

RESOLUTION NUMBER R- 301873

DATE OF FINAL PASSAGE SEP 12 2006

APPROVING PARCEL MAP W.O. NO. 423415/PTS NO. 50397

WHEREAS the property owner desires approval of a Parcel Map [Map], which would adjust a lot line, abandon a Building Restricted Easement, and provide a new Building Restricted Easement.

WHEREAS, San Diego Municipal Code Section 125.1010(c)(3) provides for the summary vacation of "other easements" by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and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, the Building Restricted Easement granted to the City of San Diego per Map No. 14064, filed in the Office of the County Recorder November 16, 2001 as shown on sheet 2 of this Map has been superseded by relocation with the new Building Restricted Easement identified on the Map; and

WHEREAS, there are no public facilities located within the Building Restricted Easement [Old Easement] to be abandoned; and

WHEREAS, 66445 (j) of the Subdivision Map Act provides the filing of a Parcel Map shall constitute abandonment of any public easement not shown on the map; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the Old 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 Old Easement was originally acquired

will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds that the Map, surveyed by David W. Ambler, Licensed Land Surveyor, titled "Parcel Map W.O. NO. 423415 /PTS NO. 50397" being a lot line adjustment of Lots 200 and 202 of amended map of Black Mountain Ranch Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 14307, filed in the Office of the County Recorder of San Diego County, November 16, 2001 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 Building Restricted Easement granted to the City of San Diego per Map No. 14064, filed in the Office of the County Recorder November 16, 2001 as shown on sheet 2 of this map, is not shown on the MAP as it is vacated pursuant to Section 66445 (j) of the Subdivision Map Act and San Diego Municipal Code Section 125.1010(c)(3).

BE IT FURTHER RESOLVED, that 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.

BE IT FURTHER RESOLVED, that the Council accepts on behalf of the City of San Diego, the Building Restricted Easement designated as "Building Restricted Easement Granted Hereon" as granted and shown on the MAP and subject to the conditions set forth on the MAP.

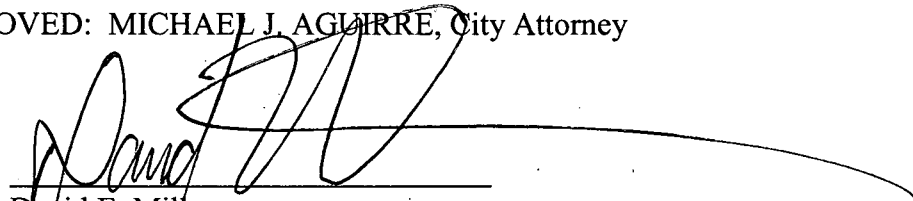
BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to endorse upon the MAP, as and for the act of the Council, and that the Council has approved the MAP on behalf of the public as stated in this resolution.

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 covered under the Pacific Highlands Ranch Master EIR No. 96-7918 and the Pacific Highlands Ranch Units 5-11 MEIR Findings No. 41-0185. The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



David E. Miller
Deputy City Attorney

DEM:cfq
08/03/06
Or.Dept:DSD
R-2007-124
MMS#3548

Passed by the Council of The City of San Diego on SEP 12 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 SEP 12 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-Cecilia*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number <u>R- 301873</u>