

RESOLUTION NUMBER R- 297434

ADOPTED ON DEC 03 2002

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of public service easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the abandonment of a drainage easement and a sewer easement, to unencumber his property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the drainage easement or sewer easement either for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the abandonment through improved utilization of land; and

(c) the abandonment is not inconsistent with the General Plan or an approved Community Plan; and

(d) the public service easement system for which the right-of-way was originally acquired will not be detrimentally affected by this abandonment; NOW, THEREFORE,

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

1. That the drainage easement as more particularly described in the legal description marked as Exhibit "A," and the sewer easement as more particularly described in the legal description marked as Exhibit "A-1" and as shown on Drawing No. 19876-B marked as

Exhibit "B," on file in the office of the City Clerk as Document No. RR- **297434** , which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the resolution shall not become effective unless and until the applicant relocates and constructs a new storm drain and sewer system satisfactory to the City Engineer.

3. In the event the above condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

4. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition, and the City Clerk shall then cause a certified copy of this resolution, with Exhibit "A," Exhibit "A-1" and Drawing No. 19876-B, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By


Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
11/14/02
Or.Dept:DSD
A:02-617
WO:420015
Dwg:19876-B
R-2003-699
Form=sumv.frm

Exhibit "A"
LEGAL DESCRIPTION
DRAINAGE EASEMENT VACATION

THOSE PORTIONS OF LOTS 10, 11, 12 AND 13, BLOCK 59 OF H.M. HIGGINS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 309, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 29, 1872, AS DESCRIBED BY DEED RECORDED AUGUST 24, 1946 IN BOOK 2216, PAGE 326 OF OFFICIAL RECORDS, AND DEED RECORDED AUGUST 24, 1946, IN BOOK 2222, PAGE 146 OF OFFICIAL RECORDS.

LEGAL DESCRIPTION PREPARED BY:
MUNICIPAL ENGINEERS, INC.

BY: R.W. Ramsey 11-18-02
ROBERT W. RAMSEY RCE 14348
REGISTRATION EXPIRES 3-31-05



CITY W.O. 420015
DWG. NO. 19876-B

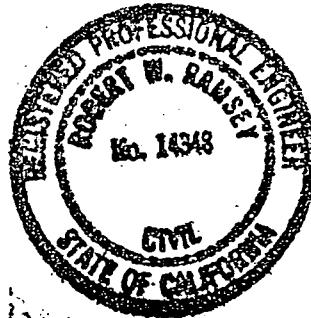
2-297434

Exhibit "A-1"
LEGAL DESCRIPTION
SEWER EASEMENT VACATION

THOSE PORTIONS OF LOTS 11, 12 AND 13, BLOCK 59 OF H.M. HIGGINS ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 309, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 29, 1872, AS DESCRIBED BY DEED RECORDED JANUARY 21, 1909, IN BOOK 443, PAGE 483 OF DEEDS.

LEGAL DESCRIPTION PREPARED BY:
MUNICIPAL ENGINEERS, INC.

BY: R. W. Ramsey 11-18-02
ROBERT W. RAMSEY RCE 14348
REGISTRATION EXPIRES 3-31-05



CITY W.O. 420015
DWG. NO. 19876-B

R-297434

'A' STREET

Scale: 1" = 30"

LEGEND:

XXXXXX INDICATES DRAINAGE EASEMENT REC. AUGUST 24, 1946, BOOK 2222, PAGE 146 OF OFFICIAL RECORDS VACATED.

////// INDICATES DRAINAGE EASEMENT REC. AUGUST 24, 1946, BOOK 2216, PAGE 326 OF OFFICIAL RECORDS VACATED.

SEWER EASEMENT REC. JANUARY 21, 1909, BOOK 443, PAGE 483 OF DEEDS VACATED -- NO LOCATION OF RECORD AND SAID EASEMENT IS NOT PLOTTABLE. AFFECTS LOTS 11, 12 AND 13.

(140') INDICATES RECORD DATA PER MAP 309.

ASSESSOR'S PARCEL NO. 440-300-05 & 06

REFERENCE DRAWINGS: MAP NO. 309, 6171-L, 3121-B

BLOCK 59, H.M. HIGGINS ADD.
MAP NO. 309

LOT 14

LOT 13

LOT 12

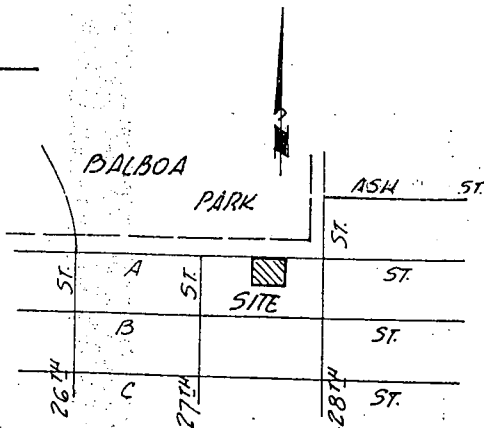
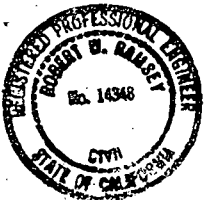
LOT 11

LOT 10

10' (A)

ALLEY

(A) DRAINAGE EASEMENT ACQUISITION
SEE CITY OF SAN DIEGO DRAWING 19877-B.



Vicinity Map

No Scale

MUNICIPAL ENGINEERS, INC.
615 ASH STREET, SUITE 204
SAN DIEGO, CA 92101 (619) 239-8171

BY: *R.W. Ramsey* 11-18-02
ROBERT W. RAMSEY RCE 14348
REGISTRATION EXPIRES 3-31-05

SEWER AND DRAINAGE EASEMENT VACATION

IN LOTS 10, 11, 12, AND 13, BLOCK 59, H.M. HIGGINS ADDITION
MAP NO. 309

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET / OF / SHEET	W.O. NO. <i>A-02-617</i> <i>420015</i>
ORIGINAL	<i>M.E.I.</i>					
						<i>200-1727</i> LAMBERT COORDINATES
						<i>19876</i> .-B

STATUS