

CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK

333
02/17

000557

RECOMMENDATIONS

COMMUNITY PLANNING GROUP /STAFF'S /PLANNING COMMISSION

Project Manager **must** complete the following information for the Council docket:

CASE NO. Project 162129

STAFF'S

Please indicate recommendation for each action. (ie: Resolution / Ordinance)

PLANNING COMMISSION (List names of Commissioners voting yea or nay)

YEAS:

NAYS:

ABSTAINING:

N/A

TO: (List recommendation or action)

COMMUNITY PLANNING GROUP (choose one)

LIST NAME OF GROUP:

- No officially recognized community planning group for this area.
- Community Planning Group has been notified of this project and has not submitted a recommendation.
- Community Planning Group has been notified of this project and has not taken a position.
- Community Planning Group has recommended approval of this project.
- Community Planning Group has recommended denial of this project.
- This is a matter of City-wide effect. The following community group(s) have taken a position on the item:

In favor:

Opposed:

By Mary K
Project Manager

000559

REQUEST FOR COUNCIL ACTION
 CITY OF SAN DIEGO

 1. CERTIFICATE NUMB'
 (FOR AUDITOR'S US 333
 02/17

TO: CITY ATTORNEY

 2. FROM (ORIGINATING DEPARTMENT):
 Real Estate Assets Department

 3. DATE:
 December 12, 2008

 4. SUBJECT:
 Vacation of a portion of Jamacha Road and Cardiff Street

 5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)
 B. Lane MacKenzie, 236-6050, MS 51A *BLM*

 6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.)
 Mary Carlson, 236-6079, MS 51A

 7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED
8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
							Cost: 0 Fiscal Impact: None. Job: 430306 Thomas Guide Page: 1290-H2

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>A.F. [Signature]</i>	1/27/09	8	DEPUTY CHIEF	<i>[Signature]</i>	1/29/09
2	DSD/EAS	<i>Mary Carlson</i>	1/28/09	9			
3	EOCP MEMO 5-3-96			10	CITY ATTORNEY	<i>BGG</i>	2/2/09
4				11	ORIGINATING DEPARTMENT	<i>Dan Anderson</i>	2/2/09
5					DOCKET COORD:	COUNCIL LIAISON	
6	COUNCIL LIASON	<i>SC</i>	1/30/09	✓	COUNCIL PRESIDENT	<input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____	
7							

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

1. Authorizing vacation of a portion of Jamacha Road and Cardiff Street described in the Legal Description Exhibit "A" and as shown on Engineering Drawing No. 20890-B.

11A. STAFF RECOMMENDATIONS:

Approve the street vacation.

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

COUNCIL DISTRICT(S): 4

COMMUNITY AREA(S): Skyline-Paradise Hills

ENVIRONMENTAL IMPACT: This activity is Categorically exempt from CEQA pursuant to Section 15305 (minor alterations and land use limitations) of the State CEQA Guidelines.

COMMENTS: The vacation is being processed under the California Public Streets and Highways Code Section 8330.

ATTACHMENTS: Exhibit A: Legal Description and Drawing 20890-B

 CITY CLERK INSTRUCTIONS: DO NOT RECORD. Return documents to Real Estate Assets Department, Attention: B. Lane MacKenzie, M.S. 51A, for further handling.

000561

**COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO**

DATE: 12/12/2008

ORIGINATING DEPARTMENT: Real Estate Assets

SUBJECT: Vacation of a Portion of Jamacha Road and Cardiff Street

COUNCIL DISTRICT(S): 4

CONTACT/PHONE NUMBER: Lane MacKenzie/619-236-6050

REQUESTED ACTION:

Authorize vacation of a portion of Jamacha Road and Cardiff Street described in the legal description, Exhibit A, as shown on drawing No. 20890-B, attached.

STAFF RECOMMENDATION:

Approve the requested action.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The area to be vacated is an unimproved area of land lying south of Jamacha Road at the corner of Cardiff Street. This is a remnant portion of the street that was dedicated by Lomita Village Unit No. 5 Map No. 2998, recorded June 4, 1953. The portion of the street to be vacated is currently a vacant lot and was approved for sale by Council Resolution R-302653 dated May 29, 2007. On December 9, 2008, the Skyline-Paradise Hills Planning Committee recommended approval of the street vacation. City staff recommends approval of the street vacation.

FINDINGS:

Staff review has indicated that the area to be vacated may be summarily vacated and that the four required findings for vacation can be made. These findings are:

- a. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated. There are no plans for a street to be constructed or widened at this location.
- b. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land shall be sold and relieve the City of any future liabilities.
- c. That the vacation is not inconsistent with the General Plan and approved Community Plan. The portion of the street being vacated is not part of the community plan transportation element and the land would revert to a commercial zone, which is consistent with the community plan land use designation. The Skyline-Paradise Hills Planning Committee recommends approval of the street vacation.
- d. This street has no use and will not be extended. There are no present or future plans to construct a street in this area.

000562

FISCAL CONSIDERATIONS:

None.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

N/A.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

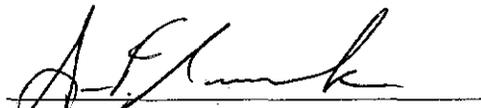
N/A.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

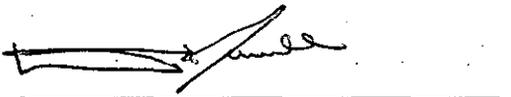
The Skyline-Paradise Hills Planning Group approved the street vacation at their December 9, 2008 meeting.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The Community and City will benefit from the vacation and eventual sale of a property that has been prone to illegal parking and trash dumping.



James F. Barwick, CCIM
Director, Real Estate Assets


Deputy Chief/Chief Operating Officer

000563

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE VACATION
OF A PORTION OF JAMACHA ROAD AND
CARDIFF STREET.

WHEREAS, the Mayor has requested the vacation of that portion of Jamacha Road and Cardiff Street [Public Right-of-Way] described in the legal description attached hereto as Exhibit A, as shown on drawing No. 20890-B, also attached, pursuant to California Streets and Highways Code section 8330; and

WHEREAS, the Public Right-of-Way is a remnant portion of a street that was dedicated by Lomita Village unit No. 5 Map No. 2998, recorded June 4, 1953; and

WHEREAS, the Public Right-of-Way was approved for sale pursuant to Council Resolution R-302653 dated May 29, 2007; and

WHEREAS, the Skyline-Paradise Hills Planning Committee recommended approval of this vacation on December 9, 2008; and

WHEREAS, the Public Right-of-Way is excess public right-of-way and is not required for street or highway purposes; and

WHEREAS, there is no present or prospective public use for the Public Right-of-Way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public will benefit through improved use of the land made available by the vacation; and

000564

WHEREAS, the vacation does not adversely affect the General Plan, any approved Community Plan, the Local Coastal Permit, or any other applicable land use plan; and

WHEREAS, the public facility for which the Public Right-of-Way was originally acquired will not be detrimentally affected by the vacation; NOW, THEREFORE,

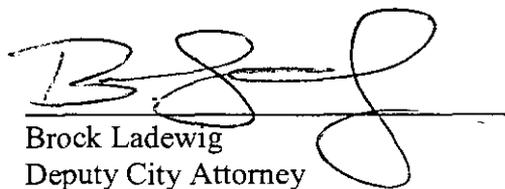
BE IT RESOLVED, by the Council of The City of San Diego, that the portion of Jamacha Road and Cardiff Street [Public Right-of-Way] described in the legal description and drawing No. 20890-B, on file in the office of the City Clerk as Document No.

RR-_____, is hereby ordered to be vacated; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to take such actions and execute and deliver such documents as may be necessary and appropriate to effectuate the vacation of the Public Right-of-Way.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Brock Ladewig
Deputy City Attorney

BL:mm
02/02/09
Or.Dept: READ
R-2009-829
MMS #7660

000565

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

000567

PROPERTY INFORMATION SUMMARY

SITE 15

SE Corner Jamacha & Cardiff

1. **Address of Property:** SE Corner of Jamacha Road and Cardiff- Adjacent Northerly to 955 Cardiff Street, San Diego, CA 92114
2. **Council District:** 4
3. **Assessors Parcel Number:** Adjacent Northerly to APN 577-380-07
4. **Size of Parcel:** 0.602 acre
5. **Improvements:** Vacant lot.
6. **Community Plan/Designation:** Skyline-Paradise Hills / Community Commercial
7. **Zoning/Allowed uses:** CC-2-3 / Community serving commercial services and retail uses, more specifically for this zone, development with an auto orientation.
8. **Date of acquisition:** 1953
9. **Acquisition Purpose:** Encanto Expressway
10. **Price at acquisition:** Portion of multiple parcel acquisition.
11. **Origin of funds at acquisition:** General Fund
12. **Appraised Value and Date of Value:** \$725,000 dated April 24, 2007
13. **Distribution of Proceeds:** Capital Outlay Fund 302453
14. **Reason for Sale:** Non-performing asset.
15. **Comments:** Needs street vacation to create a legal parcel.
16. **Property file:** S799-17

000569

EXHIBIT 'A'
LEGAL DESCRIPTION
STREET VACATION

ALL THAT PORTION OF LOT B OF LOMITA VILLAGE UNIT NO. 5, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2998, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 04, 1953, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT B OF SAID MAP NO. 2998, BEING THE TRUE POINT OF BEGINNING; THENCE ALONG THE EASTERLY LINE OF SAID LOT B

1. NORTH 13°15'00" WEST 130.51 FEET TO A POINT THAT IS DISTANT 25.00 FEET SOUTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE NORTHWESTERLY LINE OF SAID LOT B, BEING ALSO THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF JAMACHA ROAD AS DEDICATED ON SAID MAP; THENCE ALONG A LINE PARALLEL WITH SAID RIGHT-OF-WAY LINE
2. SOUTH 54°23'15" WEST 192.05 FEET TO THE BEGINNING OF A TANGENT 20.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE ALONG THE ARC OF SAID CURVE
3. SOUTHEASTERLY AND SOUTHERLY 23.61 FEET THROUGH A CENTRAL ANGLE OF 67°38'15" TO A POINT THAT IS DISTANT 10.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINE OF SAID LOT B, BEING ALSO THE EASTERLY RIGHT-OF-WAY LINE OF CARDIFF STREET AS DEDICATED ON SAID MAP; THENCE ALONG A LINE PARALLEL WITH SAID RIGHT-OF-WAY LINE
4. SOUTH 13°15'00" EAST 153.36 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT B, SAID POINT LYING ON A 100.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 77°24'29" WEST; THENCE ALONG SAID SOUTHEASTERLY LINE OF LOT B AND THE ARC OF SAID CURVE
5. NORTHEASTERLY 67.75 FEET THROUGH A CENTRAL ANGLE OF 38°49'03"; THENCE CONTINUING ALONG SAID SOUTHEASTERLY LINE
6. NORTH 51°24'28" EAST 158.01 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINS 26,210.37 SQUARE FEET (0.602 ACRES), MORE OR LESS.

000570

ATTACHED HERETO IS DRAWING NO. 20890-B AND BY THIS REFERENCE MADE A PART HEREOF

PTS. NO. 162129

JO NO. ~~923892~~ 430306

DWG. NO. 20890 -B

PREPARED BY:
ALTA LAND SURVEYING, INC.

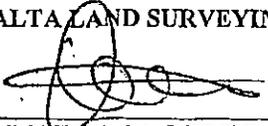
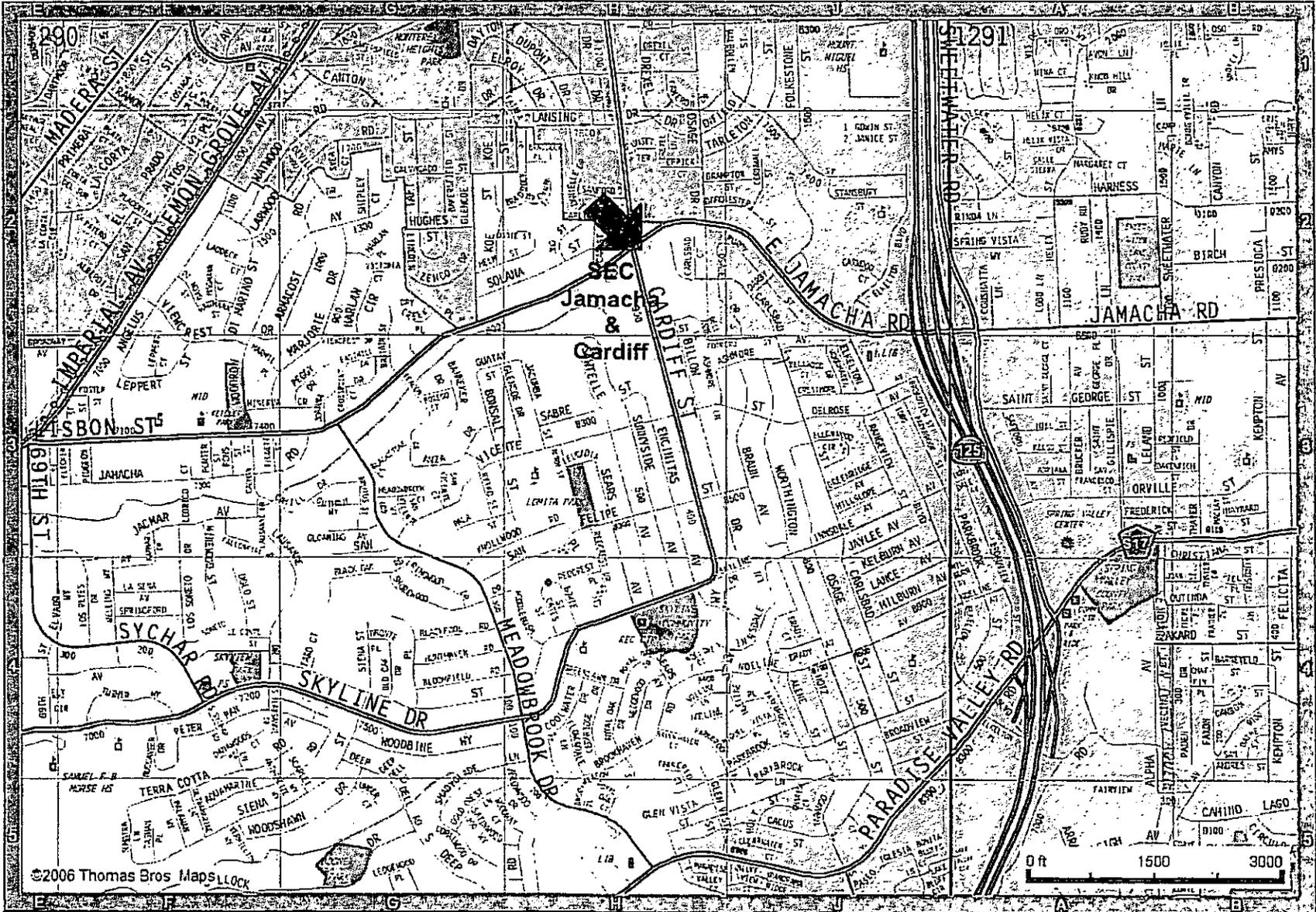

MIGUEL A. MARTINEZ 09/10/08
L.S. 7443 DATE
LIC. EXP. 06/30/10

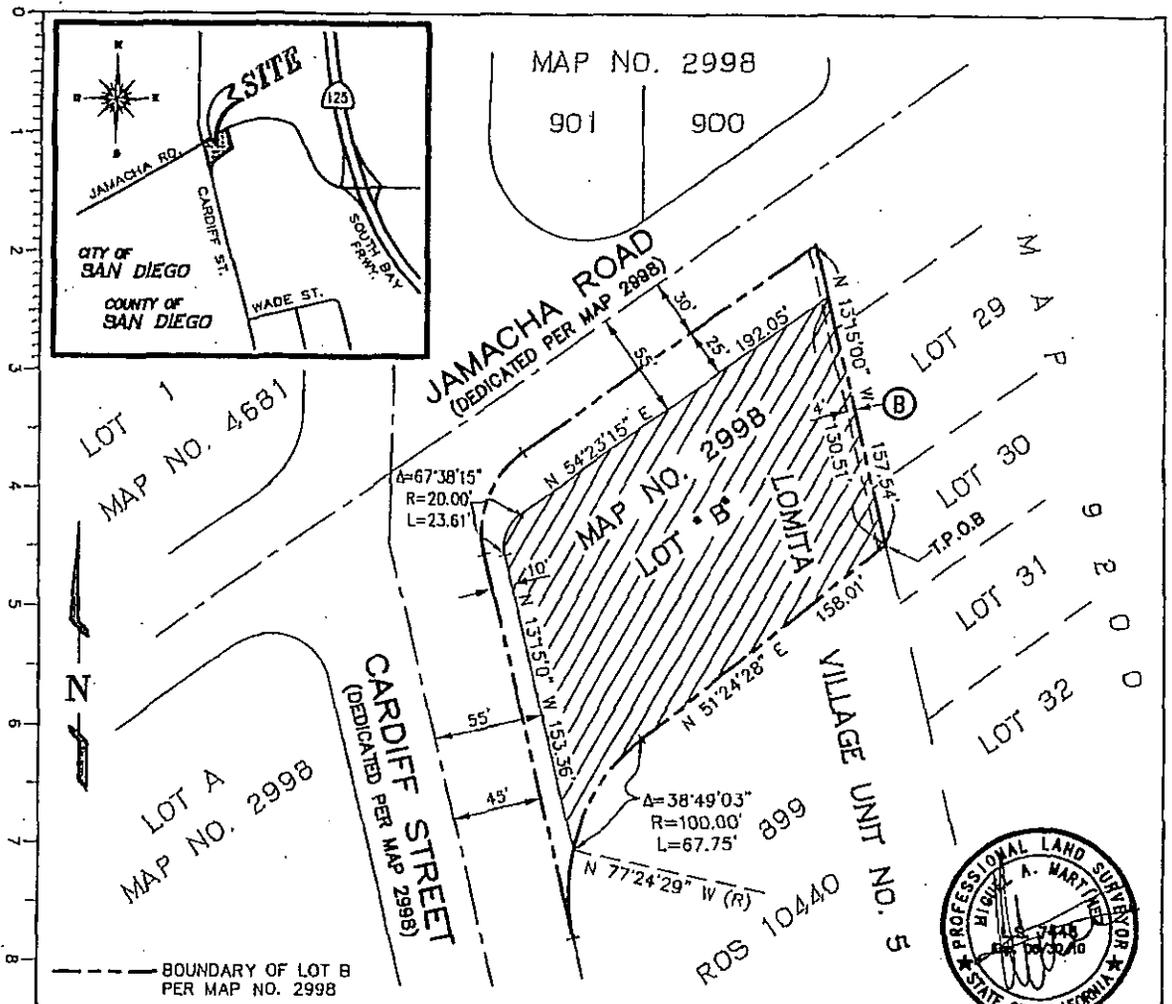


Exhibit A

000571



000572



SITE RESTRICTIONS:

- (A) - THE POSSIBLE EXISTENCE OF SEWERS, STORM DRAINS & WATER MAINS, QUITCLAIMED TO THE CITY OF SAN DIEGO BY QUITCLAIM DEEDS RECORDED AUGUST 28, 1953 IN BOOK 4969, PAGE 324, APRIL 7, 1954 IN BOOK 5197, PAGE 567, AND JUNE 3, 1954 IN BOOK 5258, PAGE 500, ALL OF OFFICIAL RECORDS. THE EXACT LOCATION CANNOT BE DETERMINED OF RECORD AND IS NOT PLOTTED HEREON.
- (B) - AN EASEMENT FOR THE PURPOSE OF PUBLIC UTILITIES, INGRESS, EGRESS, IN FAVOR OF PACIFIC TELEPHONE AND TELEGRAPH COMPANY, RECORDED SEPTEMBER 7, 1953 IN BOOK 5010, PAGE 161, OF OFFICIAL RECORDS.

A.P.N. NOS.
577-370-19

REFERENCE:

MAP NO. 2998
MAP NO. 9200
RECORD OF SURVEY 10440

Alta Land Surveying
9517 GROSSMONT SUMMIT DR.
LA MESA, CA 91941
PHONE / FAX: (619) 579-2582
1559-B-sheet J.N. 08-1559 DATE: 09/10/08

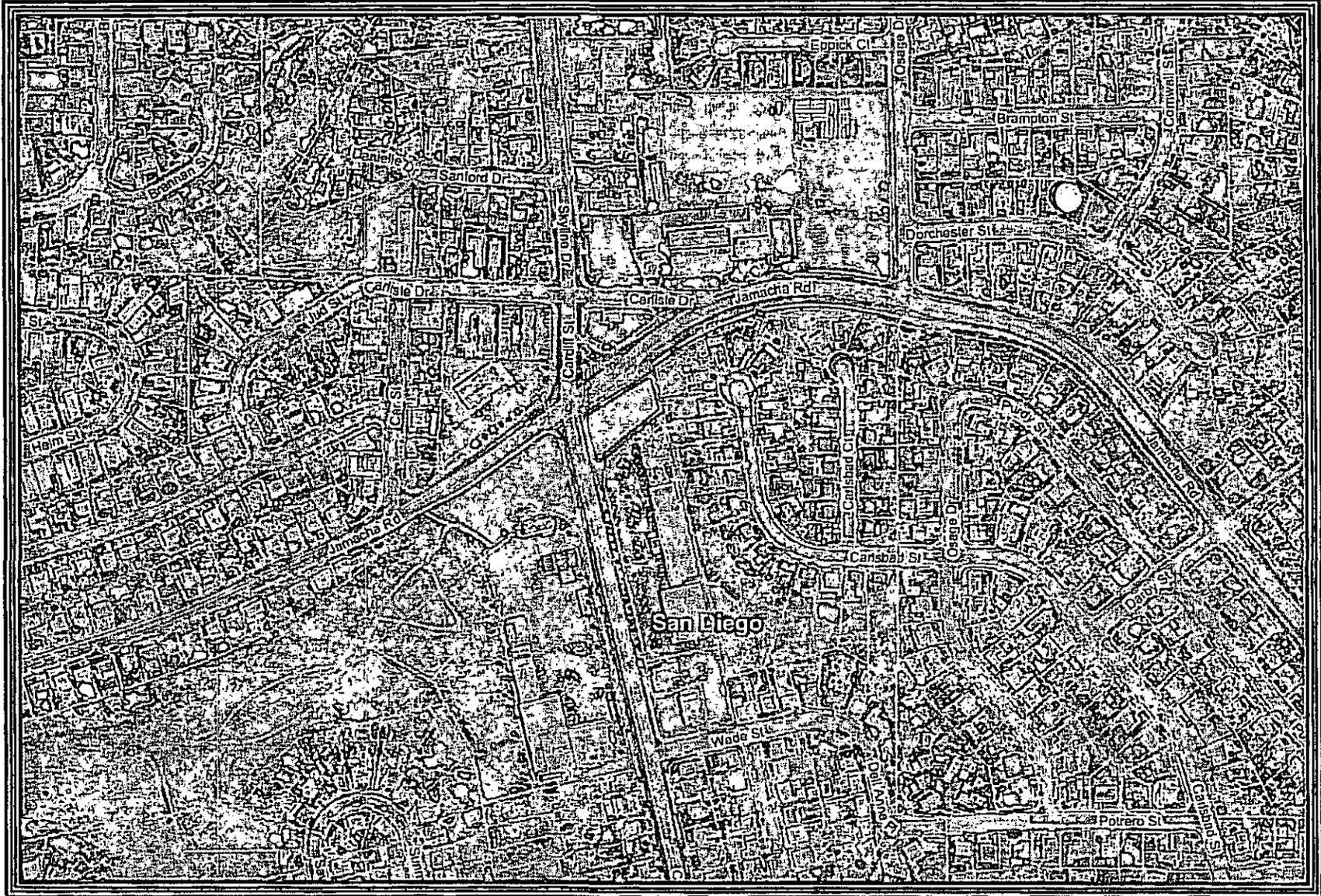
STREET VACATION

PORTION OF LOT "B" LOMITA VILLAGE UNIT NO. 5 MAP NO. 2998
LOCATED AT CARDIFF STREET & JAMACHA BLVD.

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO. 162129
ORIGINAL					SHEET 1 OF 1 SHEET	J.O. NO. 430306
					<i>George P. Hoffman</i> FOR CITY ENGINEER	1838-6321
					9-18-08 DATE	CCS 83 COORDINATES
						198-1761
						LAMBERT COORDINATES
						20890-B

Exhibit B-1

000573



RESOLUTION NUMBER R- 302653DATE OF FINAL PASSAGE MAY 29 2007

AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SELL CERTAIN EXCESS CITY PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JAMACHA ROAD AND CARDIFF STREET EITHER BY NEGOTIATION, PUBLIC AUCTION, SEALED BID, OR BY ANY COMBINATION OF SUCH METHODS, AT THE MAYOR'S DISCRETION IN EACH CASE; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS TO CONSUMMATE SUCH SALES; AUTHORIZING THE PAYMENT OF REAL ESTATE BROKERAGE COMMISSIONS RELATED TO SUCH SALES; AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO ACCEPT AND DEPOSIT THE PROCEEDS OF SUCH SALES.

WHEREAS, this action requires the affirmative vote of five (5) members of the City Council [Council]; and

WHEREAS, the City is the fee owner of that certain real property [Property] located at **the southeast corner of Jamacha Road and Cardiff Street**, described as a vacant commercial lot, and more particularly described in **Exhibit "A": "Excess Property Sales,"** attached hereto; and

WHEREAS, the Council finds that at least one of the following criteria has been met: (1) the sale of the Property will provide revenues necessary for public facilities which are not fundable through other revenue sources; (2) the Property cannot be leased because of its location, access, topography, or other considerations; (3) the sale would enhance the City's position relative to other activities, such as economic development efforts; or (4) the sale would maximize the total economic return to the City; and

WHEREAS, an appraisal of the Property prepared or obtained by the City's Real Estate Assets Department [READ] has determined the fair market value [FMV] of the Property to be Seven Hundred Twenty-Five Thousand Dollars (\$725,000); and

WHEREAS, the Council deems the FMV to be the minimum acceptable price to be obtained for the Property; and

WHEREAS, the Property will be re-appraised at least once every twelve months until sold, which READ will report to Council; and

WHEREAS, if a re-appraised FMV is greater than the minimum acceptable price set on the date of this resolution, that FMV shall become the minimum acceptable price; and

WHEREAS, if a re-appraised FMV is less than the minimum acceptable price set on the date of this resolution, prior to lowering the original minimum price, the Mayor will return to the Council for further direction; and

WHEREAS, if after attempting to sell the Property at the FMV, the Mayor or his designee determines that the Property cannot be sold at or above the FMV, the Mayor shall seek review and additional direction from the Council as to the disposition of the Property; and

WHEREAS, the Council deems it in the best interests of the City to authorize the Mayor or his designee to sell the Property through negotiation, public auction, sealed bids, or any combination of such methods, in his discretion; and

WHEREAS, the Council deems it in the best interests of the City to authorize the Mayor or his designee, in his discretion, to retain the services of a real estate broker to represent the City and facilitate the sale of the Property, and that the City should pay real estate brokerage

000577

participation and brokerage fees incurred thereby, in an amount not to exceed six percent (6%) of the sale price; and

WHEREAS, all brokerage participation and brokerage fees shall comply with San Diego Municipal Code section 22.0905, Broker's Fee and Registration; and

WHEREAS, upon the sale of the Property at a price greater than or equal to the FMV, the Council deems it in the best interests of the City to authorize the Mayor or his designee to execute and deliver, on behalf of the City, a purchase and sale agreement, grant deed, and all other agreements and documents necessary and on terms and conditions deemed by the Mayor or his designee to be reasonable and in the best interests of the City to consummate the sale; and

WHEREAS, the proceeds of the sale of the Property, net of brokerage commissions and other costs of selling the Property, will be accepted by the Auditor and Comptroller and deposited into the appropriate Fund; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that that certain real property [Property] owned in fee by the City, located at **the southeast corner of Jamacha Road and Cardiff Street**, described as a vacant commercial lot, and more particularly described in **Exhibit "A": "Excess Property Sales,"** attached hereto, is excess City property and may be sold; and

BE IT FURTHER RESOLVED, the Property may only be sold for a price equal to or greater than Seven Hundred Twenty-Five Thousand Dollars (\$725,000); and

BE IT FURTHER RESOLVED, the Mayor or his designee is directed to have the Property re-appraised at least once every twelve months until sold, and the resulting fair market value of the Property shall become the minimum acceptable price, which the Mayor or his

designee shall report to Council; provided, however, if a re-appraisal results in a fair market value below the minimum price set on the date of this Resolution, the Mayor shall seek Council approval prior to lowering the original minimum price; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized and directed to sell the property through negotiation, public auction, sealed bids, or any combination of such methods, in his discretion; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized, in his discretion, to retain, on terms deemed by him to be reasonable and in the best interests of the City, the services of a real estate broker to represent the City and facilitate the sale of the Property; and

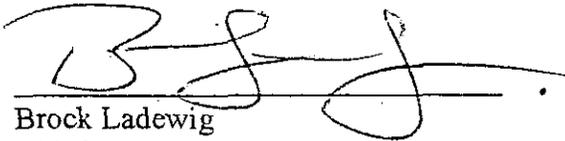
BE IT FURTHER RESOLVED, the payment of real estate brokerage commissions related to the sale of the Property in an amount not to exceed six percent (6%) of the sale price, and otherwise in compliance with San Diego Municipal Code section 22.0905, Broker's Fee and Registration, is authorized; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to execute and deliver, on behalf of the City, a purchase and sale agreement, grant deed, and all other agreements and documents necessary and on terms and conditions deemed by the Mayor or his designee to be reasonable and in the best interests of the City to consummate the sale; and

BE IT FURTHER RESOLVED, the Auditor and Comptroller is authorized and directed to accept the proceeds of the sale of the Property, net of brokerage commissions and other costs of selling the Property, and deposit them into the appropriate Fund; and

BE IT FURTHER RESOLVED, if after attempting to sell the Property at the minimum price specified herein, the Mayor or his designee determines that the Property cannot be sold at or above the minimum acceptable price, the Mayor is directed to seek review and additional direction from the Council as to the disposition of the Property.

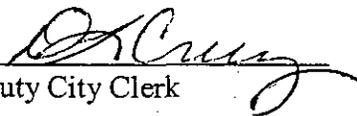
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Brock Ladewig
Chief Deputy City Attorney

BL:bas
5/11/07
Or.Dept: READ
R-2007-1121
REV.
MMS #4820

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~MAY 21 2007~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5-29-07
(Date)


JERRY SANDERS, Mayor

Vetoed: _____
(Date)

JERRY SANDERS, Mayor