

RESOLUTION NUMBER R- 301029

ADOPTED ON NOV 14 2005

WHEREAS, California Streets and Highway Code section 8333(b) provides for the summary vacation of public service easements by City Council where the date of dedication or acquisition of the easement is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since the date of acquisition.

WHEREAS, the general utility and access easement located within a portion of Parcel 1 Map No. 19734, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 19942-B, marked as Exhibit "B", was acquired in November 2000, and has not been used continuously since that date.

WHEREAS, the affected property owner has requested the vacation of the unnecessary general utility and access easement in a portion of Parcel 1 of Parcel Map No. 19734, 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 emergency access easement or general utility and access easements, either for the purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated;

(b) the public will benefit from the vacations through improved utilization of land;

(c) the vacations are consistent with the General Plan or an approved Community Plan;

and

(d) the public facility or purpose for which the easements were 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:

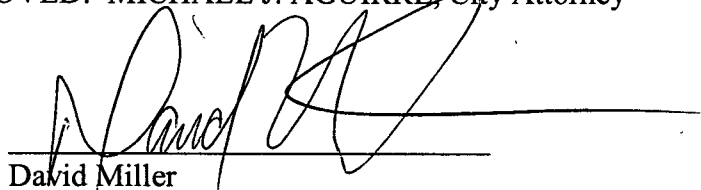
1) That the portion of the general utility and access easement located within a portion of Parcel 1 of Parcel Map No. 19734, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 19942-B, marked as Exhibit "B", and on file in the office of the City Clerk as Document Nos. RR- 301029-1, and RR- 301029-2 which are by this reference incorporated herein and made a part hereof, is 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.

BE IT FURTHER RESOLVED, that this activity is exempt from CEQA pursuant to CEQA Guidelines section 15061(b)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


David Miller
Deputy City Attorney

DM:cfq
10/18/05
COR.COPY 11/14/05
Or.Dept:DSD
R-2006-386
MMS#386