnamed alley in said block 224 as dedicated to public use.

BE IT FURTHER RESOLVED, that those portions of Irving Avenue, Julian Avenue, Evans Street and Sampson Street and portions of the unnamed alley in block 224 as dedicated to public use per Map No. 379 recorded October 30, 1886, of official records; the sewer easement granted to the City of San Diego per Book 2241, Page 224, recorded September 20, 1946, of official records; the sewer easement granted to the City of San Diego per Book 228, Page 30, recorded October 24, 1946, of official records are not shown within this map because they have been vacated pursuant to Section 66445(j) of the Subdivision Map Act.

BE IT FURTHER RESOLVED, prior to recordation of the Parcel Map, the applicant shall install curb, gutter and sidewalk along Sampson Street at the area of vacation, satisfactory to the City Engineer.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene  
Marianne Greene  
Deputy City Attorney

MG:ca:js  
08/10/07  
Or. Dept.:DSD  
R-2008-128

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor