

RESOLUTION NUMBER R- 297781

ADOPTED ON MAR 25 2003

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

WHEREAS, the affected property owner has requested the vacation of the storm drain easement within, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the easement either for the facility or purpose 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 vacation through improved utilization of land made available by the abandonment; and

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

(d) the public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment, or the purpose for which the easement was acquired no longer exists; NOW, THEREFORE,

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

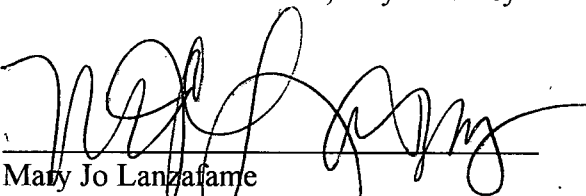
1. That the storm drain easement, as described in the legal description marked as Exhibit "A-1," on file in the office of the City Clerk as Document No. RR- 297781 which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That this resolution shall not become effective unless and until the existing storm drain pipe has been relocated to the satisfaction of the City Engineer and a utility easement granted to the City of San Diego, therefore.

In the event the above conditions are not completed within five years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned public improvements and the City Clerk shall then cause a certified copy of this resolution, attested by him under seal to be recorded with the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
2/28/03
Or.Dept:DSD
R-2003-1064
Form=sumv.frm

DRAINAGE EASEMENT ABANDONMENT

LEGAL DESCRIPTION

THAT PORTION OF LOT 21 OF THE PARTITION OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF FILED IN THE CASE OF LUCO ET AL, VS. COMMERCIAL BANK ET AL, BEING CASE NO. 348. SUPERIOR COURT OF SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

THAT PORTION OF THE 10 FOOT WIDE DRAINAGE EASEMENT TO THE CITY OF SAN DIEGO RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 8, 1961 AS DOCUMENT 135820, OFFICIAL RECORDS LYING SOUTHERLY OF THE SOUTHERLY LINE OF THAT CERTAIN EASEMENT FOR MONTEZUMA ROAD, DESCRIBED IN DEED TO THE CITY OF SAN DIEGO AND RECORDED JUNE 17, 1938 IN BOOK 796, PAGE 142 OF OFFICIAL RECORDS AND NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THAT CERTAIN EASEMENT FOR MONTEZUMA ROAD, DESCRIBED IN DEED TO THE CITY OF SAN DIEGO AND RECORDED JUNE 17, 1938 IN BOOK 796, PAGE 142 OF OFFICIAL RECORDS WITH THE WESTERLY LINE OF THE 30 FOOT ALLEY IN BLOCK 4 OF COLLEGE PARK UNIT NO. 1 ACCORDING TO MAP THEREOF NO. 2196, FILED IN THE COUNTY RECORDER'S OFFICE AUGUST 18, 1931; THENCE ALONG THE SOUTHERLY LINE OF SAID MONTEZUMA ROAD NORTH $89^{\circ}53'45''$ WEST 154.88 FEET TO THE INTERSECTION OF THE WESTERLY LINE OF THE 10 FOOT WIDE DRAINAGE EASEMENT TO THE CITY OF SAN DIEGO RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 8, 1961 AS DOCUMENT NO. 135820, OFFICIAL RECORDS; THENCE SOUTH $83^{\circ}44'25''$ EAST 134.19 FEET; THENCE SOUTH $28^{\circ}07'30''$ EAST 59.69 FEET; THENCE SOUTH $34^{\circ}40'12''$ WEST 189.55 FEET TO A POINT ON THE EASTERLY LINE OF SAID DRAINAGE EASEMENT, SAID POINT BEING THE **TRUE-POINT-OF-BEGINNING**; THENCE CONTINUING SOUTH $34^{\circ}40'12''$ WEST 15.45 FEET TO A POINT ON THE WESTERLY LINE OF SAID DRAINAGE EASEMENT.

L. 297781