

RESOLUTION NUMBER R- 301964

DATE OF FINAL PASSAGE OCT 10 2006

WHEREAS, California Streets and Highways Code Section 8333 (b) and San Diego Municipal Code Section 125.1001(c)(2) provide for the summary vacation of public service easements by City Council where the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date; and

WHEREAS, that portion of the sewer easement located in Lot 2 of NTC Unit 4, Map No. 14402, as more particularly described the legal description, marked as attached Exhibit "A", and as shown on Engineering Drawing No. 20410-B, marked and attached as Exhibit "B", and on file in the office of the City Clerk as document Nos. RR- 301964-1 and RR- 301964-2 [Easement], which are by this reference incorporated herein and made a part hereof, was dedicated or acquired in 2002 and was not used continuously since that date; 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 sewer easement within Lot 2 of NTC Unit 4 Map No. 14402 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 sewer 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; and

(c) 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,

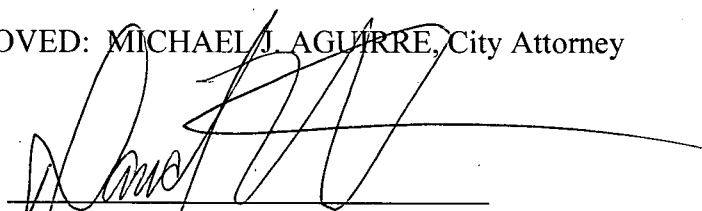
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the 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.

BE IT FURTHER RESOLVED, that this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



David E. Miller
Deputy City Attorney

DEM:cfq
09/08/06
Or.Dept:DSD
R-2007-267
MMS#3752

EXHIBIT "A"
LEGAL DESCRIPTION

BEING A PORTION OF THAT CERTAIN SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER PARCEL MAP NO. 18941 FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON APRIL 12, 2002, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL OF THAT PORTION OF SAID SEWER EASEMENT LYING WITHIN LOT 2 OF NTC UNIT 4 ACCORDING TO THE MAP THEREOF NO. 14402 FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON MAY 30, 2002.

CONTAINS 0.038 ACRES MORE OR LESS.

Lonie K. Cyr

LONIE K. CYR
PLS 6929, EXPIRES 09-30-2007

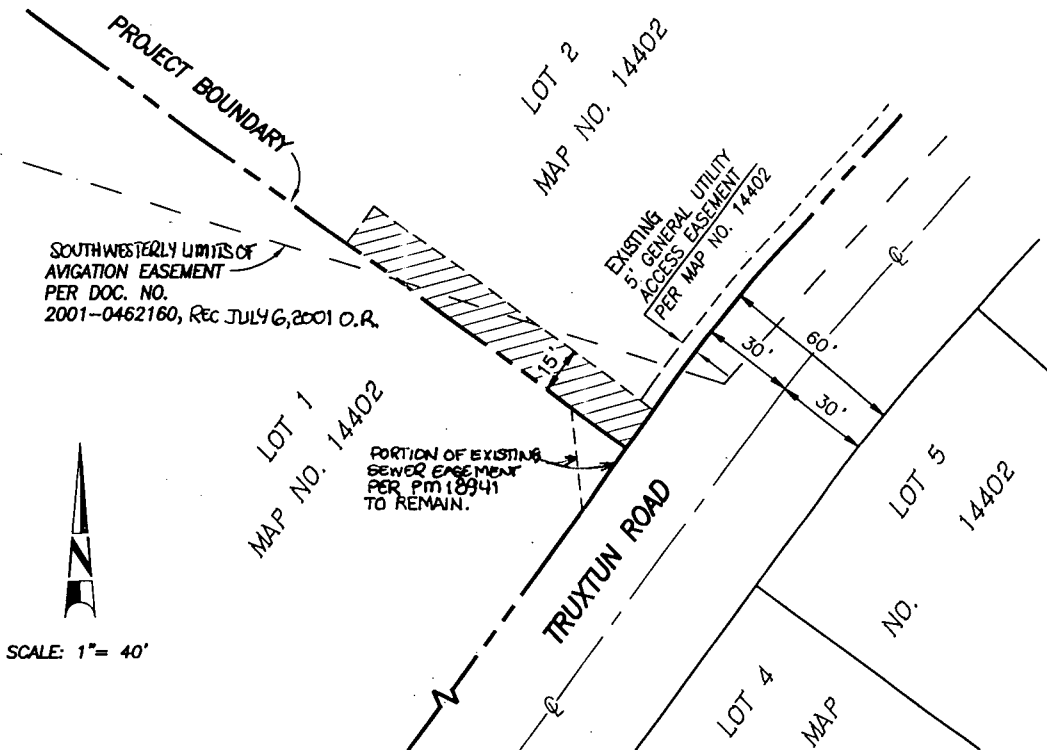


APN 450-820-14
P.T.S.#79000 JOB#: 424945
DWG NO. 20410-B

San Diego County Recorder
Office of the City Clerk
San Diego, California

DOCUMENT NO. RR-301964-1
FILED OCT 10 2006
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

EXHIBIT "B"



REFERENCE

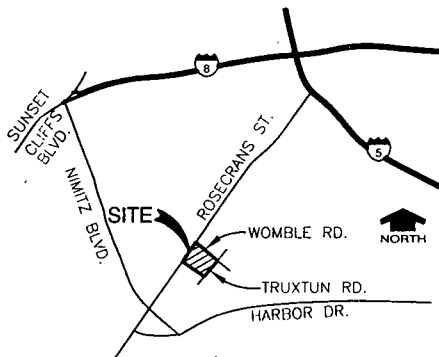
AREA = 1668.25 SQ. FT.
 A.P.N. = 450-820-14 MAP
 NO. 14402 CITY OF SD DWG.
 NO. 33487-D PTS NO. 62530

LEGEND

INDICATES SEWER EASEMENT PER PARCEL MAP NO. 18941 VACATED. CONTAINS 0.038 ACRES±

LEGAL DESCRIPTION

BEING A PORTION OF LOT 2 OF NTC UNIT NO. 4 IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14402, FILED IN THE OFFICE OF THE COUNTY-RECORDER OF SAN DIEGO COUNTY, MAY 15, 2002.



LUNDSTROM & ASSOC.

1764 SAN DIEGO AVE. SUITE 200
 SAN DIEGO, CA 92110 (619) 641-3900



Lonie K. Cyr 4/18/2006
 LONIE K. CYR L.S. 6929

172-01\PLATS\BSHEET\DRAINAGE-ESMT.DWG

SEWER EASEMENT VACATION
 LOT 2 OF NTC UNIT 4, MAP NO. 14402

DESCRIPTION	BY	APPROVED	DATE	FILMED
	MEM	✓	5/4/06	

CITY OF SAN DIEGO, CALIFORNIA
 SHEET 1 OF 1 SHEET
Lee Summers 5/8/06
 FOR CITY ENGINEER DATE

JO # 424945
 PTS # 79000
 1848-6261
 CCS 83 COORDINATES
 208-1701
 LAMBERT COORDINATES

20410-B

DOCUMENT NO. *pl-301964-2*
 FILED OCT 10 2006
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

Passed by the Council of The City of San Diego on OCT 10 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"/>

OCT 10 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

Resolution Number *R- 301964*