RESOLUTION NUMBER R- 300313 ADOPTED ON APR 1 1 2005

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.1001 et seq. 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 vacation of a sewer easement within Lot 6 of Eastern Addition to New San Diego Map No. 295 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 sewer easement, either for the purpose for which it 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; and
 - (c) the vacation is consistent 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 this vacation; NOW, THEREFORE,

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

1. That the sewer easement located within Lot 6 of Eastern Addition to New San Diego Map No. 295 as more particularly described in the legal description marked as

Exhibit "A" and as shown on Drawing No. 20217-B, marked as Exhibit "B," and on file in the office of the City Clerk as document Nos. RR - 300313-1, and RR - 300313-2, which are by this reference incorporated herein and made a part hereof, are ordered vacated.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

John C. Hemmerling Deputy City Attorney

. \ /

JCH:als 03/24/05

Or.Dept: DSD W.O.: 422571 DWG: 20217-B

R-2005-991 MMS#1659

EXHIBIT "A"

SEWER EASEMENT-VACATION

That portion of the Sewer Easement as granted per deed recorded December 24, 1937 in Book 733, Page 153 of official records, located in Lot 6 of Eastern Addition to New San Diego, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County September 29, 1914, in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

A portion of said easement to be vacated being 6.00 in width, 3.00 feet on each side of the following described centerline:

Commencing at the southeasterly corner of said Lot 6; thence along the easterly line of said Lot 6, North 02°09'54" East, a distance of 8.45 feet to the **TRUE POINT OF BEGINNING**; thence leaving said easterly line of Lot 6, North 86°09'49" West, a distance of 99.95 feet to a point of terminus on the westerly line of said Lot 6 distant 14.61 feet from the southwesterly corner of said Lot 6.

The sidelines of the above described easement shall be prolonged or shortened so as to terminate in the easterly line and in the westerly line of said Lot 6.

CRAIG & ASSOCIATES

CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS 2611 ADAMS AVENUE, SAN DIEGO, CA 92116

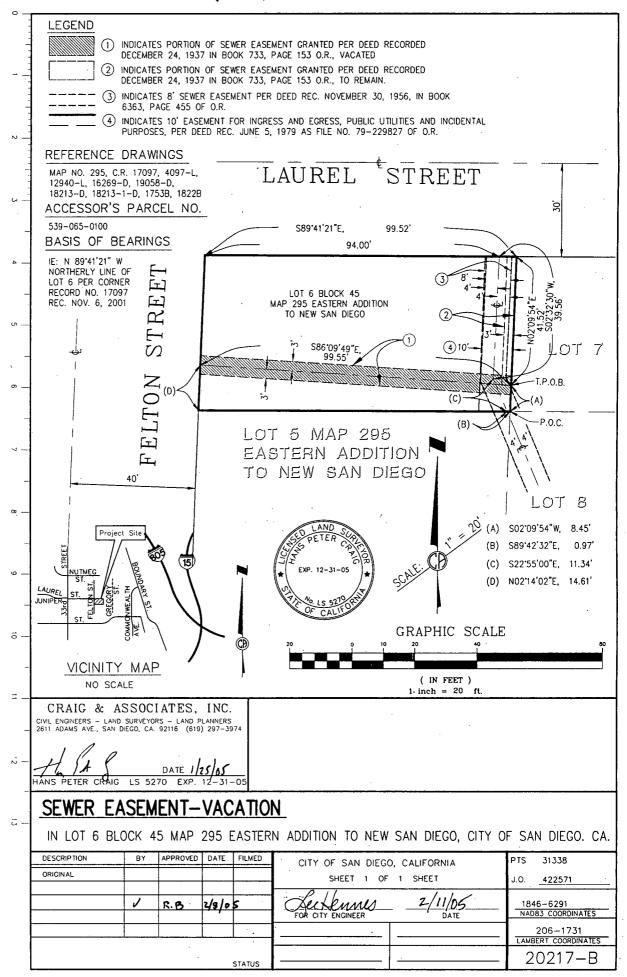
Y: 1/4 / DATE 1/25/05 HANS PETER CRAIG LS 5270 EXP. 12-31-05

TARGE ETER OF STATE O

J.O. 422571 P.T.S. 31338

APN: 539-065-01 DWG. 20217-B Ехр. 12-31-05

EXHIBIT "B"



J:103-025 - 2448 Fetion Street/dwg/SEWR-ABAN dwg, vec. plat (7), 1/25/2005 10:17.58 AM

R - 300313