

RESOLUTION NUMBER R- 311319

DATE OF FINAL PASSAGE SEP 12 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO VACATING THE UNUSED PUBLIC RIGHT-OF-WAY (ALLEY) LOCATED ALONG THE REAR OF THE RESIDENCES IN THE 13906-14072 BLOCK OF MIRA MONTANA DRIVE AND THE 13903-14063 BLOCK OF BOQUITA DRIVE (PUBLIC RIGHT-OF-WAY VACATION NO. 1766397 - PROJECT NO. 491941).

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of Public Right-Of-Way by City Council resolution; and

WHEREAS, Brooke Beros filed an application requesting to vacate the alley located along the rear of the residences between the 13906-14072 block of Mira Montana Drive and the 13903-14063 block of Boquita Drive to the East and West, and El Amigo Road and Lozana Road to the South and North, the site is legally described as Blocks 4 and 7 of Del Mar Heights Map No. 1, being described as Public Right-Of-Way Vacation No. 1766397; 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on September 12, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that with respect to Public Right-Of-Way Vacation No. 1766397, the Council finds that:

(a) 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.

The alley is no longer needed as Public Right-Of-Way and is not needed to provide public circulation or services. The Public Right-Of-Way was originally acquired for circulation, access and public services in 1887, yet the alley was never constructed for use as a right-of-way. The neighborhood and community have several existing improved Public Right-Of-Ways that provide the public circulation necessary to the community and the alley is not needed for providing public circulation. Public water and sewer services are provided throughout the community. As such, the alley is not needed for providing water or sewer services. Electricity, telephone, cable and other services are provided through other easements and rights-of-way in the community, the alley does not contain any easements. Therefore, the alley is not needed for these services.

As such, the existing Public Right-Of-Way will no longer be necessary and will have no prospective use. Therefore, there is no present or prospective public use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

(b) The public will benefit from the action through improved use of the land made available by the vacation.

The 32 properties owners adjacent to the right-of-way will benefit by the vacation of the existing Public Right-Of-Way as the properties will become larger and will control, maintain and be responsible and liable for this area of land.

The City of San Diego and the County of San Diego will benefit by the increase of property value by increasing the area of privately owned land subject to property tax and the incremental increase to the tax base. With an increase of tax revenue the general public will benefit from the vacation of the existing Public Right-Of-Way by the increase of available public funds. The public will also benefit by the reduction of liability to the City of San Diego from land it controls yet gains no benefit or use. The adopted Torrey Pines Community Plan designates the site for residential development. Since the use of the land as Public Right-Of-Way has never materialized, it is in the public interest to vacate the right-of-way and transfer responsibility of it to the adjacent property owners.

(c) The vacation does not adversely affect any applicable land use plan.

The adopted Torrey Pines Community Plan identifies this Public Right-Of-Way for residential development. The vacation of the Public Right-Of-Way will facilitate the fullest and highest use of the property as designated by the community plan. For these reasons the proposed vacation of the Public Right-Of-Way is consistent with the policies and goals of the adopted within the Torrey Pines Community Plan and will not adversely affect the Torrey Pines Community Plan.

(d) The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

The Public Right-Of-Way was originally intended to serve as an alley. However, all the homes in the area have been built with the garages on the front of house, eliminating any need or benefit to having an alley behind the homes. Moreover, the blocks immediately to the east and the west had comparable alleys which were vacated decades ago.


Finally, the neighborhood and community have several existing public streets that provide the necessary public circulation. Public water and sewer services, as well as electricity, telephone, cable, and other services are provided through other easements and rights-of-way in the community obviating any need to use the Mira Montana alley for these services. Accordingly, the public facility for which the Public Right-Of-Way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Public Right-of-Way Vacation No. 1766397, in connection with Coastal Development Permit No. 1766397, as more particularly described in the legal description marked as Exhibit "A" and shown on Drawing No. 39750-C, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that 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



Corrine L. Neuffer
Deputy City Attorney

CLN:dkr
August 14, 2017
Or.Dept:Planning
Doc. No.: 1560592

EXHIBIT "A"
UNNAMED ALLEY VACATION

ALL THAT PORTION OF THE UNNAMED ALLEY LYING IN LOT 1 THROUGH LOT 20 IN BLOCK 7 OF DEL MAR HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 157, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 8, 1887.

ALL THAT PORTION OF THE UNNAMED ALLEY LYING IN LOT 1 THROUGH LOT 12 IN BLOCK 4 OF DEL MAR HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 157, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 8, 1887.

TOGETHER WITH THOSE PORTIONS OF VACATED LA AMATISTA ROAD AND EL AMIGO AVENUE.

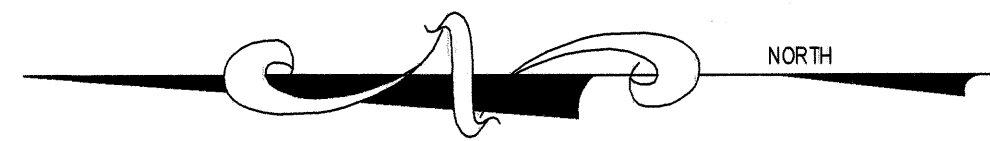
ATTACHED HERETO IS A DRAWING NO. 39750-C LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

JAMES I. DRAPER JR., RCE 29121

DATE

I.O. 24006887
PTS. NO. 491941

EXHIBIT "B"

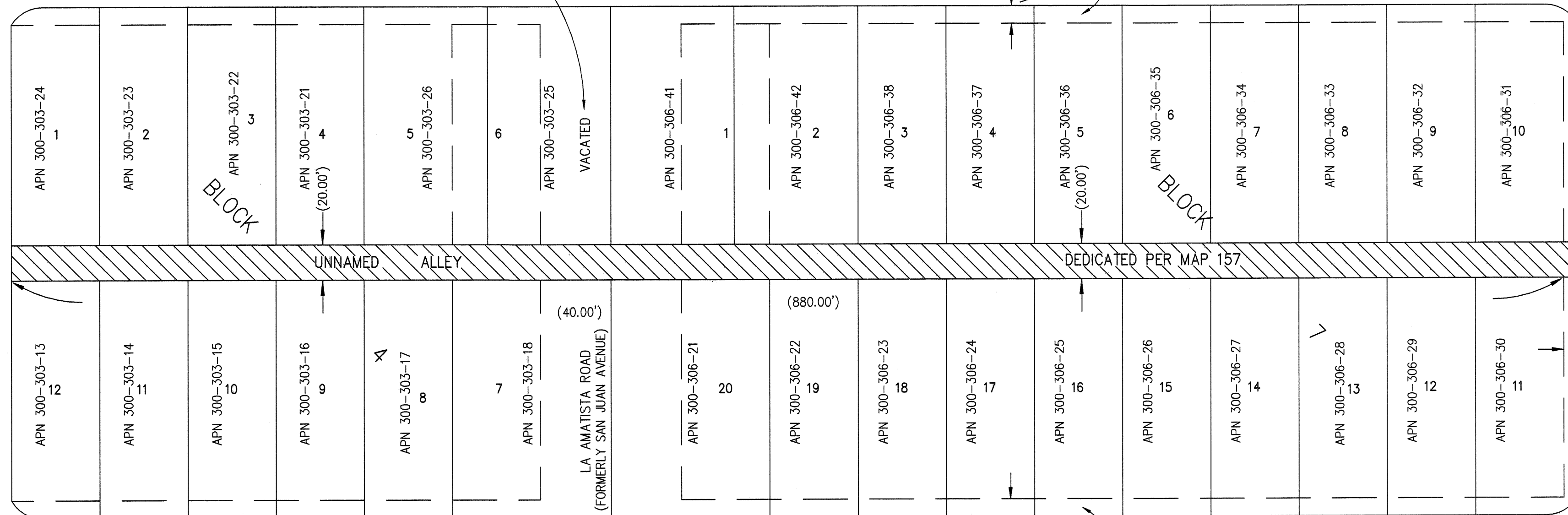


LOZANA ROAD (SALINAS AVENUE)
DEDICATED PER MAP 157

PER CITY OF SAN DIEGO CITY COUNCIL RESOLUTION NO. 200296 RECORDED JULY 16, 1970 AS FILE NO. 125103 OF OFFICIAL RECORDS.

MIRA MONTANA DRIVE (E STREET)
DEDICATED PER MAP 157

VACATED PER CITY OF SAN DIEGO CITY COUNCIL RESOLUTION NO. 200296 RECORDED JULY 16, 1970 AS FILE NO. 125103 OF OFFICIAL RECORDS.



EL AMIGO ROAD (ENSENADA AVENUE)
DEDICATED PER MAP 157

BOQUITA DRIVE (D STREET)
DEDICATED PER MAP 157

VACATED PER CITY OF SAN DIEGO CITY COUNCIL RESOLUTION NO. 200296 RECORDED JULY 16, 1970 AS FILE NO. 125103 OF OFFICIAL RECORDS.

LEGEND



UNNAMED ALLEY VACATION

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RECORD DATA PER MAP 157



LOT LINES PER MAP 157

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

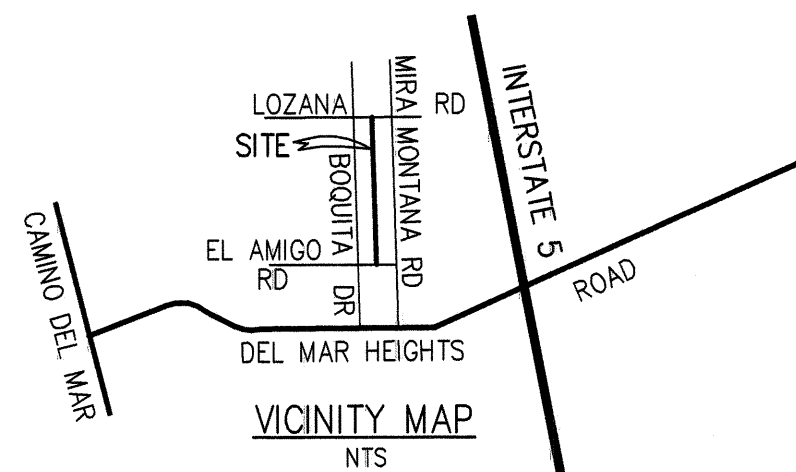
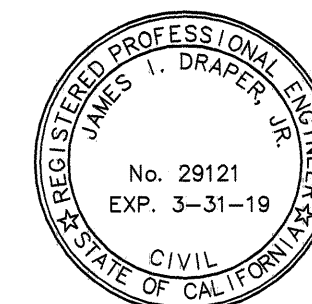
NOTE: NO BEARINGS ARE SHOWN ON MAP 157, THEREFORE ONLY RECORD DISTANCES AND DIMENSIONS ARE SHOWN HEREON.

ENGINEER'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON RECORD INFORMATION FROM MAP 157.

James I. Draper Jr.
JAMES I. DRAPER JR.
RCE 29121

DATE 4-3-2017



DRAPER ENGINEERING

9263 EDGEWOOD DRIVE, LA MESA, CA 91941
PH: (619) 464-6528 FAX: (619) 464-8753
JOB NO. 19016-1187H6
DWG. NO. ALLEY.DWG

PUBLIC ALLEY VACATION

IN BLOCKS 4 AND 7 OF DEL MAR HEIGHTS ACCORDING TO MAP THEREOF NO. 157 TOGETHER WITH THOSE ADJACENT PORTIONS OF VACATED LA AMATISTA ROAD AND EL AMIGO AVENUE

CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET				I.O. NO. 24006887 PROJECT NO. 491941
FOR CITY LAND SURVEYOR		DATE 4/11/17		1926-6255 CCS 83 COORDINATES
DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	DE	J.M.	4/11/17	
				286-1695 LAMBERT COORDINATES
				39750-C

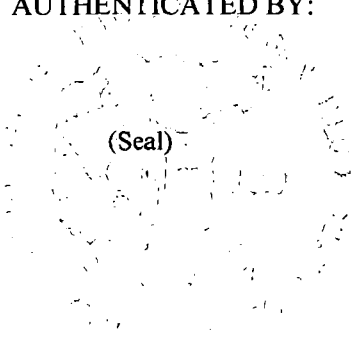
Passed by the Council of The City of San Diego on SEP 12 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 12 2017.

(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:



(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

311319