

RESOLUTION NUMBER R- 301875

DATE OF FINAL PASSAGE SEP 19 2006

WHEREAS, California Streets and Highways Code Section 8333 (c) and San Diego Municipal Code Section 125.1010(c)(3) provide 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the summary vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and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 "A" of Map 14730, as more particularly described in the legal description, marked as attached Exhibit "A", and as shown on Drawing No. 20330-B, marked and attached as Exhibit "B", and on file in the office of the City Clerk as Document Nos. RR- 301875-1 and RR- 301875-2 [Easement], which are by this reference incorporated herein and made a part hereof, has been superseded by relocation; and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 Easement to unencumber his property and facilitate development of the site; and

WHEREAS, under Charter section 280(a)(2) this resolution/ordinance 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; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Easement 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



David E. Miller
Deputy City Attorney

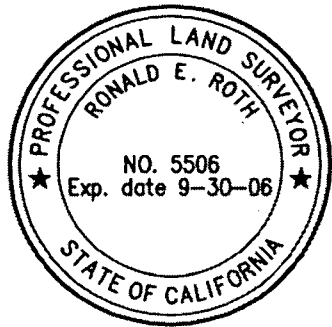
DEM:cfq
07/31/06
Or.Dept:DSD
R-2007-120
MMS#3546

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR DRAINAGE EASEMENT VACATION

THAT PORTION OF LOT A OF PRINCESS PARK IN CALIFORNIA TERRACES, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14730, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 31, 2003, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN DRAINAGE EASEMENT GRANTED PER PRINCESS PARK IN CALIFORNIA TERRACES, MAP NO. 14730 CONTAINED WITHIN SAID LOT "A".

SAID PARCEL CONTAINS 10 SQUARE FEET, MORE OR LESS.



Ronald E. Roth 8/11/05
RONALD E. ROTH DATE
LS 5506
EXPIRATION DATE 9/30/2006

J.O. NO. 424122
DWG. NO. 20330-B
P.T.S. 64891

RL-301875-1
DOCUMENT NO. _____
FILED SEP 12 2006
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA


ASSESSOR'S PARCEL NO.

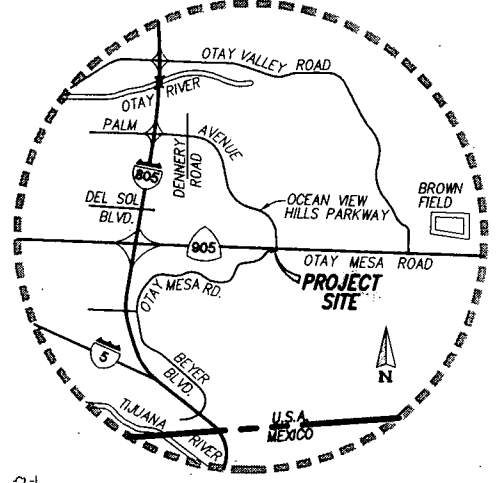
645-340-51

REFERENCE DRAWINGS

MAP NO. 14730
RECORD OF SURVEYS 16894 & 17546

LEGEND

-  INDICATES DRAINAGE EASEMENT GRANTED PER MAP NO. 14730 VACATED AREA = 10 SQUARE FEET, MORE OR LESS
- (R) INDICATES RADIAL BEARING



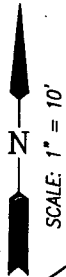
POR E1/2 NE1/4 SECTION 31
T18S R1W SBM
ROS 16894

VICINITY MAP

NO SCALE

PRINCESS PARK
IN CALIFORNIA TERRACES
MAP NO. 14730

LOT "A"



IRREVOCABLE OFFER TO
DEDICATE PUBLIC STREET
PER MAP 14730

OTAY MESA ROAD

ROS 17546



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey
701 B Street, Suite 800 San Diego, CA 92101
619.235.6471 Tel 619.234.0349 Fax

Ronald E. Roth 08/12/05
RONALD E. ROTH L.S. 5506 DATE
MY LICENSE EXPIRES 9-30-06

**DRAINAGE EASEMENT
VACATION**

IN A PORTION OF LOT "A"
OF MAP 14730

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	PDC			

CITY OF SAN DIEGO, CALIFORNIA

SHEET 1 OF 1 SHEETS

FOR CITY ENGINEER

DATE

J.O. NO. 424122

P.T.S. NO. 64891

1786-6323

NAD '83 COORDINATES

146-1763

LAMBERT COORDINATES

20330-1-B

DOCUMENT NO. 14-301875-2
 FILED SEP 12 2006
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

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 19 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-Cleeds*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number *R- 301875*