

RESOLUTION NUMBER R- 301387

DATE OF FINAL PASSAGE APR 25 2006

APPROVING PARCEL MAP W.O. NO. 423695/PTS NO. 56850

WHEREAS, California Streets and Highway Code section 8333(a) provides that the legislative body of a local agency may summarily vacate a public service easement where the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, the easement being vacated was acquired at no cost to the City more than five years ago and has never been used for the purposes for which it was acquired; and

WHEREAS, there is no anticipated future use for the easement in its present location; and

WHEREAS, the affected property owner has requested the vacation of the flowage/drainage easement to unencumber his property and facilitate development of the site; and

WHEREAS, a drainage easement of approximately equal value is being granted to the City; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the flowage/drainage 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 vacations through improved utilization of land;

(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 the vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds that certain map surveyed by Patrick A. McMichael, Licensed Land Surveyor, titled "PARCEL MAP W.O. NO. 423695 /PTS NO. 56850" [MAP] being a lot line adjustment of Lot 11, together with a portion of Lot 10 and 12 of Sabre Springs Industrial Park Unit No. 3, in the City of San Diego, County of San Diego, State of California, according to the map thereof No. 11547, recorded in the Office of the County Recorder of San Diego County, June 19, 1986, is made in the manner and form prescribed by law and conforms to the surrounding surveys; that the map and the subdivision of land shown thereon is hereby approved and accepted as shown on the MAP and subject to the conditions as set forth thereon,

BE IT FURTHER RESOLVED, that a portion of the flowage easement granted to the City of San Diego per document recorded November 8, 1984 as F/P 84-422949 as shown on sheet 2 of this map has not been shown within this map because it may be summarily abandoned pursuant to Section 8333(a) of the California Streets and Highway Code.

BE IT FURTHER RESOLVED, that pursuant to Section 66445 (J) of the Subdivision Map Act, the action of filing the Parcel Map shall act to abandon the easement not shown on the map;

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BE IT FURTHER RESOLVED, that the Council accepts on behalf of the City of San Diego, the easement with the right of ingress and egress for the construction and maintenance of drainage and sewer facilities designated as "Drainage Easement Granted Hereon" and "Sewer Easement Granted Hereon," as granted and shown on the MAP and subject to the conditions set forth on the MAP.

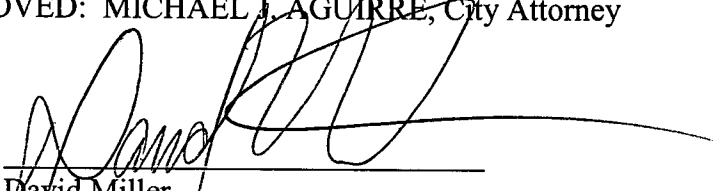
BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to endorse upon the MAP, as and for the act of the Council, and that the Council has approved the MAP on behalf of the public as stated in this resolution.

BE IT FURTHER RESOLVED, that the City Clerk is directed to transmit the MAP to the County Recorder of the County of San Diego, California, for recordation.

BE IT FURTHER RESOLVED, that this activity is exempt from CEQA pursuant to State Guidelines section 15268(B)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



David Miller
Deputy City Attorney

DM:cfq
03/15/06
Or.Dept:DSD
R-2006-XXX
MMS#3125

APR 25 2006

Passed by the Council of The City of San Diego on _____, 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"/>

APR 25 2006

Date of final passage _____.

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 Cepeda, Deputy

Office of the City Clerk, San Diego, California

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