

116  
11/14/06

RESOLUTION NUMBER R- 302060

DATE OF FINAL PASSAGE NOV 14 2006

WHEREAS, California Streets and Highways Code Section 8333 (c) and San Diego Municipal Code Section 125.101( c)(3) provide for the summary vacation of public service easements by City Council where the easement to be vacated has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, that water easement located within Lot 85 of Costa Del Sol Unit 1 Map No. 14323 and Lots 11, 12, 13, 14, 15, 17,18 , 19, F and H of Costa Del Sol Unit 2 Map No. 14958, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20482-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 302060-1, and RR- 302060-2 [Easement] which are by this reference incorporated herein and made a part hereof, have been superseded by relocation; and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 Costa Del Sol Unit 2, Map No.14958, which required abandonment of the Easement and relocation of the water line in Carmel Valley Road; 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 sewer easement and portion of the drainage easement, either for the purpose for which they were 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,

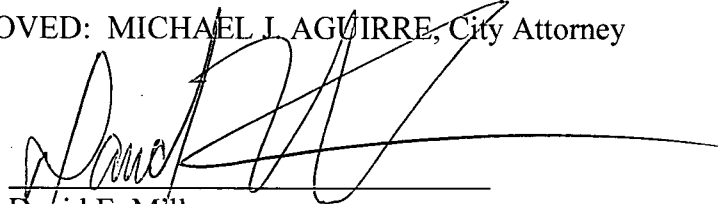
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

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.

BE IT FURTHER RESOLVED, that this activity is not a "project" and is therefore not subject to CEQA pursuant to the State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
\_\_\_\_\_  
David E. Miller  
Deputy City Attorney

DEM:cfq  
10/30/06  
Or.Dept:DSD  
R-2007-477  
MMS#3976

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

THOSE PORTIONS OF LOTS 11, 12, 13, 14, 15, 17, 18, 19, "F" AND "H" IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14958, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON FEBRUARY 3, 2005 AND A PORTION OF LOT 85 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14323, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON DECEMBER 24, 2001, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 18 OF SAID MAP NO. 14958; THENCE ALONG THE EASTERLY LINE OF SAID LOT 18 SOUTH 0°22'02" WEST 19.26 FEET SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID LINE 1.39 FEET TO THE SOUTHERLY LINE OF THAT WATER EASEMENT DEDICATED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 12, 1971 AS FILE NO. 70833 AND 70835 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE LEAVING SAID EASTERLY LINE ALONG SAID SOUTHERLY LINE, SOUTH 75°59'34" WEST, 460.85 FEET TO A POINT IN A LINE THAT IS PARALLEL WITH AND 20.00 FEET WESTERLY MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE, TO A POINT ON A 1911.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 26°53'57" EAST, SAID POINT BEING ON THE SOUTHERLY RIGHT-OF-WAY OF CARMEL VALLEY ROAD AS DEDICATED PER DEED RECORDED SEPTEMBER 1, 1982 AS FILE NO. 82-271464 OF OFFICIAL RECORDS; THENCE LEAVING SAID SOUTHERLY LINE NORTHEASTERLY ALONG SAID RIGHT-OF-WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°34'51" A DISTANCE OF 152.79 FEET TO A POINT IN THE NORTHERLY LINE OF SAID WATER EASEMENT; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY OF SAID CARMEL VALLEY ROAD ALONG SAID NORTHERLY LINE NORTH 75°59'34" EAST, 303.04 FEET TO A POINT ON SAID LINE 20.00 FOOT WESTERLY OF SAID EASTERLY LINE OF LOT 18; THENCE ALONG SAID PARALLEL LINE SOUTH 0°22'02" WEST 20.65 FEET; THENCE SOUTH 54°23'04" EAST 24.49 FEET TO THE **TRUE POINT OF BEGINNING**.

*R*- 302060

DOCUMENT NO. *RC* 302060 - 1  
NOV 14 2006

FILED \_\_\_\_\_  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

CONTAINING 0.343 ACRES, MORE OR LESS, AND BEING SUBJECT TO EASEMENTS OF RECORD.

PTS # 95644

J.O. # 426016

DWG # 20482-B

*David W. Ambler* 2-14-2006

DAVID W. AMBLER

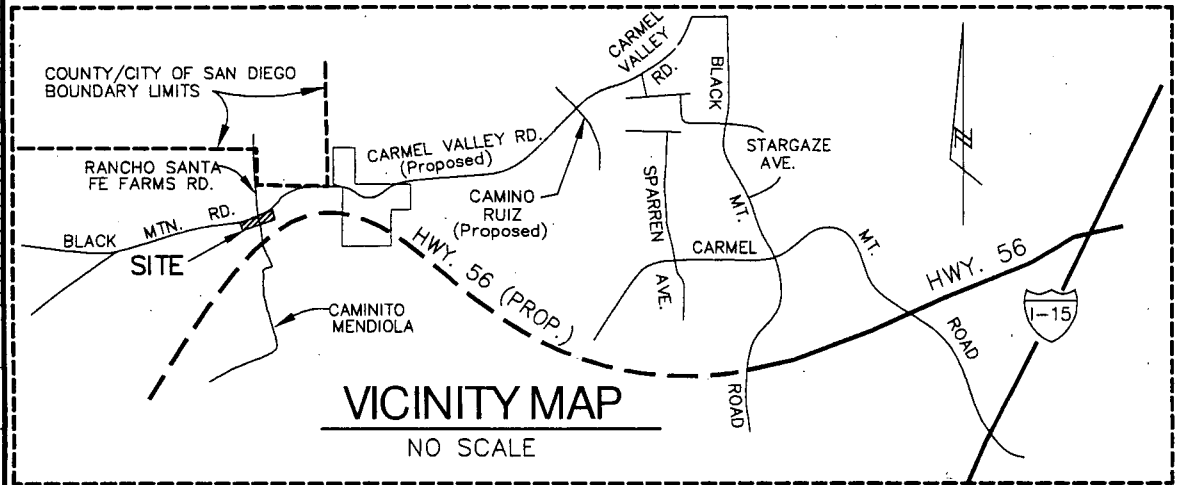
L.S. 7322

HUNSAKER & ASSOCIATES SAN DIEGO, INC.



DOCUMENT NO. \_\_\_\_\_  
FILED \_\_\_\_\_  
COUNTY OF SAN DIEGO  
REGISTERED

EXHIBIT "B"



REFERENCE DRAWINGS

MAP NO. 14323, 14958  
 CITY DRAWING 14103-7, 8-D  
 CITY DRAWING 14260-D

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 6, EPOCH 1991.35 AND IS DETERMINED BY STATIC G.P.S. MEASUREMENTS TAKEN IN FEBRUARY 2000 AT POINTS "A" AND "B" AS SHOWN HEREON. THE POINTS WERE ADJUSTED TO G.P.S. STATION 516 AND 546 PER RECORD OF SURVEY NO. 14492, BEARING N89°38'25"W BETWEEN POINTS "A" AND "B" AS SHOWN ON MAP 14323.

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

THE COMBINED SCALE FACTOR AT POINT "A" IS 0.99996597  
 GRID DISTANCE = GROUND DISTANCE x COMBINED SCALE FACTOR

LEGEND

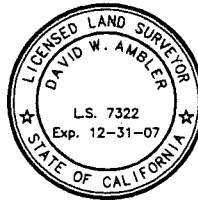
- (R) RADIAL BEARING
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- ( ) DATA PER DOC. NOS 70833 AND 70835
- INDICATES WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO ON APRIL 12, 1971 AS FILE NO. 70833 AND 70835 OF OFFICIAL RECORDS, VACATED  
 TOTAL AREA = .343 ACRES



**HUNSAKER & ASSOCIATES**  
 SAN DIEGO, INC

PLANNING 10179 Huennekens Street  
 ENGINEERING San Diego, Ca 92121  
 SURVEYING PH(658)558-4500 · FX(658)558-1414

R:\0147\&map\DP VACATE EASE.dwg [Sep-20-2006:16:06]



*RL-302060-2*  
**DOCUMENT NO. \_\_\_\_\_**  
**NOV 14 2006**  
**FILED \_\_\_\_\_**  
**OFFICE OF THE CITY CLERK**  
**SAN DIEGO, CALIFORNIA**

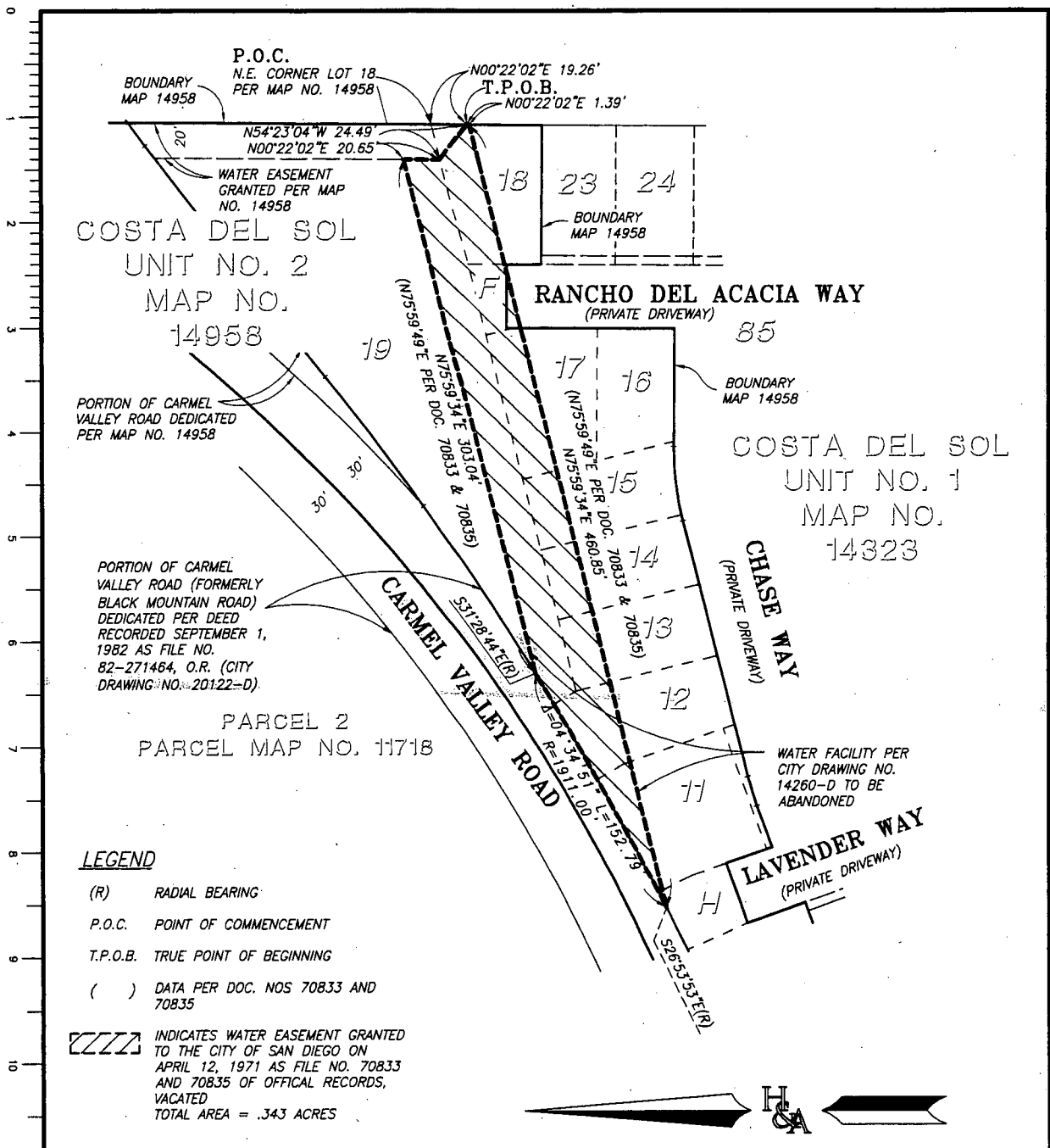
*David W. Ambler 9/20/06*  
 DAVID W. AMBLER L.S. 7322

MAP PREPARED BY:  
 HUNSAKER & ASSOCIATES SAN DIEGO  
 10179 HUENNEKENS STREET  
 SAN DIEGO, CA. 92121

WATER EASEMENT VACATION  
 IN LOT 85 OF COSTA DEL SOL UNIT 1 MAP NO.  
 14323 AND LOTS 11-15, 17-19, F, AND H,  
 COSTA DEL SOL UNIT 2 MAP NO 14958

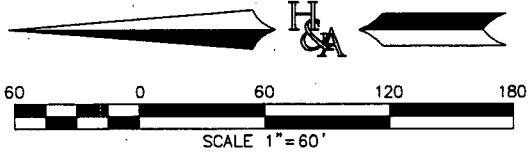
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ORIGINAL	H&A	SKW			SHEET 1 OF 2 SHEETS	95844
					<i>David W. Ambler 9/20/06</i>	426018
					FOR CITY ENGINEER DATE	1932-6275
						GCS 83 COORDINATES
						292-1715
						LAMBERT COORDINATES
						20482-1-B

*K-302060*



**LEGEND**

- (R) RADIAL BEARING
- P.O.C. POINT OF COMMENCEMENT
- T.P.O.B. TRUE POINT OF BEGINNING
- ( ) DATA PER DOC. NOS 70833 AND 70835
- INDICATES WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO ON APRIL 12, 1971 AS FILE NO. 70833 AND 70835 OF OFFICAL RECORDS, VACATED  
TOTAL AREA = .343 ACRES



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PLANNING 1079 Huerfanel Street  
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SURVEYING PH(858)558-4500 - FX(858)558-1414  
R:\0147\&map\DP VACATE EASE.dwg [Sep-20-2006:16:07]

**WATER EASEMENT VACATION**  
IN LOT 85 OF COSTA DEL SOL UNIT 1 MAP NO. 14323 AND LOTS 11-15, 17-19, F, AND H, COSTA DEL SOL UNIT 2 MAP NO 14958

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	H&A				SHEET 2 OF 2 SHEETS	95644 426016
					<i>[Signature]</i> 20 SEP 06	1932-6275
					FOR CITY ENGINEER DATE	CCS-B3 COORDINATES
						292-1715
						LAMBERT COORDINATES
						20482-2-B

R- 302060

APPROVED  
 CITY ENGINEER  
 SAN DIEGO, CALIFORNIA

NOV 14 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"/>

NOV 14 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-302060*