

RESOLUTION NUMBER R- 296373

ADOPTED ON APR 22 2002

WHEREAS, in the Spring of 2000, heavy rainfall caused the subject storm drain system to overflow and flood private properties located at 6104 and 6110 University Avenue, creating hazardous traffic conditions and health and safety concerns at the drive-through restaurant located at one of the addresses; and

WHEREAS, on the merits of entry permits signed by the two impacted property owners, City work crews completed storm drain improvements which included the removal and re-alignment of underground piping and the installation of new inlets with increased capacity; and

WHEREAS, permanent storm drain easements are now needed to secure the City's property rights over the re-aligned storm drain improvements to allow for future maintenance and repair of the drainage facilities; and

WHEREAS, approval of the requested actions will allow for the acquisition of the required easements, in exchange for the abandonment and quit claiming of the unneeded easement portions resulting from the re-alignment of the drainage improvements; and

WHEREAS, it has been determined that the value of the property rights to be exchanged are equal; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the City Manager, or his designee, is authorized to accept an easement deed, executed by Samuel M. Ciccati, Trustee, donating to the City a storm drain easement across a portion of Parcel "00" of Lot 19, Rancho Mission of San Diego, as more particularly described in said deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 296373-1. Said easement is depicted on City Engineer Drawing No. 19185-B.

2. That the City Manager, or his designee, is authorized to accept an easement deed, executed by St. John, LLC, a California limited liability company, donating to the City a storm drain easement across a portion of Parcel "00" of Lot 19, Rancho Mission of San Diego, and a portion of Lot 61 of College Avenue Tract No. 3, according to Map thereof No. 2518, as more particularly described in said deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 296373-2. Said easements are depicted on City Engineer Drawing Nos. 19184-B and 19186-B.

3. That the City Manager, or his designee, is authorized to execute a quitclaim deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 296373-3 conveying all the City's right, title and interest in the unneeded easement areas per document recorded November 1, 1951, Book 4279, Page 559 of Official Records, to Samuel M. Ciccati, Trustee. Said partial easement abandonment is depicted on City Engineer Drawing No. 19185-B.

4. That the City Manager, or his designee, is authorized to execute a quitclaim deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 296373-4 conveying all the City's right, title and interest in the unneeded easement areas per Map No.

2518, filed in the Office of the County Recorder of San Diego, October 21, 1948, to St. John, LLC, a California limited liability company. Said partial easement abandonment is depicted on City Engineer Drawing No. 19184-B.

APPROVED: CASEY GWINN, City Attorney

By



Debra J. Bavier
Deputy City Attorney

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