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RECORDING REQUESTED BY:  
La Mesa City Clerk

Fee exempt per  
Government Code Section 6103  
Government Code Section 27383

WHEN RECORDED RETURN TO:  
Megan Wiegelman, CMC, City Clerk  
City of La Mesa  
P.O. Box 937  
La Mesa, CA 91944-0937

DOC# 2021-0746096



Oct 27, 2021 09:07 AM  
OFFICIAL RECORDS  
Ernest J. Dronenburg, Jr.,  
SAN DIEGO COUNTY RECORDER  
FEES: \$0.00 (SB2 Atkins: \$0.00)

PAGES: 5

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Space Above for Recorder's Use Only

RESOLUTION NO. 2021-124

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA TO APPROVE  
THE QUIT CLAIM OF REMNANT PARCELS, SUMMARY VACATE EXCESS  
PUBLIC RIGHT OF WAY AND ACCEPT THE DEDICATION OF PUBLIC RIGHT OF  
WAY FRONTING 4243 SUMMIT DRIVE, PER WINDSOR HILLS MAP NO. 1970,  
RECORDED DECEMBER 10, 1926

THIS PAGE IS ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION

RESOLUTION NO. 2021-124

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA TO APPROVE THE QUIT CLAIM OF REMNANT PARCELS, SUMMARY VACATE EXCESS PUBLIC RIGHT OF WAY AND ACCEPT THE DEDICATION OF PUBLIC RIGHT OF WAY FRONTING 4243 SUMMIT DRIVE, PER WINDSOR HILLS MAP NO. 1970, RECORDED DECEMBER 10, 1926

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WHEREAS, an easement and right-of-way for public road purposes was granted to the City of La Mesa on Windsor Hills, Map No. 1970, recorded on December 10, 1926 in the office of the San Diego County Recorder, San Diego California;

WHEREAS, the surrounding property owner, T&S Summit, LLC, has requested the following related to Attachment "B"; the City to quit claim parcels A, B, and C, accept the dedication of parcels D and E and the City to summary vacate parcel G, all to facilitate development and use of their property;

WHEREAS, the City of La Mesa holds parcels A, B and C of public property in fee title and it is required by law to have the property appraised prior to vacation;

WHEREAS, parcels A, B and C have been appraised and the developer has agreed to pay \$8,152.00;

WHEREAS, the City has agreed to accept the dedication of parcels D and E for public use as general utility easements and public right of way;

WHEREAS, Section 8331, et seq., of the California Streets and Highways Code provides the criteria for summary vacation of public right of way, parcel G, or easements in both of the following cases:

- (a) For a period of five consecutive years, the street or highway has been impassable for vehicular travel.
- (b) No public money was expended for maintenance on the street or highway during such period.

WHEREAS, Section 8334, et seq., of the California Streets and Highways Code provides the criteria for summary vacation of public right of way in any of the following cases:

- (a) Excess right-of-way of a street or highway is not required for street or highway purposes.
- (b) A portion of a street or highway lies within property under one ownership and that does not continue through such ownership or end touching property of another.

WHEREAS, the City Council finds that:

- a) No public money was expended for maintenance on the street or highway during such period.



- b) There is no present or prospective use for the right of way for which it was originally acquired or for any other public use of a like nature that can be anticipated;
- c) The right-of-way for public road purposes has been determined to be excess and there are no other public facilities located within the easement and right of way considered to be vacated;
- d) The surrounding property owner will benefit from the vacation through improved utilization of the land; and
- e) The vacation is consistent with the general plan or an approved community plan.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa, as follows:

1. Parcels A, B and C of Attachment "B" are Quitclaimed, dedication of Parcels D and E are accepted as public right-of-way for road purposes and that the right-of-way for public road purposes by deed recorded on March 6, 1991, Document No. 1991-0096875 and as described in Attachment "B", be ordered vacated.
2. That the City Clerk of the City of La Mesa, California shall cause a certified copy of this resolution, attested to under the seal of the City of La Mesa, with exhibits, to be recorded in the office of the County Recorder of San Diego County, State of California.

PASSED AND ADOPTED at a Regular meeting of the City Council of the City of La Mesa, California, held the 12<sup>th</sup> day of October 2021, by the following vote, to wit:

AYES: Councilmembers Baber, Parent, Shu, and Mayor Arapostathis

NOES: None

ABSENT: None

#### CERTIFICATE OF THE CITY CLERK

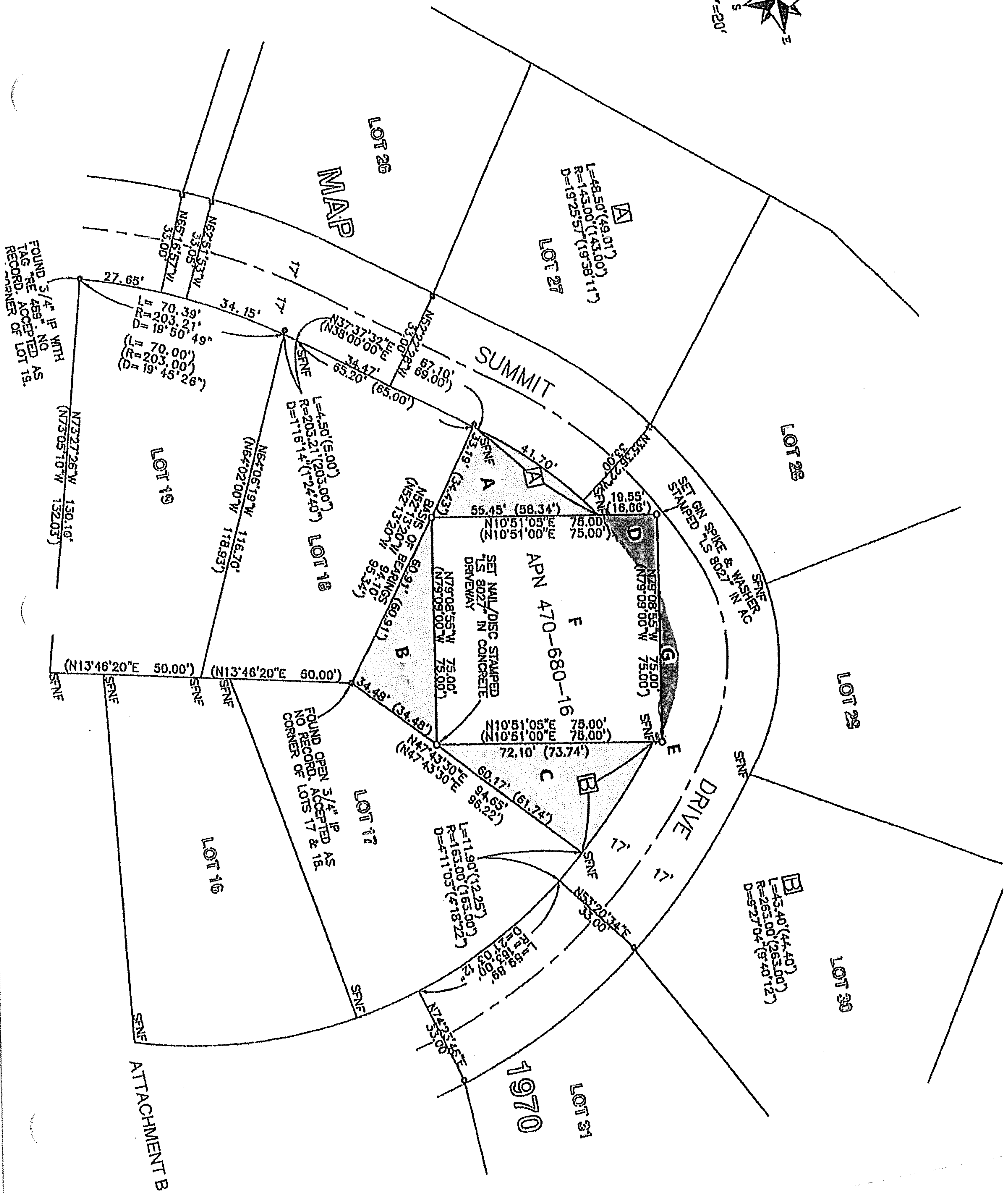
I, MEGAN WEIGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2021-124, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

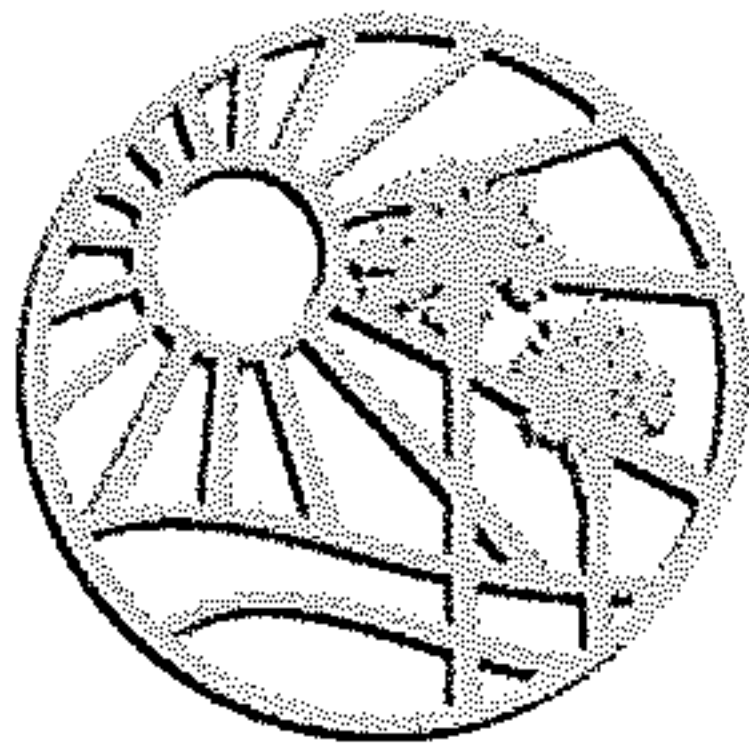


MEGAN WEIGELMAN, CMC, City Clerk

(SEAL OF CITY)








**CITY OF  
LA MESA**  
*JEWEL of the HILLS*

CERTIFICATE OF CITY CLERK

State of California       )  
                                      ) ss  
County of San Diego     )

I, Megan Wiegelman, City Clerk of the City of La Mesa, California, do hereby certify that the attached is a true and exact copy of City of La Mesa Resolution No. 2021-124 dated October 12, 2021. The original of said document is on file in the Office of the City Clerk.

Date: October 19, 2021

  
\_\_\_\_\_  
Megan Wiegelman, City Clerk

(SEAL)

**RECORDING REQUESTED BY:**

La Mesa City Clerk  
FEE EXEMPT PER  
GOVERNMENT CODE SECTION 27383

**WHEN RECORDED, RETURN TO:**

Megan Wiegelman, City Clerk  
City of La Mesa  
P. O. Box 937  
La Mesa, CA 91944-0937

(Space Above for Recorder's Use Only)

**QUITCLAIM DEED**

*The undersigned Grantor(s) Declare(s)*

Assessor's Parcel No. N/A

☐ unincorporated area ☒ City of La Mesa

☐ computed on full value of property conveyed, or


☐ computed on full value less value of liens or encumbrances remaining at time of sale,

and

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **the City of La Mesa, a Municipal Corporation**, hereby REMISES, RELEASES AND FOREVER QUITCLAIMS any and all right, title and interest in that certain real property located in the City of La Mesa, County of San Diego, State of California, as more particularly described in "Exhibit A" and graphically depicted on "Exhibit B", both attached hereto (the "Property"), to **Frank A. Fitzgerald, Trustee of the Frank A. Fitzgerald Revocable Trust of 2005, dated April 15, 2005.**

This deed is being recorded to implement City's concurrent approval of the sale of property. Neither City nor any of its officers or employees assumes responsibility for the accuracy of the attached legal description(s).

CITY OF LA MESA, A MUNICIPAL CORPORATION

 11/24/21  
\_\_\_\_\_  
Mark Arapostathis, Mayor Date  
(Authorized By Resolution No. 2021-124, October 12, 2021)



## ACKNOWLEDGMENT


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA     )  
  SS)  
COUNTY OF SAN DIEGO    )

On November 24, 2021, before me, Megan Wiegelman, CMC, City Clerk, personally appeared Mark Arapostathis, Mayor of the City of La Mesa, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Megan Wiegelman, CMC  
City Clerk of the City of La Mesa



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THAT CERTAIN "PARK" PARCEL IN BLOCK "C" OF WINDSOR HILLS, IN THE CITY OF LA MESA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1970, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 10, 1926, MORE PARTICULARLY AS DESCRIBED AS FOLLOWS:

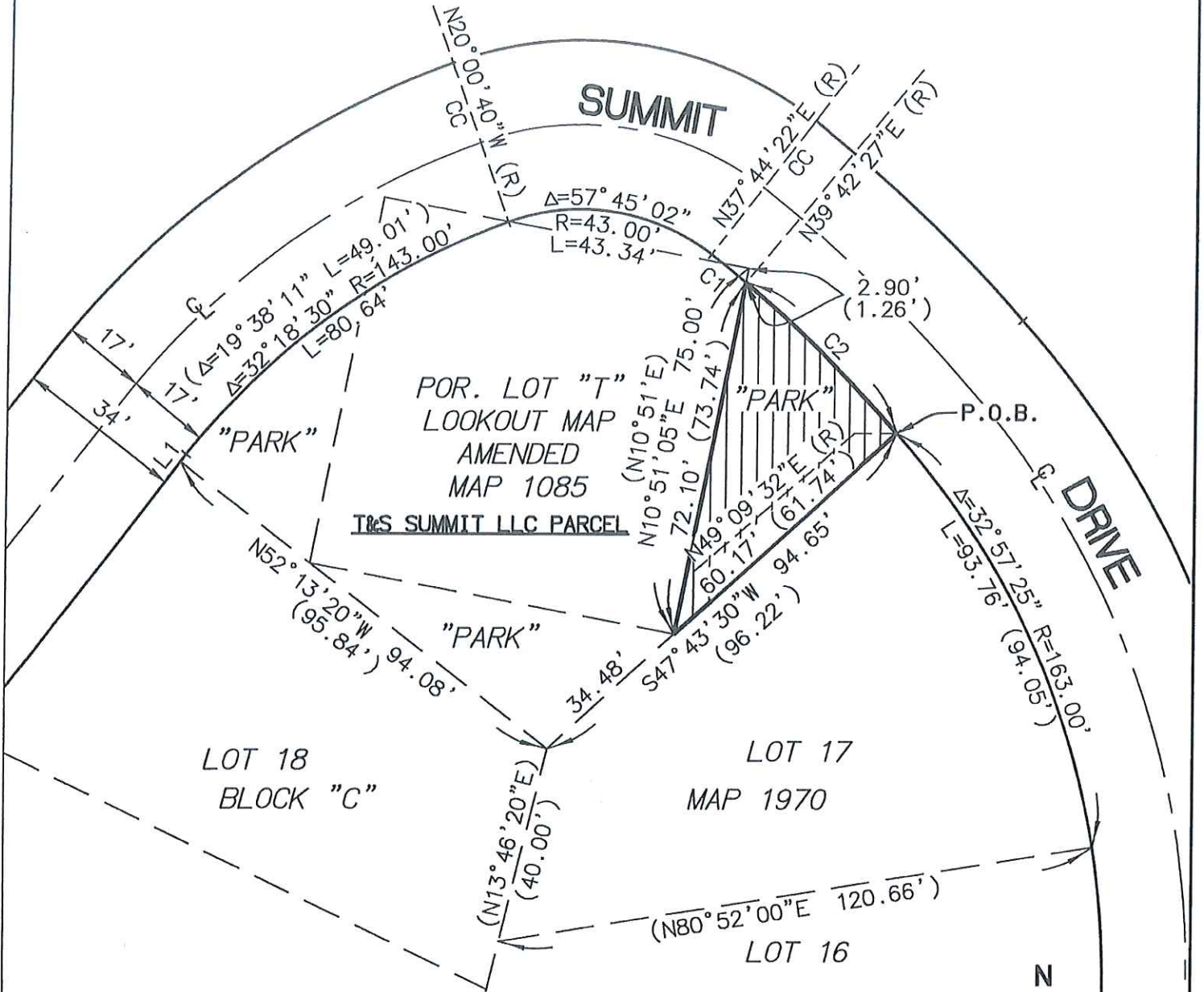
BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 17 IN SAID BLOCK "C" OF WINDSOR HILLS; THENCE SOUTH 47°43'30" WEST ALONG THE NORTHWESTERLY LINE OF SAID LOT 17, 60.17 FEET (61.74 FEET PER SAID MAP) TO THE INTERSECTION WITH THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO T&S SUMMIT LLC IN DEED RECORDED APRIL 27, 2021, AS DOCUMENT NO. 2021-0325477 OF OFFICIAL RECORDS; THENCE NORTH 10°51'05" EAST 72.10 FEET (NORTH 10°51' EAST 73.74 FEET PER SAID MAP) TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF SUMMIT DRIVE, AS SHOWN ON SAID WINDSOR HILLS, MAP NO. 1970, SAID POINT BEING THE BEGINNING OF THE 263.00 FOOT NON-TANGENT CURVE, CONCAVE SOUTHWESTERLY, A RADIAL TO SAID POINT BEARS NORTH 39°42'27" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID RIGHT-OF-WAY THROUGH A CENTRAL ANGLE OF 09°27'05" (09°40'07" PER SAID MAP) AN ARC DISTANCE OF 43.38 FEET (44.38 FEET PER SAID MAP) TO THE **POINT OF BEGINNING**.

 11/1/21  
\_\_\_\_\_  
WILLIAM A. SNIPES, L.S. 8034





# EXHIBIT "B"



## LINE TABLE

L1 N37°37'32"E 1.85'  
(N38°00'E 4.00')

## CURVE TABLE

C1 Δ=12°52'33" R=143.00' L=32.14'  
C2 Δ=09°27'05" R=263.00' L=43.38'  
(Δ=09°40'07" L=44.38')

## LEGEND



- INDICATES AREA TO BE QUITCLAIMED  
(1,327.33 SF).

P.O.B.

- INDICATES POINT OF BEGINNING.

CC

- INDICATES COMPOUND CURVE.

( )

- INDICATES RECORD DATA PER MAP 1970.



**Snipes-Dye associates**  
**civil engineers and land surveyors**

8348 CENTER DRIVE, STE. G, LA MESA, CA 91942  
TELEPHONE (619) 697-9234 FAX (619) 460-2033

N  
SCALE: 1"=30'

**RECORDING REQUESTED BY:**

La Mesa City Clerk  
FEE EXEMPT PER  
GOVERNMENT CODE SECTION 27383

**WHEN RECORDED, RETURN TO:**

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City of La Mesa  
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La Mesa, CA 91944-0937

(Space Above for Recorder's Use Only)

**VACATION OF RIGHT OF WAY**

Public Right of Way – A Portion of Summit Drive

*The undersigned Grantor(s) Declare(s)*


- ☐ *unincorporated area* ☒ *City of La Mesa*  
☐ *computed on full value of property conveyed, or*  
☐ *computed on full value less value of liens or encumbrances remaining at time of sale, and*

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, **the City of La Mesa, a Municipal Corporation**, for a fee of \$578.00 (Five Hundred Seventy Eight and no/100ths Dollars) hereby REMISES, RELEASES AND FOREVER VACATES any and all right, title and interest in that certain real property located in the City of La Mesa, County of San Diego, State of California, as more particularly described in "Exhibit A" hereto and graphically depicted on "Exhibit B" attached hereto (the "Property"), to **T&S Summit, LLC, a California Limited Liability company**, with the following exceptions;

Excepting and reserving an easement unto **SDG&E**, for rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge overhead or underground lines of pipe, conduits, cable, wires, poles, and other structures, equipment, and fixtures for the transmission and distribution of electrical or electronic energy and natural gas, together with the right of ingress thereto and egress therefrom, together with the right to maintain said easement, vacated and abandoned area free of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree or trees thereon without the prior written consent of franchise holder or easement holder, and for incidental purposes to protect the property from all hazards in , upon, over, and across the above-described portions of streets to be vacated and abandoned.

This deed is being recorded to implement City's concurrent approval of a request to vacate excess public right of way. Neither City nor any of its officers or employees assumes responsibility for the accuracy of the attached legal description.

CITY OF LA MESA, A MUNICIPAL CORPORATION

 11/24/21  
Mark Arapostathis Date  
(Authorized By Resolution No. 2021-124, October 12, 2021)

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.


STATE OF CALIFORNIA     )  
  ) ss.  
COUNTY OF SAN DIEGO    )

On November 24, 2021, before me, Megan Wiegelman, City Clerk,

personally appeared Mark Arapostathis, Mayor of the City of La Mesa, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

  
Megan Wiegelman, CMC  
City Clerk of the City of La Mesa

(SEAL)






**EXHIBIT "A"**  
**SUMMIT DRIVE VACATION**  
**LEGAL DESCRIPTION**

BEING A VACATION OF A PORTION OF SUMMIT DRIVE DEDICATED PER WINDSOR HILLS MAP, IN THE CITY OF LA MESA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1970, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 10, 1926, MORE PARTICULARLY AS DESCRIBED AS FOLLOWS:

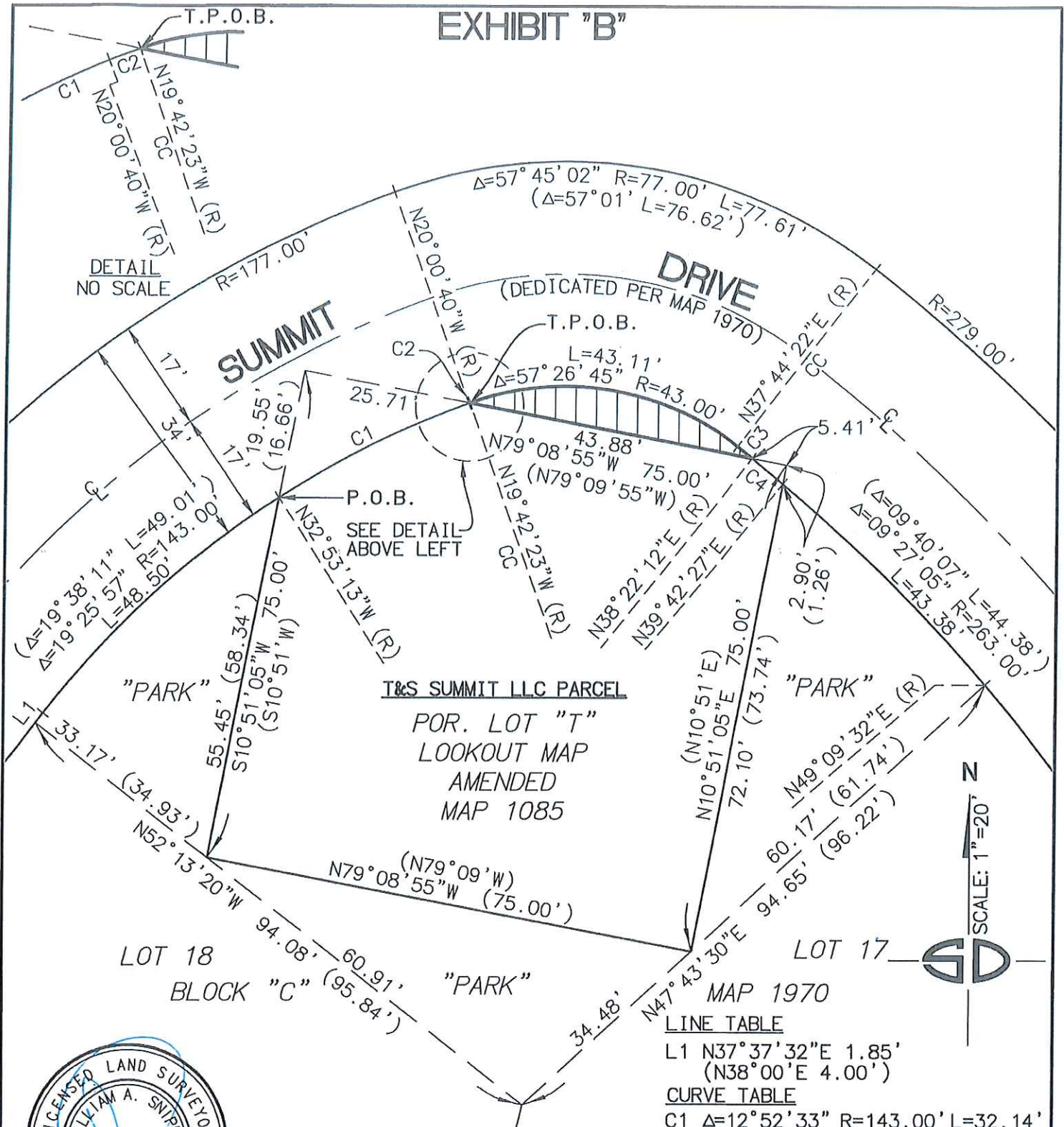
BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF SAID SUMMIT DRIVE AND THE WEST LINE OF THAT CERTAIN PARCEL OF LAND CONVEYED TO T&S SUMMIT LLC IN DEED RECORDED APRIL 27, 2021, AS DOCUMENT NO. 2021-0325477 OF OFFICIAL RECORDS, SAID PARCEL BEING INDICATED ON SAID MAP NO. 1970, SAID POINT BEING ON A NON-TANGENT 143.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, A RADIAL TO SAID POINT BEARS NORTH 32°53'13" WEST; THENCE NORTHEASTERLY ALONG A 34.00 FOOT SOUTHEASTERLY OFFSET OF THE NORTHWESTERLY RIGHT-OF-WAY OF SAID SUMMIT DRIVE, THROUGH A CENTRAL ANGLE OF 12°52'33" AN ARC DISTANCE OF 32.14 FEET TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 43.00 FEET; THENCE CONTINUING NORTHEASTERLY ALONG SAID 34.00 FOOT OFFSET AND SAID 43.00 FOOT CURVE THROUGH A CENTRAL ANGLE OF 00°18'17" AN ARC DISTANCE OF 0.23 FEET TO THE INTERSECTION WITH THE NORTH LINE OF SAID T&S SUMMIT LLC PARCEL, A RADIAL TO SAID POINT BEARS NORTH 19°42'23" WEST, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING NORTHEASTERLY AND SOUTHEASTERLY ALONG SAID 34.00 FOOT OFFSET AND SAID 43.00 FOOT CURVE THROUGH A CENTRAL ANGLE OF 57°26'45" AN ARC DISTANCE OF 43.11 FEET TO A BEGINNING OF A COMPOUND CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 263.00 FEET; THENCE CONTINUING SOUTHEASTERLY ALONG SAID 34.00 FOOT OFFSET AND SAID 263.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 00°37'50" AN ARC DISTANCE OF 2.89 FEET TO THE INTERSECTION WITH SAID NORTH LINE OF SAID T&S SUMMIT LLC PARCEL; THENCE NON-TANGENT TO SAID CURVE NORTH 79°08'55" WEST (NORTH 79°09' WEST PER SAID MAP) ALONG SAID NORTH LINE 43.88 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS APPROXIMATELY 176.72 SQUARE FEET.

  
8/31/21  
WILLIAM A. SNIPES, L.S. 8034



# EXHIBIT "B"



**Snipes-Dye associates**  
**civil engineers and land surveyors**

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 TELEPHONE (619) 697-9234 FAX (619) 460-2033