

RESOLUTION NUMBER R- 301634

DATE OF FINAL PASSAGE JUL 11 2006

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the summary vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, that portion of the drainage easement located within Lot 3 of Vista Terrace Hills Map No. 6668, as more particularly described in the legal description, marked as attached Exhibit "A," and shown on Drawing No. 20471-B, marked as attached Exhibit "B", and on file in the office of the City Clerk as Document Nos. RR-301634-1 and RR-301634-2 [Easement], which are by this reference incorporated herein, and made part hereof, has been superseded by relocation; and

WHEREAS, there are no other public facilities located within the Easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary portion of a drainage easement in Lot 3 of Vista Terrace Hills Unit 2, Map No. 6668 as depicted on Engineering Drawing No. 20471-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 portion of 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;

(b) the public will benefit from the vacation 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 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:

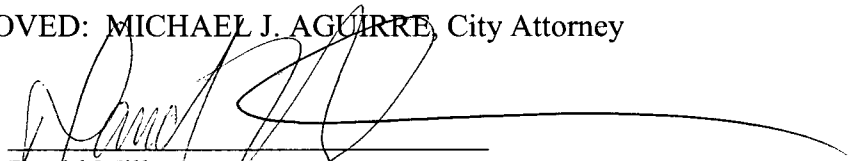
1. That the portion of drainage easement located within Lot 3 of Vista Terrace Hills Map No. 6668, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20471-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-301634⁻¹, and RR301634⁻², 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 State CEQA Guidelines Section 15060(c)(2).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


David Miller
Deputy City Attorney

DM:cfq
06/13/06
07/05/06 **COR.COPY**
Or.Dept:DSD
R-2006-1080
MMS#3376

Passed by the Council of The City of San Diego on JUL 11 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 11 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-Cezeda*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R-301634