

107
(R-2007-472) 11/21/06
F-10022

RESOLUTION NUMBER R- 302106

DATE OF FINAL PASSAGE NOV 21 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provide for the summary vacation of public service easements by City Council where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, that sewer easement and portion of drainage easement located in Lot 6 of La Jolla Pines Technology Centre Map No. 12960, as more particularly described the legal description, marked as attached Exhibit "A", and as shown on Engineering Drawing No. 19359-B, marked and attached as Exhibit "B", and on file in the office of the City Clerk as document Nos. RR- 302106⁻¹ and RR- 302106⁻² [Easement], which are by this reference incorporated herein and made a part hereof, have been superseded by relocation; and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 Easements; and

WHEREAS, the Easement vacation is an element of the Novaris Project, work order # 990966; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary sewer easement and portion of a drainage easement within Lot 6 of La Jolla Pines Technology Centre Map No. 12960 to unencumber his property and facilitate 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 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 vacations through improved utilization of land; and

(c) the public facility or purpose for which the Easements were originally acquired will not be detrimentally affected by these vacations; NOW, THEREFORE,

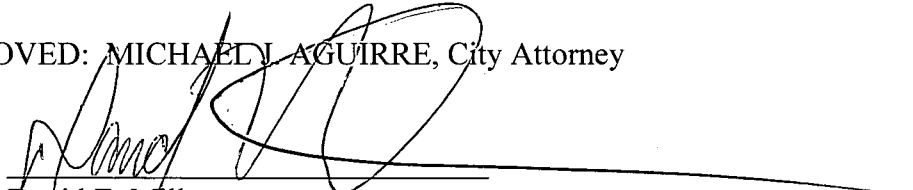
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the Easements are ordered vacated.
2. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her 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 State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


David E. Miller
Deputy City Attorney

DEM:cfq
10/26/06
Or.Dept:DSD
R-2007-472
MMS#3967


EXHIBIT "A"
LEGAL DESCRIPTION FOR
DRAINAGE EASEMENT ABANDONMENT

BEING A PORTION OF LOT 6 OF LA JOLLA PINES TECHNOLOGY CENTRE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12960, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 12, 1992, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 OF SAID MAP; THENCE ALONG THE WESTERLY LINE OF SAID LOT 6,

- | | | |
|-------------------------|-------------|--|
| 1. NORTH 09°55'49" EAST | 26.49 FEET | TO THE TRUE POINT OF BEGINNING ; THENCE CONTINUING ALONG SAID LINE, |
| 2. NORTH 09°55'49" EAST | 12.40 FEET | TO THE BEGINNING OF A 497.00 FOOT RADIUS CURVE CONCAVE WESTERLY, A RADIAL LINE TO SAID CURVE BEARS NORTH 80°04'11" WEST; THENCE ALONG SAID CURVE |
| 3. NORTHERLY | 2.60 FEET | THROUGH A CENTRAL ANGLE OF 00°17'58"; THENCE LEAVING SAID LINE, |
| 4. SOUTH 78°59'42" EAST | 331.32 FEET | ALONG THE NORTHERLY LINE OF AN EXISTING DRAINAGE EASEMENT PER SAID MAP TO AN ANGLE POINT IN SAID LINE; THENCE LEAVING SAID EASEMENT LINE, |
| 5. SOUTH 46°16'46" EAST | 27.75 FEET | TO THE WESTERLY LINE OF AN ADJOINING OPEN SPACE EASEMENT PER SAID MAP, SAID POINT ALSO BEING THE NORTHERLY LINE OF AN EXISTING 15.00 FOOT WIDE ADJOINING SEWER EASEMENT PER SAID MAP; THENCE ALONG SAID NORTHERLY EASEMENT LINE AND THE SOUTHERLY LINE OF SAID DRAINAGE EASEMENT |
| 6. NORTH 78°59'42" WEST | 354.38 FEET | TO THE TRUE POINT OF BEGINNING |

DRAINAGE EASEMENT CONTAINS (0.118) ACRES MORE OR LESS



MARK J. ROWSON
Registration Expires 3-31-2006
DATE April 25, 2005
BF. DB



A 00-64
W.O. NO. 990666
DWG. NO. 19359-B

DOCUMENT NO. RR 02106-1

FILED NOV 21 2006
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R 302106

LEGAL DESCRIPTION FOR
SEWER EASEMENT ABANDONMENT

BEING A PORTION OF LOT 6 OF LA JOLLA PINES TECHNOLOGY CENTRE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12960, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 12, 1992, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 5 OF SAID MAP; THENCE ALONG THE WESTERLY LINE OF SAID LOT 6,

- | | | |
|-------------------------|-------------|---|
| 1. NORTH 09°55'49" EAST | 11.49 FEET | TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING ALONG SAID LINE, |
| 2. NORTH 09°55'49" EAST | 15.00 FEET; | TO THE SOUTHERLY LINE OF A 15.00 FOOT
WIDE ADJOINING DRAINAGE EASEMENT PER
SAID MAP; THENCE LEAVING SAID WEST
LINE OF LOT 6 AND CONTINUING ALONG
THE SOUTHERLY LINE OF SAID DRAINAGE
EASEMENT ALSO BEING THE NORTHERLY
LINE OF AN EXISTING SEWER EASEMENT
PER SAID MAP; THENCE |
| 3. SOUTH 78°59'42" EAST | 354.38 FEET | TO THE WESTERLY LINE OF AN EXISTING
OPEN SPACE EASEMENT PER SAID MAP;
THENCE CONTINUING ALONG SAID
NORTHERLY LINE |
| 4. SOUTH 78°59'42" EAST | 35.92 FEET | TO THE EASTERLY LINE OF SAID LOT 6;
THENCE SOUTHERLY ALONG SAID LINE, |
| 5. SOUTH 13°10'10" WEST | 15.01 FEET; | THENCE LEAVING SAID LINE, |
| 6. NORTH 78°59'42" WEST | 389.45 FEET | ALONG THE SOUTHERLY LINE OF SAID
EXISTING SEWER EASEMENT TO THE TRUE
POINT OF BEGINNING |

SEWER EASEMENT CONTAINS (0.134) ACRES MORE OR LESS


MARK J. ROWSON
Registration Expires 3-31-2006 *BF JB*

April 25, 2005
DATE



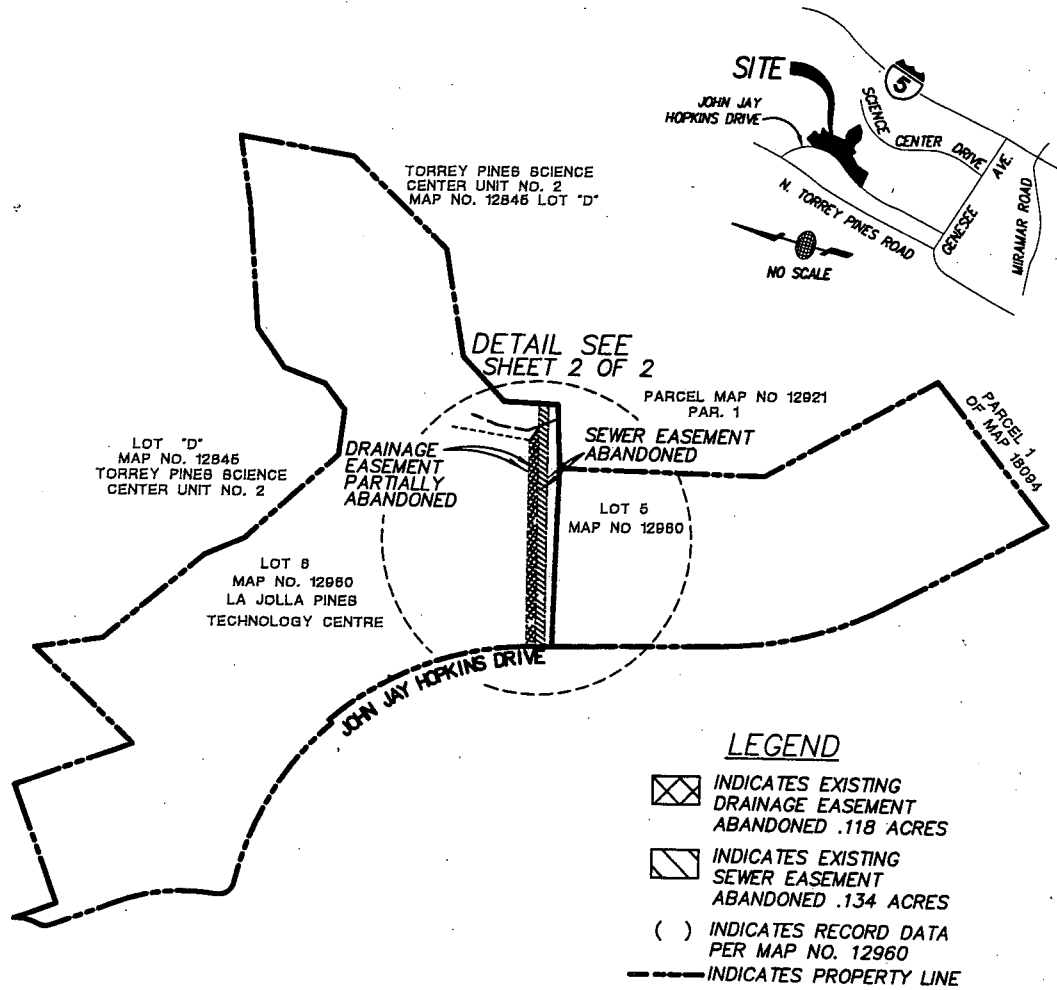
A 00-614
W.O. NO. 990966
DWG. NO. 19359-B

DOCUMENT NO. *RR-502106-1*

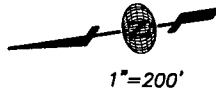
FILED NOV 21 2006
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R- 302106

EXHIBIT 'B'

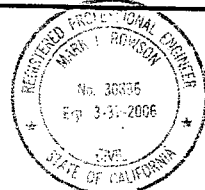


BASIS OF BEARINGS
THE BASIS OF BEARING FOR THIS PLAT IS THE WESTERLY LINE OF LOTS 5 AND 6, I.E., N09°55'49"E



Latitude 33
Planning and Engineering
4933 Paramount Drive 2nd Floor
San Diego, CA 92123
858-751-0633 Fax 858-751-0834

Mark J. Rowson
MARK J. ROWSON
RCE 30836 EXPIRES 3-31-2006
APR 25, 2005
DATE



**DRAINAGE AND SEWER EASEMENT ABANDONMENT
LOT 6 OF LA JOLLA PINES TECHNOLOGY CENTRE MAP 12960**

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA
PLANNING & DEVELOPMENT REVIEW DEPARTMENT
SHEET 1 OF 2 SHEETS

Pat Hennes
FOR CITY ENGINEER

7/20/05
DATE

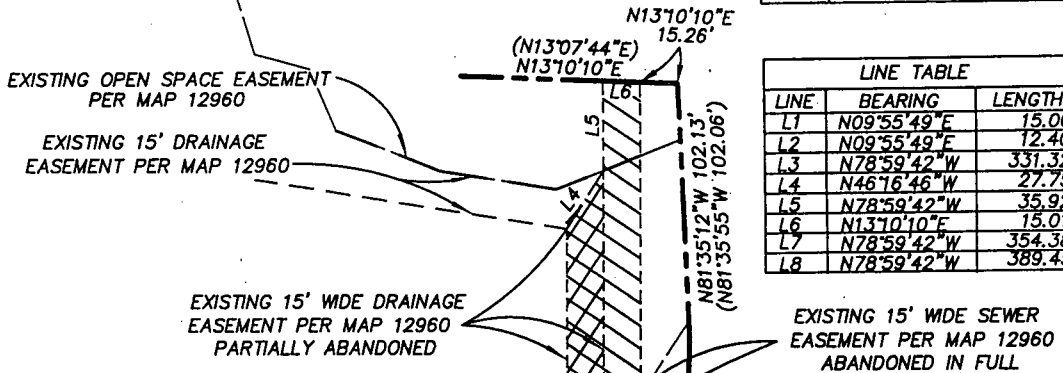
A 00-614
W.O. NO. 990966
1904-6257
CCS '83 COORDINATES
267-1697
LAMBERT COORDINATES
19359-1-B

DOCUMENT NO. *R-302106-2*
FILED NOV 21 2006
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

EXHIBIT 'B'

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	00°17'58"	497.00'	2.60'



LINE TABLE		
LINE	BEARING	LENGTH
L1	N09°55'49"E	15.00'
L2	N09°55'49"E	12.40'
L3	N78°59'42"W	331.32'
L4	N46°16'46"W	27.75'
L5	N78°59'42"W	35.92'
L6	N13°10'10"E	15.01'
L7	N78°59'42"W	354.38'
L8	N78°59'42"W	389.45'



LOT 6
MAP NO. 12960
LA JOLLA PINES
TECHNOLOGY CENTRE

LOT 5
MAP NO 12960

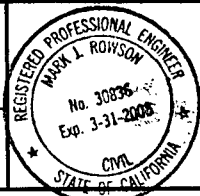
LEGEND

-  INDICATES EXISTING DRAINAGE EASEMENT ABANDONED .118 ACRES
-  INDICATES EXISTING SEWER EASEMENT ABANDONED .134 ACRES
- () INDICATES RECORD DATA PER MAP NO. 12960
- INDICATES PROPERTY LINE

$\Delta=36.52'03"$ $L=319.80$ $R=497.00'$
JOHN JAY HOPKINS DR.
DEDICATED PER MAP NO. 12960



Mark J. Rowson
MARK J. ROWSON
RCE 30836 EXPIRES 3-31-2006
DATE
April 25, 2005
EF DS



DRAINAGE AND SEWER EASEMENT ABANDONMENT
LOT 6 OF LA JOLLA PINES TECHNOLOGY CENTRE MAP 12960

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA
PLANNING & DEVELOPMENT REVIEW DEPARTMENT
SHEET 2 OF 2 SHEETS
See Hennessy
FOR CITY ENGINEER
7/20/05
DATE

A 00-614
w.o. NO. 990966
1904-6257
CCS '83 COORDINATES
267-1697
LAMBERT COORDINATES
19359-2-B

DOCUMENT NO. *R-302106-2*

FILED NOV 21 2006

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R-302106

Passed by the Council of The City of San Diego on NOV 21 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 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 NOV 21 2006

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 *Debbie Swenson Cruz*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number

R- 302106