

RESOLUTION NUMBER R-300241

ADOPTED ON MARCH 15, 2005

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 a portion of the public utility easement located within a portion of Lot 24, Block 59, Caruther's Addition, Map No. 27 to unencumber this property; and

WHEREAS, the City Council finds that:

1. **There is no present or prospective use for the easement for which the easement was originally acquired, or for any other public use of a like nature that can be anticipated.** The existing public utility easement is remaining from when a portion of Alpha Street was previously vacated and the existing shopping center across the street was constructed. No public utilities are reserved within the easement however, this portion of the easement remained. As such, there is no present or prospective use for the easement for which it was originally required, or any other public use of a like nature is anticipated.
2. **The public will benefit from the action through improved utilization of the land made available by the abandonment.** The abandonment will serve to facilitate the development of the site through the construction of a new industrial development, parking and landscaped areas. The proposed development is consistent with the zoning and does not adversely affect the Southeastern San Diego Community Plan.
3. **The abandonment is consistent with any applicable land use plan.** The proposed easement abandonment will be consistent with the applicable land use plan. The easement is no longer necessary as no public facilities exist within the easement. The abandonment of the easement will facilitate the development of an industrial park, consistent with both the underlying I-2 zone, and several recommendations and goals of the Southcrest Neighborhood of the Southeastern San Diego Community Plan as described in Planned Development Permit Finding No. 1.

4. **The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment. The purpose for the easement no longer exists.** The existing easement does not contain any reserved active public utilities, therefore, the original purpose for which it was required, will not be affected by the abandonment of the easement. NOW, THEREFORE,

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

1. That the public utility easement located within a portion of Lot 24, Block 59, Caruther's Addition, Map No. 27 as described in the legal description marked as Exhibit A, and as more particularly shown on Drawing 20294-B, labeled Exhibit B, on file in the Office of the City Clerk as Document Nos. RR-300241-1 and RR-300241-2, which is by this reference is attached hereto and made a part hereof, be, and the same is hereby ordered, vacated.

2. That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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