

RESOLUTION NUMBER R- 301419

DATE OF FINAL PASSAGE MAY 02 2006

WHEREAS, section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code section 125.1001 et seq. provide a procedure for the summary vacation of public easements by City Council resolution where the easements is no longer required; and

WHEREAS, the affected property owner has requested the vacation of a Portion of a Drainage easement within the boundaries of a residentially zoned building lot to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the drainage easement and drainage pipe located therein for which the right-of-way was originally acquired, as the owner/applicant of the lot will relocate the easement and drain pipe, 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, an approved Community Plan; and

(d) the public purpose for which the easement was originally acquired will not be detrimentally affected by this 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, as follows:

1. That the drainage easement located within the RS-1-7 zone and the Coastal Overlay Zone (appealable area), Coastal Height Limit and First Public Roadway area, all within the boundaries of the La Jolla Community Plan in connection with the Easement Abandonment No. 240347, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20521-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document No. RR- 301419, 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Shannon Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
02/27/06
Or.Dept:DSD
WO: 421341
DWG: 20521-B
R-2006-725
MMS#3062

Passed by the Council of The City of San Diego on MAY 02 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 02 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 *Elizabeth Sanders*, Deputy

Office of the City Clerk, San Diego, California

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