

114
10/24/06

RESOLUTION NUMBER R- 302024
DATE OF FINAL PASSAGE OCT 24 2006

WHEREAS, California Streets and Highways Code Section 8333 (b) and San Diego Municipal Code Section 125.1010(c)(2) provide for the summary vacation of public service easements by City Council where the easement to be vacated was dedicated or acquired less than five years ago and more than one year ago and has not been used continuously since that date, and

WHEREAS, that portion of the general utility and access easement located in Lot 37 of Carmel Valley Neighborhood 10, Unit 12 South, Map No. 15067, as more particularly described the legal description, marked as attached Exhibit "A", and as shown on Engineering Drawing No. 20508-B, marked and attached as Exhibit "B", and on file in the office of the City Clerk as document Nos. RR- 302024-1 and RR- 302024-2 [Easement], which are by this reference incorporated herein and made a part hereof, was acquired less than five years ago and more than one year ago; and

WHEREAS, the Easement has not been used continuously since the date of acquisition, there are no other public facilities located within the Easement, and the Easement is no longer required by the City; and

WHEREAS, the Easement vacation is being requested by the affected property owner as part of a private development project, and such vacation will primarily benefit the developer's property and facilitate further development of the site; 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; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the general utility and access 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; 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



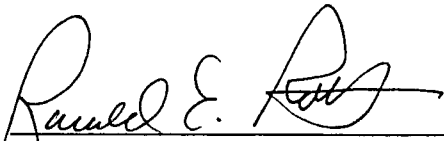
David E. Miller
Deputy City Attorney

DEM:cfq
10/03/06
Or.Dept:DSD
R-2007-376
MMS#3872

R- 302024

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR
GENERAL UTILITY EASEMENT VACATED

THAT PORTION OF THE GENERAL UTILITY AND ACCESS EASEMENT GRANTED PER CARMEL VALLEY NEIGHBORHOOD 10, UNIT 12 SOUTH, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 15067 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 10, 2005, LYING WITHIN LOT 37, VACATED.



RONALD E. ROTH, PLS 5506
(MY LICENSE EXPIRES 09-30-06)

07/07/06

DATE:

P.T.S. 99083
J.O. 422631
DWG. NO. 20508-B



RR 302024 -1
DOCUMENT NO. _____
OCT 24 2006
FILED _____
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

EXHIBIT "B"


ASSESSOR'S PARCEL NO.'S

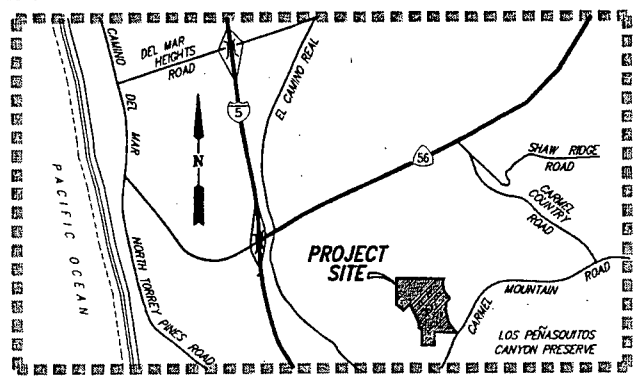
307-761-21

REFERENCE DRAWINGS

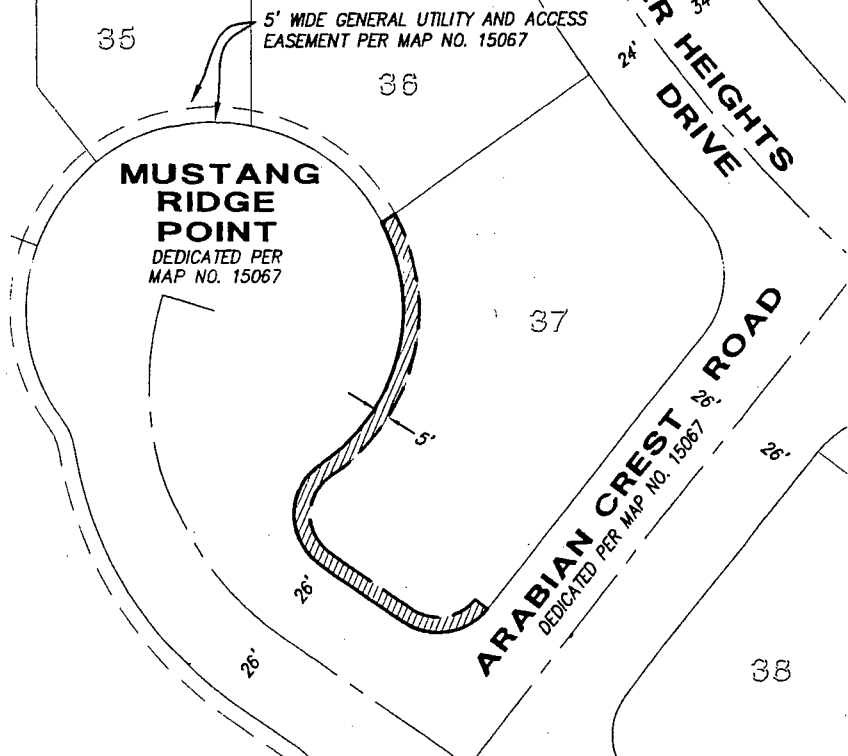
MAP NO. 15067

LEGEND

 INDICATES 5' WIDE GENERAL UTILITY AND ACCESS EASEMENT PER MAP NO. 15067 VACATED



CARMEL VALLEY NEIGHBORHOOD 10
UNIT 12 SOUTH
MAP NO. 15067



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

701 B Street, Suite 800
San Diego, CA 92101
619.238.8171
619.234.0248 Fax

Ronald E. Roth 07/07/06
RONALD E. ROTH P.L.S. 5506 DATE
MY REGISTRATION EXPIRES 9-30-2006

GENERAL UTILITY AND ACCESS EASEMENT VACATED

IN LOT 37 OF CARMEL VALLEY NEIGHBORHOOD 10, UNIT 12 SOUTH, MAP NO. 15067

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	PDC				SHEET 1 OF 1 SHEET	99083
						422631
					FOR CITY ENGINEER	1916-6263
					DATE	CCS '83 COORDINATES
						276-1703
						LAMBERT COORDINATES
						20508-B

DOCUMENT NO. PL 302024-2
 FILED OCT 24 2006
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

OCT 24 2006

Passed by the Council of The City of San Diego on _____, 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"/>

OCT 24 2006

Date of final passage _____

AUTHENTICATED BY:

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number *R-302024*