

#103
4/25/06

(R-2006-860)

RESOLUTION NUMBER R- 301386

DATE OF FINAL PASSAGE MAY 04 2006

WHEREAS, California Streets and Highway Code section 8333(c) provides for the summary vacation of public service easements by City Council where the easement to be vacated has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary sewer easements in a portion of Lot 4 of Caruther's Addition Map No. 27, Parcel Map No. 5458 and Map No. 15154 as depicted on Engineering Drawing No. 20366-B, 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 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:

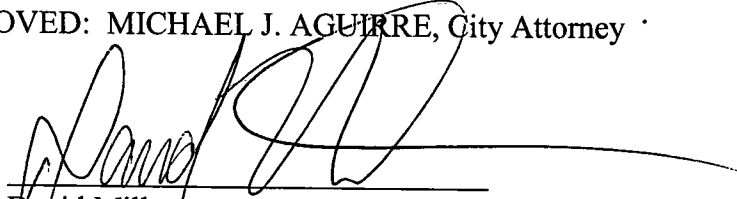
1) That the sewer easements located within a portion of Lot 4 of Caruther's Addition Map No. 27; Parcel Map No. 5458 and Map No. 15154, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20366-1,2-B, marked as Exhibit "B", and on file in the office of the City Clerk as Document Nos. RR- 301386-1, and RR- 301386-2 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 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


David Miller
Deputy City Attorney

DM:cfq
04/07/06
Or.Dept:DSD
R-2006-860
MMS#3122

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 25 2006.

ELIZABETH S. MALAND
City Clerk

By Manuel E. Kettner
Deputy City Clerk

Approved: 5-04-06
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

R- 301386

Passed by the Council of The City of San Diego on APR 25 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 04 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary-Dejeu*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R-301386