

RESOLUTION NUMBER R-301985

DATE OF FINAL PASSAGE OCTOBER 10, 2006

WHEREAS, San Diego Municipal Code section 125.1001 et seq. provides a procedure for the summary vacation of public service easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the sewer easement, to unencumber this property and facilitate development of the site as conditioned in approved Vesting Tentative Map No. 341372, and Planned Development Permit No. 254753/Site Development Permit No. 172879; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the easement, either for the facility or purpose for which it was originally acquired, 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 made available by the vacation; and

(c) the abandonment is consistent with the Peninsula 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 Easement Abandonment No. 341383 located within the Peninsula Community Plan area in connection with Vesting Tentative Map No. 341372, and Planned Development Permit No. 254753/Site Development Permit No. 172879, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20516-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 301985-* and RR- 301985-0, which are by this reference incorporated herein and made a part hereof, is ordered vacated, together with a revestment of access rights for Voltaire Street..

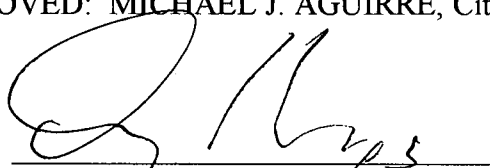
2. That said easement abandonment is conditioned upon approval and issuance of Vesting Tentative Map No. 341372, and Planned Development Permit No. 254753/Site Development Permit No. 172879. In the event this condition is not completed within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and 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.

4. 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



Douglas K. Humphreys
Deputy City Attorney

DKH:pev

10/18/06

Or.Dept:Clerk

R-2007-433

MMS #3923

EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 OCT 10 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 *R. Severson Cruz*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R-301985