

RESOLUTION NUMBER R- 300617

ADOPTED ON JUN 28 2005

WHEREAS, California Streets and Highways Code section 8330, *et seq.* provides a procedure for the summary vacation of streets by City Council resolution where the portion of street to be vacated consists of a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another; and

WHEREAS, the affected property owner has requested the vacation of a portion of the sewer easement to un-encumber this property and facilitate development of the site as conditioned in approved Conditional use Permit [CUP] 84874, Planned Development Permit No. [PDP] no. 84875, and Site Development Permit [SDP] 215276; and

WHEREAS, there is no present or prospective public use for the 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

WHEREAS, the public will benefit from the action through improved utilization of land; and

WHEREAS, the public service easement for which the easement was originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, the vacation is consistent with the General Plan or an approved Community Plan; NOW, THEREFORE,

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

1. That the portion of Easement Abandonment No. 215168 is located within the Linda Vista Community Plan area in connection with Conditional Use Permit No. 84874, Planned Development Permit No. 84875, and Site Development Permit No. 215276, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20359-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 300617-1, and RR-300617-2, which is by this reference incorporated herein and made a part hereof, is ordered vacated/abandoned.

2. That the City of San Diego hereby reserves and excepts the right, from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes including access to protect the property from all hazards in, upon, over, and across the above described portions of streets to be vacated and abandoned.

3. That said easement abandonment is conditioned upon approval and issuance of Conditional use Permit No. 84874, Planned Development Permit No. 84875, and Site Development Permit No. 125276. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

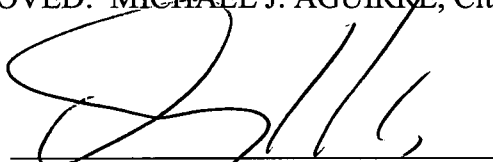
4. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with

attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder..

5. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested 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

DKH:ai
05/23/05
Or.Dept:DSD
R-2005-1225

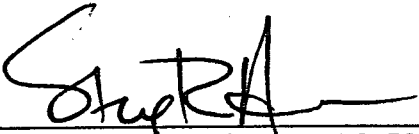
EXHIBIT A

LEGAL DESCRIPTION

SEWER EASEMENT VACATION

Sewer easement within Parcel 1 of Parcel Map No. 5465, in the City of San Diego, County of San Diego, State of California, per document filed in the Office of the County Recorder of San Diego County on July 1, 1957 in Book 6643 at Page 472 of Official Records, vacated.

This description was prepared by me or under my direction.



Stephen R. Hawxhurst, LS 7355
Expires 12/31/05



March 21, 2005
JN 25-101055.002
Page 1 of 1

RBF Consulting
9755 Clairemont Mesa Blvd., Ste. 100
San Diego, CA 91214

W.O. No. 424137
Dwg. No.
P.T.S. No.

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DOCUMENT NO. RR-300617-1

FILED JUN 28 2005


OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

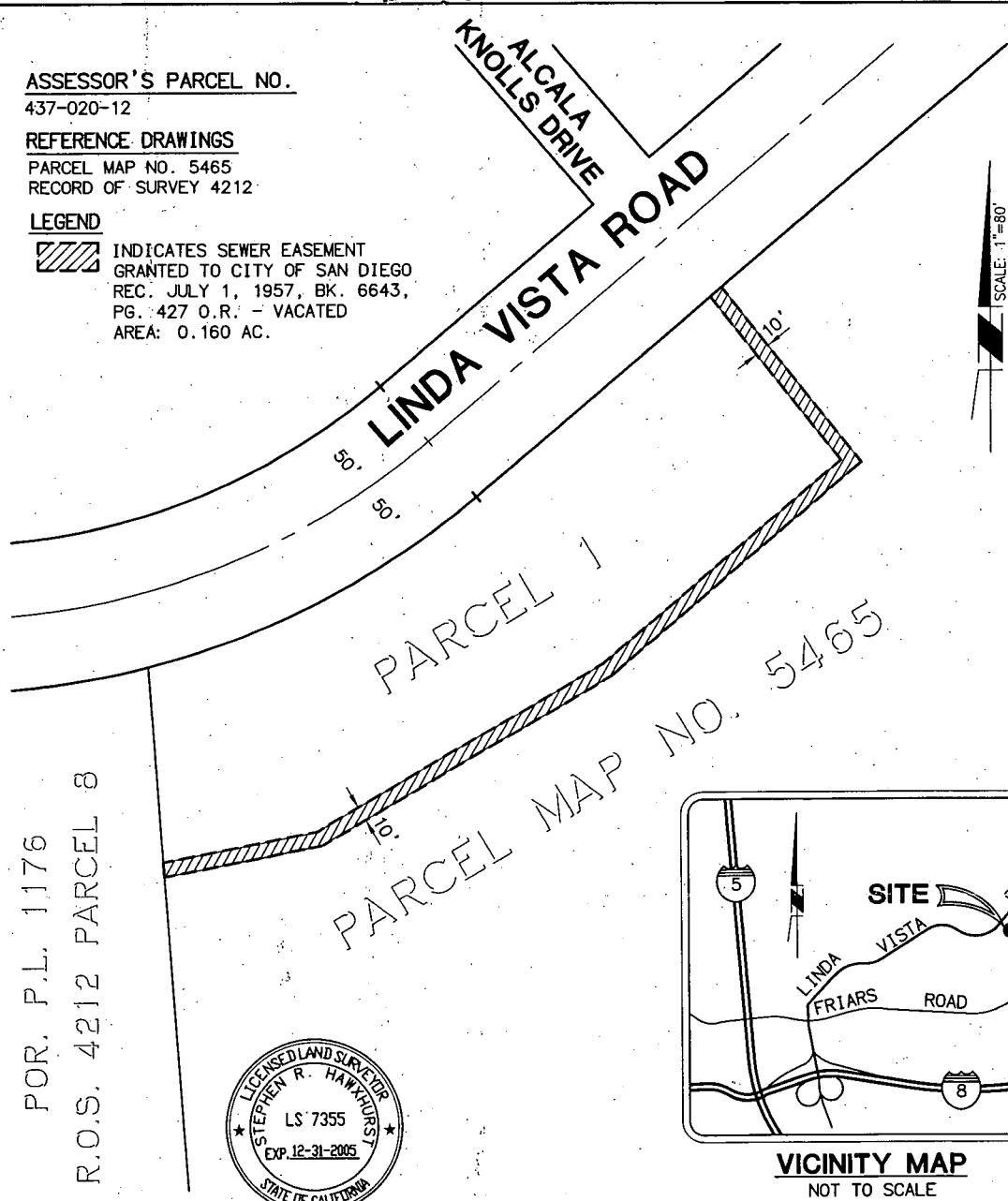
R-300617

ASSESSOR'S PARCEL NO.
437-020-12

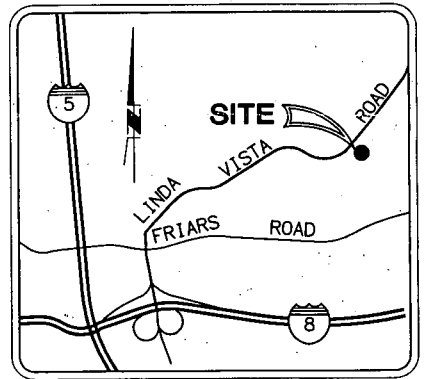
REFERENCE DRAWINGS
PARCEL MAP NO. 5465
RECORD OF SURVEY 4212

LEGEND

 INDICATES SEWER EASEMENT
GRANTED TO CITY OF SAN DIEGO
REC. JULY 1, 1957, BK. 6643,
PG. 427 O.R. - VACATED
AREA: 0.160 AC.



PARCEL 1
PARCEL MAP NO. 5465



VICINITY MAP
NOT TO SCALE

JN 25-101055 055SMRVAC.DWG 5-15-05

RBF PLANNING ■ DESIGN ■ CONSTRUCTION
9755 CLAREMONT MESA BOULEVARD, SUITE 100
SAN DIEGO, CALIFORNIA 92124-0324
858.614.5000 • FAX 858.614.5001 • www.RBF.com

Stephen R. Hawhurst
STEPHEN R. HAWHURST DATE 5/16/05
LS 7355

DOCUMENT NO. RR-300617-2
FILED JUN 28 2005
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

SEWER EASEMENT VACATION
WITHIN PARCEL 1, PARCEL MAP NO. 5465

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 31079
ORIGINAL	RBF				SHEET 1 OF 1 SHEETS	W.O. 422561
					FOR CITY ENGINEER	1860-6273 CCS 83 COORDINATES
					DATE	220-1713 LAMBERT COORDINATES
						20359 -B
STATUS						