

5408

(R-2003-754)

RESOLUTION NUMBER R- 297536

ADOPTED ON JAN 13 2003

WHEREAS, the City of San Diego owns certain drainage easement rights east of Fay Avenue, on the northeast side of Muirlands Drive. The vacation of the drainage easement and sale of the drainage easement rights to Centex Homes will satisfy Condition No. 24 of Country Club Villas, VTM No. 99-1268, adopted on December 14, 2000, and will unencumber the property and facilitate development of the site; and

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 fair market value of the easement rights is \$232,300;

WHEREAS, this action is exempt from the provisions of the California Environmental Quality Act of 1970 under City guidelines for implementation of said Act, as amended; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the drainage easement either 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 vacation through improved utilization of land;

(c) the vacation is not inconsistent with the General Plan, an approved Community Plan, or Local Coastal Program; and

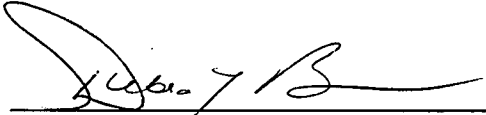
(d) the public service easement system for which the easement was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

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

1. That the drainage easement located east of Fay Avenue, on the northeast side of Muirlands Drive, as more particularly described in the legal description, attached hereto as Exhibit "A", and as shown on Drawing No. 19589-B, attached hereto as Exhibit "B", is ordered vacated.
2. That the City Clerk shall then cause a certified copy of this resolution, with Exhibits "A" and "B", attested by him under seal, to be recorded in the Office of the County Recorder.
3. That the drainage easement rights are authorized to be sold to Centex Homes for \$232,300.
4. That the City Manager or his designee is authorized and empowered to execute, for and on behalf of the City of San Diego, a quitclaim deed, which is on file in the office of the City Clerk as Document No. RR- 297536, to Centex Homes, for those drainage easement rights, as more particularly described in the quitclaim deed.
5. That no broker's commission shall be paid by City on the herein described negotiated sale.

6. That the City Clerk is authorized and directed to deliver the deed attested by him under seal, and a certified copy of this resolution, to the Real Estate Assets Department for further handling.

APPROVED: CASEY GWINN, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:mm
11/25/02
Job Order:522550
Or.Dept:REA
R-2003-754
Form=eabanr.frm