

ATTACHMENT C – A RESOLUTION OF  
THE BOARD OF SUPERVISORS OF THE  
COUNTY OF SAN DIEGO  
CONDITIONALLY VACATING OPEN  
SPACE EASEMENT

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO  
CONDITIONALLY VACATING OPEN SPACE EASEMENT

WHEREAS, The National City Parking Authority and the County of San Diego requested the vacation of the described open space easement, as described in Exhibit "A" , attached hereto ("Easements"); and

WHEREAS, pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code, Section 8300 et seq.) the Board of Supervisors may, by Resolution, vacate any street, highway or public service easement within its jurisdiction which is determined to be unnecessary for present or prospective public use; and

WHEREAS, pursuant to notice duly published and posted in accordance with law, the Board held a public hearing on the proposed vacation and received the testimony and reports of all interested persons and agencies.

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Board of Supervisors makes the following findings and determinations:

1. The vacation of the Easement is in conformance with Policy I-103, Finding 1, which states the vacation shall be in conformance with the County General Plan, with respect to location, purpose, and extent. The area proposed to be vacated is an Easement owned by the County of San Diego, located on property owned in fee by the National City Parking Authority located within the City of National City's jurisdiction. Therefore, the vacation proposed is consistent with the County's County General Plan.

The vacation of the subject easement is in conformance with Policy I-103, Finding 2, which states that the easement must be unnecessary as a present or prospective public use as a public service easement as required by Section 8324 of the Streets and Highway Code. The Open Space Easement was placed on the property in 1978 for the purpose of open space and / or park and recreational purposes as a mitigation measure due to the loss of the Bonita Golf Course and its replacement by a shopping mall. However, the golf course was relocated approximately three miles east of the site, replacing the recreational opportunities initially considered to be lost. Therefore, the mitigation measure is no longer necessary. Further, the County has no plans to develop the site for recreational purposes. In 2007, the City and County entered into an Option Agreement pursuant to which, the County would vacate the open space easement to allow the City to sell the site for future commercial development in exchange for County receiving the current market value of the easement.

2. The vacation of the Easement is in conformance with Policy I-103, Finding 3, which requires the vacation comply with the California Environmental Quality Act (CEQA), and State and County Guidelines, and not have a significant impact on the environment. The County of San Diego, as a responsible agency under CEQA, has considered the environmental effects of the project as shown in the environmental impact report (EIR) No.

2016-30 IS (SCH#: 2016111035), dated September 22, 2021, prepared by the City of National City, as lead agency, before reaching its own conclusion on whether and how to approve the project. The EIR concludes that all potentially significant impacts associated with biological resources, tribal cultural resources, noise, and paleontological resources would be avoided or reduced to below a level of significance through implementation of recommended mitigation measures. In addition, the County prepared an addendum to the EIR and determined that there are no changes in the project or in the circumstances under which the project is undertaken that involve significant new environmental impacts which were not considered in the previously certified EIR, that there is no substantial increase in the severity of previously identified significant effects, and that no new information of substantial importance has become available since the EIR was adopted.

BE IT FURTHER RESOLVED that the Easement, described below, is hereby vacated pursuant to Streets and Highways Code Section 8320 et seq., and the Clerk of the Board shall cause a copy of this Resolution to be recorded pursuant to Streets and Highways Code Section 8325 only upon the satisfaction of the following conditions:

1. The Parking Authority of the City of National City (Parking Authority) has exercised its option to acquire the Easement in accordance with the Option Agreement dated April 3, 2007. ("Option Agreement);

2. The Parking Authority has paid County \$2.1 million as the purchase price for the Easement or paid County \$1.5 million and delivered to County a promissory note for the remaining \$600,000 with payment and interest terms as specified in the Option Agreement; and

3. The Parking Authority has delivered an executed and acknowledged deed conveying title to the area along the south end of the property owned in fee by the Parking Authority that contains a walkway and buffer to County, as provided in the Option Agreement.

If the above conditions are not satisfied within five (5) years of the approval of this Resolution by the Board of Supervisors, this Resolution and vacation shall be terminated.

DESCRIPTION OF PUBLIC STREET, HIGHWAY, OR PUBLIC SERVICE

(See Attached Exhibit A)

Approved as to form and legality by County Counsel

BY: Randall Sjoblom, Senior Deputy County Counsel