



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: April 16, 2008

REPORT NO: 08-055

ATTENTION: Council President and City Council

SUBJECT: ACTIONS RELATED TO THE VACATION OF PORTIONS OF FAY AVENUE

REFERENCE: Fay Ave Vacation / CDP- DSD Project #131423

REQUESTED ACTION:

1. Approval of Public Right-Of-Way Vacation, Coastal Development Permit, Right-Of-Way Dedication, General Utility Easement Dedication for portions of unimproved Fay Avenue adjacent to La Jolla Hermosa Avenue and La Jolla Boulevard, west of 6063 La Jolla Boulevard (La Jolla Methodist Church) within the La Jolla Community Planning Area.
2. Authorize the sale of City-owned portions of vacated Fay Avenue right-of-way within the footprint of the La Jolla United Methodist Church's complex ("Property"), and acquire portions owned by the Church that are underlying the pocket park and trail located adjacent to the Church property ("Exchange Site").

STAFF RECOMMENDATION:

Approve of the requested actions

SUMMARY:

The subject site consists of unimproved portions of Fay Avenue between La Hermosa Avenue and La Jolla Boulevard, adjacent to the La Jolla Methodist Church at 6063 La Jolla Boulevard (Attachments 1 and 2). This is within the RM-2-5, OP-1-1 and RS-1-7 zone. The site is within the Coastal Zone (non-appealable) and requires a Coastal Development Permit. The request to vacate the unimproved portions of Fay Avenue requires a Public Right-Of-Way Vacation. The subject property was acquired by the City of San Diego in 1958 and 1960 to extend Fay Avenue. The proposed extension was later abandoned, thus the property is no longer needed for public uses and is recommended to be vacated.

The vacation has been requested by the La Jolla Methodist Church, Mr. Mario Spiazzi, an adjoining property owner at 6111 La Jolla Boulevard, and Mr. Maurizio Zanetti, owner of 6112 La Jolla Hermosa Street. The Spiazzi and Zanetti street segments proposed for vacation and

subsequent sale by the City are part of their current yard areas adjacent to single family residences. Portions of the Church's parking lots and children's playground are also owned in fee by the City (see Attachment 2).

Of the proposed vacated areas, the Church is the fee interest owner of some land that is physically included in a pocket park directly north of the Church, and an existing trail behind the complex. The City will acquire title for these areas. The value of the park sites and will be subtracted from the value of the property the Church is buying from the City.

PROPOSED TERMS OF SALES:

Based on a fair market appraisal conducted by an independent fee appraiser selected by the City of both the Property and the Exchange Site, the net compensation to the City of San Diego for the United Methodist Church sale and exchange, the value of the Property minus the Exchange Site, is \$339,876. Mario Spiazzi's segment was valued at \$286,000, and the Zanetti piece at \$37,000, as also determined by an independent fee appraiser, for an overall total of \$662,876.

The valuation of several of the Church-owned parcels was limited to 15% of market value due to an existing covenant restricting use of the land for parks, street, and parking purposes. As a result of later litigation, a court upheld the covenant as enforceable. If the Church later sells the acquired land at market rate, the City is to receive the 85% difference.

Below is a summary of the sale and exchange elements with the United Methodist Church:

* Site	Owner	Use	Size	Value	Real Property Interest
A1	LJUMC	Del Norte Park	450	Nominal	Grant Fee Simple Title.
A2	LJUMC	ROW Easements	4,263	Nominal	Grant Fee Simple Title.
A3	LJUMC	Street Access	825	Purchase Price Reflects Value Offset	Grant Fee Simple Title
B1	CITY	Daycare	2,138	15% of Fee value	Grant Fee Simple Title.
B2	CITY	Daycare	1,794	Fee value	Grant Fee Simple Title.
C1	CITY	Park	5,828	15% of Fee value	Grant deed with covenant that upon future sale by LJUMC to a third party, the City of San Diego receives 85% of the then current market value upon close of escrow.
D	CITY	Park	8,250	15% of Fee value	Grant deed with covenant that upon future sale with same 85% to City.

*Site numbers correspond to parcels A1 thru D on Attachment 3- Land Sale & Acquisition Plat

FISCAL CONSIDERATIONS:

The net proceeds of the sale-exchange in the amount of \$662,876, less costs related to the sales, will be deposited in the Capital Outlay Fund 302453.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

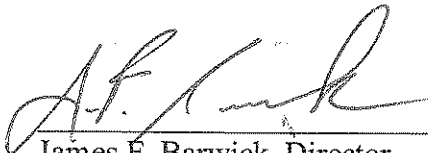
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

On February 7, 2008, the La Jolla Community Planning Group voted to approve the project as proposed with no conditions.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The key stakeholders are the La Jolla Methodist Church, Mr. Maurizio Zanetti, the Spiazzi Family Trust and the City of San Diego. The City of San Diego will benefit by: receipt of the sale proceeds; relief from future liability and maintenance expenses associated with the ownership of the properties; and additional property taxes from the return of these properties to the tax roles. The acquired land will consolidate the City's ownership of the park and trail, thus assuring long term control of those facilities for continued public use. The project is primarily an action correcting ownership issues of existing parcels. No physical changes are to occur with this action, thus no impact is anticipated.

Respectfully Submitted,



James F. Barwick, Director
Real Estate Assets Department

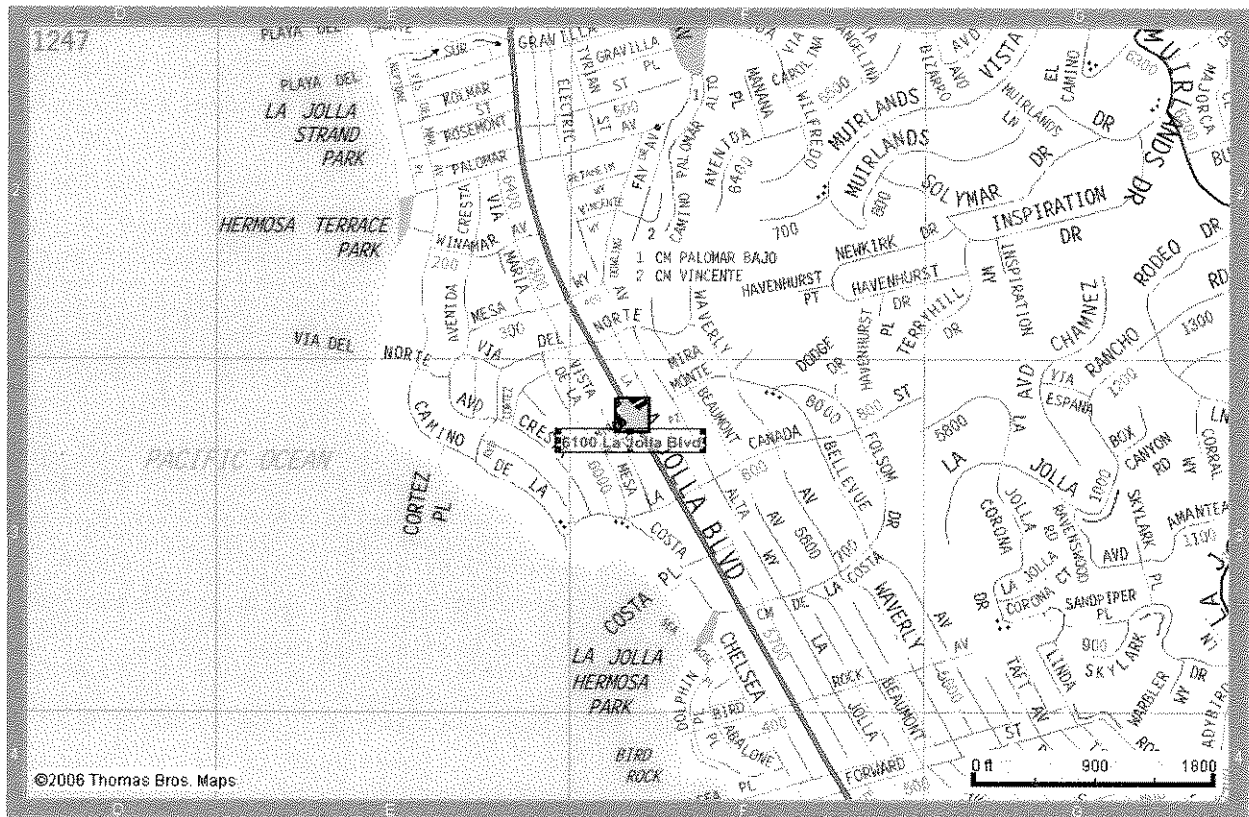


William Anderson, Deputy Chief
Land Use and Economic Development

- ATTACHMENTS:
1. Location Map
 2. Bird's Eye View with Parcels with Outlined Transaction Segments
 3. United Methodist Church Land Acquisition and Sale Plat
 4. Street Vacation Plat

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Attachment 1 – Location Map



Aerial Map



Attachment 2 – Bird’s Eye View with Outlined Transaction Segments

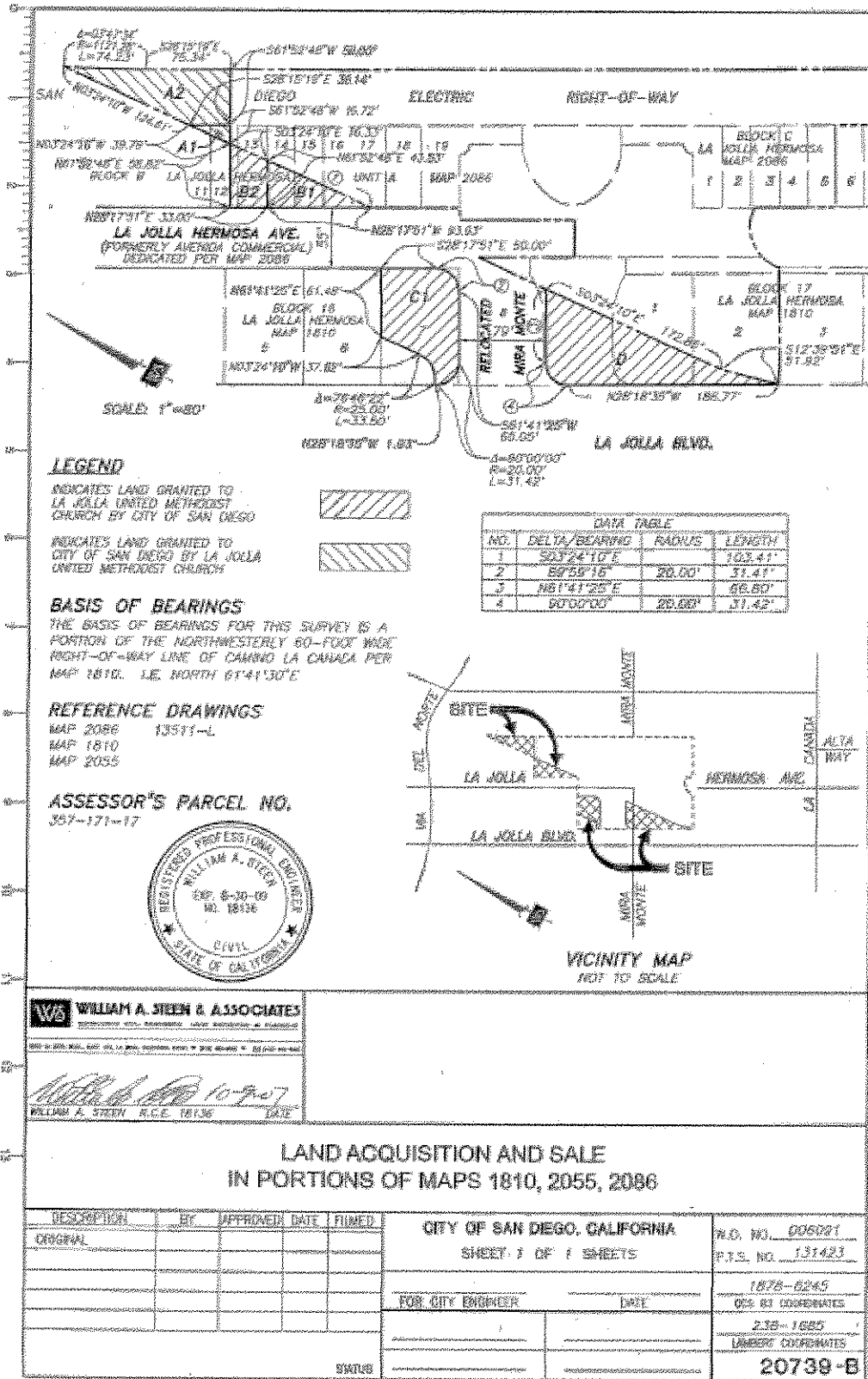


Red Areas to be vacated

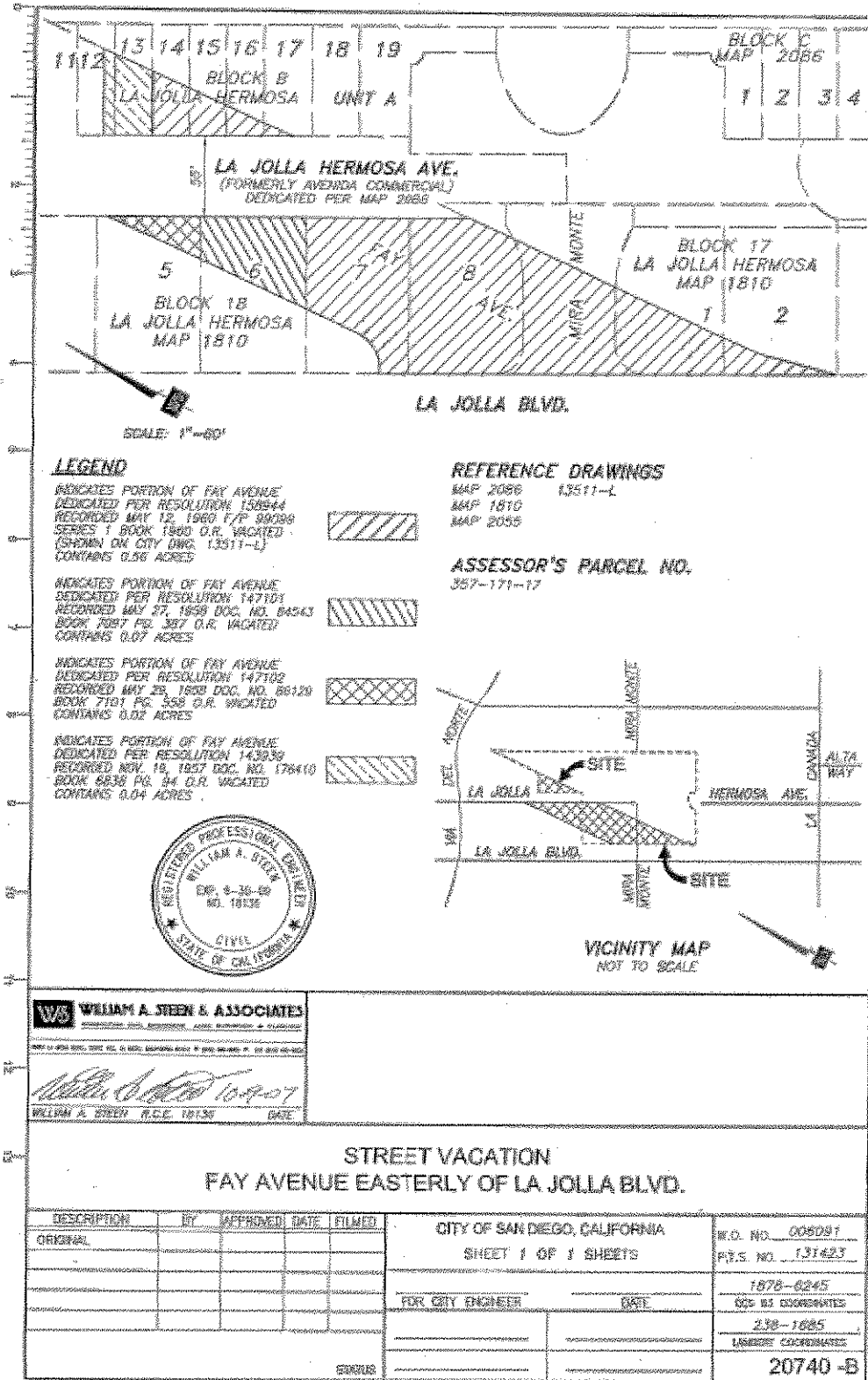
Green Area to be acquired by City

- Violet Sub-Areas to be acquired by Church
- Aqua Sub-Area to be acquired by Mario Spiazzi
- Yellow Sub-Area to be acquired by Maurizio Zanetti

Attachment 3 – United Methodist Church Land Acquisition and Sale Plat

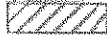


Attachment 4 - Street Vacation Plat



LEGEND

INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 158944 RECORDED MAY 12, 1960 I/P 89089 SERIES 1 BOOK 1880 O.R. VACATED (SHEMIN ON CITY DOC. 13311-L) CONTAINS 0.58 ACRES



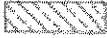
INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 147701 RECORDED MAY 27, 1958 DOC. NO. 84243 BOOK 7087 PG. 387 O.R. VACATED CONTAINS 0.07 ACRES



INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 147702 RECORDED MAY 28, 1958 DOC. NO. 86129 BOOK 7101 PG. 358 O.R. VACATED CONTAINS 0.02 ACRES



INDICATES PORTION OF FAY AVENUE DEDICATED PER RESOLUTION 143039 RECORDED NOV. 18, 1957 DOC. NO. 178410 BOOK 6838 PG. 84 O.R. VACATED CONTAINS 0.04 ACRES

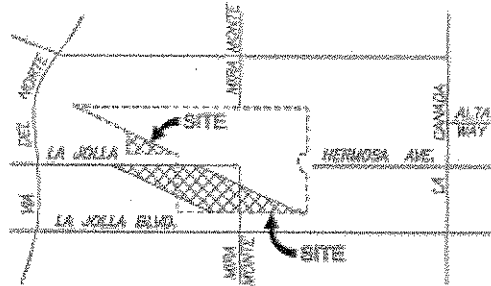


REFERENCE DRAWINGS

MAP 2086 13511-L
MAP 1810
MAP 2055

ASSESSOR'S PARCEL NO.

357-171-17



VICINITY MAP
NOT TO SCALE

W.A. GREEN & ASSOCIATES
PROFESSIONAL LAND SURVEYORS, 4000 LA JOLLA VILLAGE DRIVE, SAN DIEGO, CALIF. 92161
WILLIAM A. GREEN R.C.E. 18130 DATE

STREET VACATION
FAY AVENUE EASTERLY OF LA JOLLA BLVD.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO. 008091
ORIGINAL					SHEET 1 OF 1 SHEETS	P.F.S. NO. 131423
					FOR CITY ENGINEER	1878-8245
					DATE	025 83 COORDINATES
						238-1685
						LEGEND COORDINATES
						20740 -B