

118  
11/14/06

RESOLUTION NUMBER R- 302062

DATE OF FINAL PASSAGE NOV 22 2006

WHEREAS, California Streets and Highways Code Section 8330(a) and San Diego Municipal Code Section 125.1010 (c)(1) provide a procedure for the summary vacation of public service easements by City Council resolution where the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

WHEREAS, the drainage easement in Parcel 8 of Parcel Map 6478, identified in Exhibit B (attached) [Easement], has not been used for the purpose for which it was acquired for at least five consecutive years immediately preceding the date of the proposed vacation; and

WHEREAS, the Easement was acquired at no cost to the City; 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, the City Council finds that:

(a) there is no present or prospective use for the drainage 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 drainage easement located within Parcel 8 of Parcel Map 6478~~8~~, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 33116-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-302062-1, and RR-302062-2 which are by this reference incorporated herein and made a part hereof, 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 15061(b)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

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

DEM:cfq  
10/09/06  
Or.Dept:DSD  
R-2007-399  
MMS#3896

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 14 2006.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11-22-06  
(date)

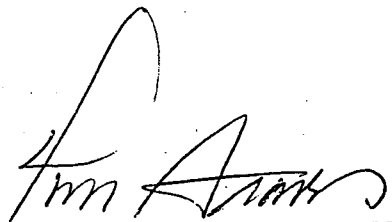
  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Exhibit A  
Drainage Easement Vacation

All that certain ten foot wide drainage easement granted to the City of San Diego in Lot 3 of the map of Kearny Villa Park no. 7887 filed in the office of the San Diego County Recorder February 28<sup>th</sup> 1974 within Parcel 8 of Parcel Map 6478 in the City of San Diego, County of San Diego, State of California.

  
\_\_\_\_\_  
Timothy J. Graves, P.E. 27003



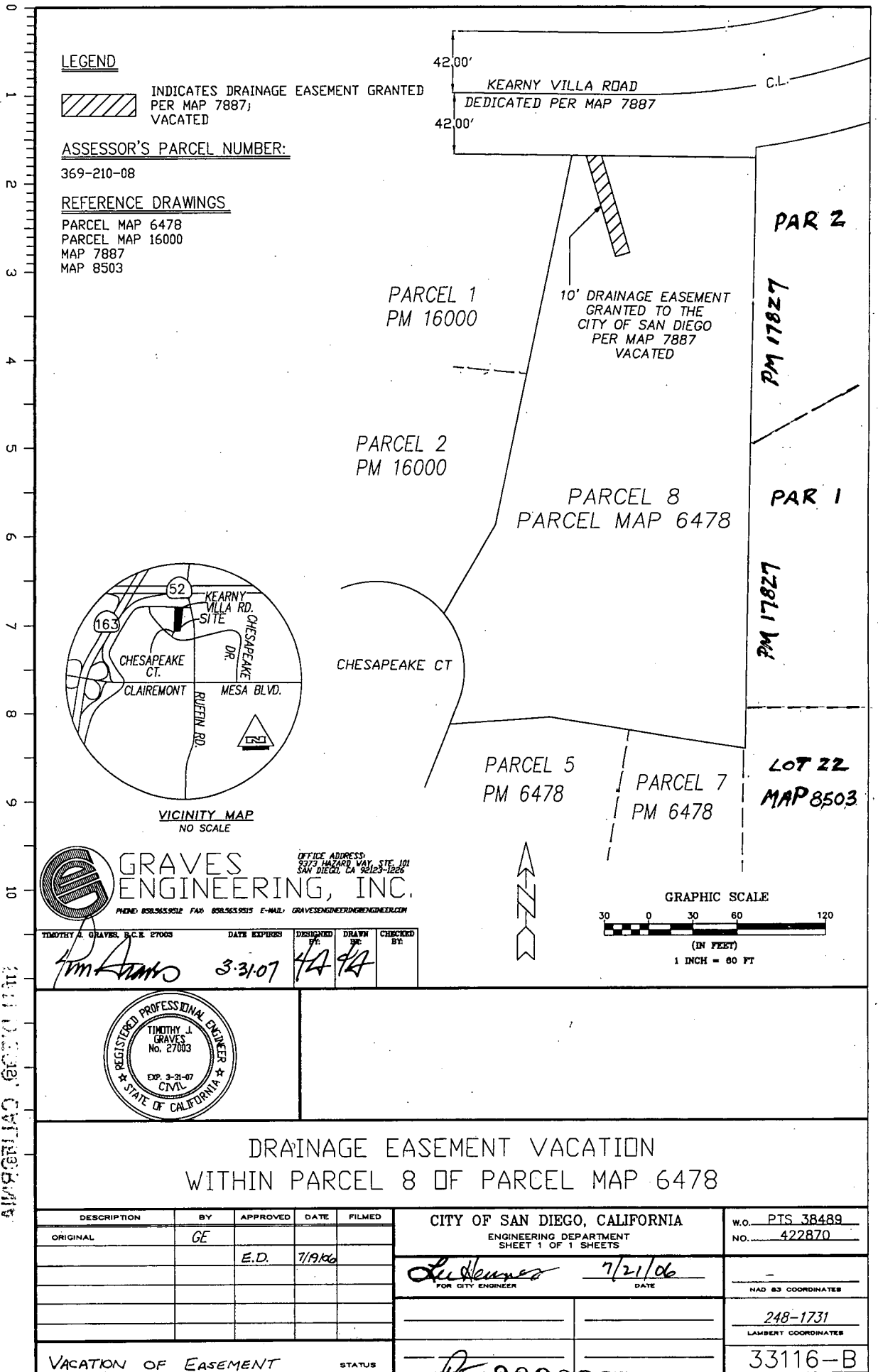
W.O. No. 422870  
Drawing No. 33116-B  
P.T.S. No. 38489

RECORDED  
INDEXED  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA


DOCUMENT NO. 302062-1  
NOV 14 2006  
FILED \_\_\_\_\_  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

302062

# EXHIBIT B



**LEGEND**

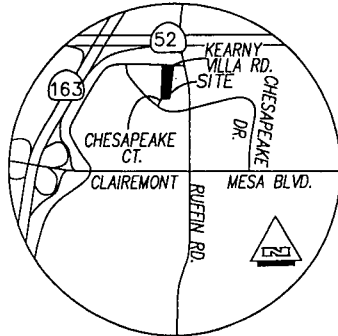
 INDICATES DRAINAGE EASEMENT GRANTED PER MAP 7887, VACATED

**ASSESSOR'S PARCEL NUMBER:**

369-210-08

**REFERENCE DRAWINGS**

PARCEL MAP 6478  
PARCEL MAP 16000  
MAP 7887  
MAP 8503

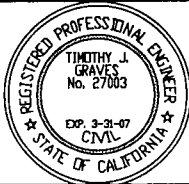


VICINITY MAP  
NO SCALE



**GRAVES ENGINEERING, INC.**  
OFFICE ADDRESS: 9275 HAZARD WAY, STE. 101, SAN DIEGO, CA 92123-1226  
PHONE: 619.563.9212 FAX: 619.563.9213 E-MAIL: GRAVESENGINEERING@GMAIL.COM

TIMOTHY J. GRAVES, B.C.E. 27003	DATE EXPIRES	DESIGNED BY	DRAWN BY	CHECKED BY
<i>Tim Graves</i>	3-31-07	<i>TA</i>	<i>TA</i>	



**DRAINAGE EASEMENT VACATION  
WITHIN PARCEL 8 OF PARCEL MAP 6478**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 1 OF 1 SHEETS	W.O. PTS 38489
ORIGINAL	GE	E.D.	7/19/06			NO. 422870
					<i>Lu Hennes</i> 7/21/06 FOR CITY ENGINEER DATE	NAD 83 COORDINATES
						248-1731 LAMBERT COORDINATES
VACATION OF EASEMENT						33116-B

DOCUMENT NO. 302062-2  
FILED NOV 14 2006  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA  
AMERICAN LEGAL GROUP

*R* 302062

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 22 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 Clepich*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R-302062