

RESOLUTION NUMBER R- 299579

ADOPTED ON AUG 10 2004

WHEREAS, San Diego Municipal Code section 125.1001 et. seq. provides a procedure for the vacation of public service easements by City Council resolution; and

WHEREAS, the affected property owner has requested the vacation of an existing general utility and access easement within the Mission Beach Planning area; and

WHEREAS, the City Council must find that:

(a) there is no present or prospective use for the easements either for which they were 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; and

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

(d) the purpose 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, that it adopts the following findings with respect to Easement Abandonment No. 88216:

**Easement Abandonment:**

**1. There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated.** The existing 16-foot wide general utility easement provides access to an existing water main and an existing sewer main that serve the project site and the property immediately to the north of the project site. The proposed construction of three new condominiums over the existing easement will result in the relocation of the easement and the granting of new water and sewer easements.

The permit has been conditioned to require the developer to assure the abandonment of the existing public water and sewer mains and laterals currently serving the existing property and the property north of the project, granting of new easements, and the installation of new water and sewer services to serve the properties, prior to occupancy of the development and in a manner satisfactory to the Metropolitan Wastewater Department Director, the Water Department Director, and the City Engineer. Once relocated, the purpose of the general utility easement to provide public maintenance access would not be required and no further use of the easement is anticipated. Therefore there is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired or any other public use of a like nature that can be anticipated.

**2. The public will benefit from the action through improved utilization of the land available by the abandonment.** The existing 16-foot wide general utility easement is located on both the subject property (8 feet) and the property immediately to the north (8 feet). Abandonment of the 16-foot wide easement and relocation of the water and sewer service mains would be required for the proposed construction of the three proposed condominium units. Eight feet of the abandoned easement would be reverted to the subject property and the remaining eight feet would be reverted to the property immediately to the north for full property rights without restrictions. Therefore, the public will benefit from the action through improved utilization of the land available by the abandonment.

**3. The abandonment is consistent with any applicable land use plan.** The project proposes to demolish two existing one-story single-family homes, abandon an existing general utility easement, and construct a new three-story, three-unit condominium project on a 4,648 square-foot site at 3902 Bayside Walk, within the Mission Beach Planning area. The proposed development conforms to the certified Mission Beach Precise Plan and Local Coastal Program Land Use Plan Addendum and is consistent with the recommended land use, design guidelines, and development standards in effect for this site per the R-N Zone regulations of the Mission Beach Planned District, and the City of San Diego Progress Guide and General Plan. Therefore, the proposed abandonment is consistent with any applicable land use plan.

**4. 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.** The existing 16-foot wide general utility easement provides access to an existing water main and an existing sewer main that serve the project site and the property immediately to the north of the project site. The proposed construction of three new condominiums over the existing easement will result in the relocation of the easement and the water and sewer services existing within the easement.

The permit has been conditioned to require the developer to assure the abandonment of the existing public water and sewer mains and laterals currently serving the existing property and the property north of the project, granting of new easements, and the installation of new water and sewer services to serve the properties, prior to occupancy of the development and in a manner satisfactory to the Metropolitan Wastewater Department Director, the Water Department Director, and the City Engineer. Therefore, the public facility or purpose for which the easement

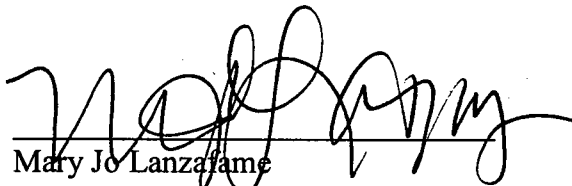
was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego: that the general utility and access easement located within the Mission Beach Planning area in connection with coastal development permit, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20228-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 299579-1, and RR- 299579-2, which are by this reference incorporated herein and made a part hereof, is ordered vacated .

BE IT FURTHER RESOLVED, that the City Clerk shall then cause a certified copy of this resolution, with exhibits, 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:cfq  
07/19/04  
Or.Dept: DSD  
R-2005-113

EXHIBIT "A"

GENERAL UTILITY AND ACCESS EASEMENT ABANDONMENT

A portion of Block 226 of Mission Beach, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1651 and 1809, filed in the office of the County Recorder of San Diego County, December 14, 1914 and November 13, 1924, respectively, described as follows:

The North Half of the general utility and access easement as described in Document 2002-0838010 recorded September 30, 2002.

  
HERMAN W. BATEMAN, P.L.S. 4605

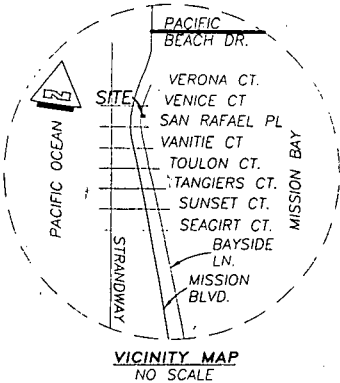
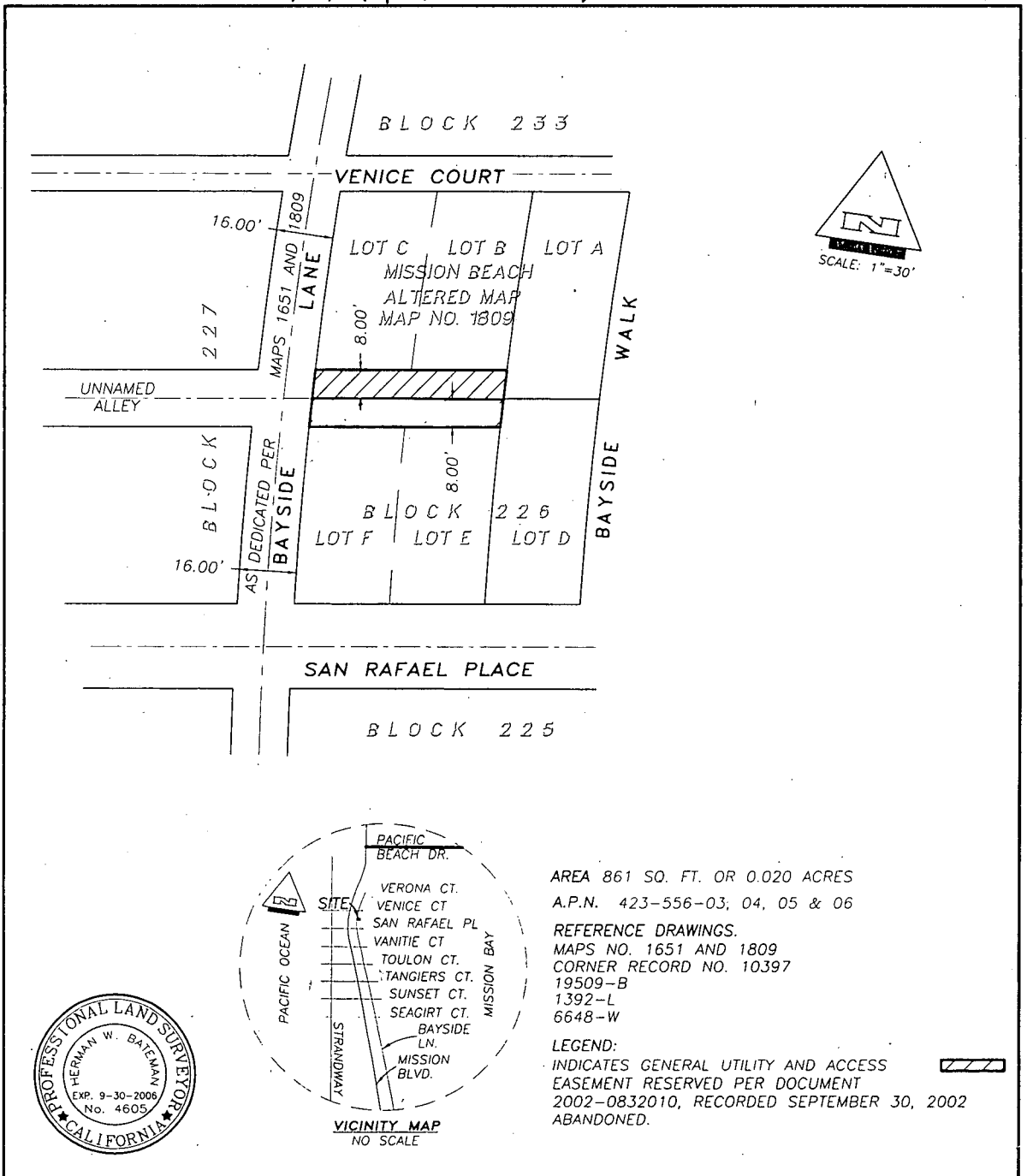
July 12, 2004

Drawing No. 20228-B  
W.O. 422084



l- 299579

# EXHIBIT 'B'



AREA 861 SQ. FT. OR 0.020 ACRES  
A.P.N. 423-556-03, 04, 05 & 06

REFERENCE DRAWINGS:  
MAPS NO. 1651 AND 1809  
CORNER RECORD NO. 10397  
19509-B  
1392-L  
6648-W

LEGEND:  
INDICATES GENERAL UTILITY AND ACCESS  
EASEMENT RESERVED PER DOCUMENT  
2002-0832010, RECORDED SEPTEMBER 30, 2002  
ABANDONED.

SAN DIEGO LAND SURVEYING &  
ENGINEERING, INC.  
9619 CHESAPEAKE DRIVE, SUITE 204  
SAN DIEGO, CA 92123 (858) 565-8362  
*Herman W. Bateman* DATE: 7-22-04  
HERMAN W. BATEMAN L.S. 4605

GENERAL UTILITY AND ACCESS SOUTHERLY & ADJACENT TO LOTS C AND B OF  
EASEMENT ABANDONMENT - BLOCK 226, MAP 1809

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO. 42-2084
ORIGINAL					SHEET 1 OF 1 SHEETS	PROJECT NO. 19831
					<i>Anna Lopez</i> 27 JUL 04 FOR CITY ENGINEER / DATE	1866-6251 NAD 83 COORDINATES
						226-1691 LAMBERT COORDINATES
					STATUS	20228-B

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