

RESOLUTION NUMBER R- 302483

DATE OF FINAL PASSAGE MAR 26 2007

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public service easements by City Council resolution; and

WHEREAS, the affected property owners have requested the vacation of the sewer easement within Lot 40, Block 132 of Map No. 209, to unencumber these properties; 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, that the Council adopts the following findings for Easement Abandonment No. 417546:

PUBLIC SERVICE EASEMENT ABANDONMENT:

1. There is no present or prospective public 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. The easement to be abandoned is a public sewer easement crossing the 1629 National Avenue project site. The sewer line located within the public sewer easement has been abandoned by the City and is no longer in use, and the City has no intent to use the easement in the future. There is no prospective public use for the easement because the City can not use the easement for any use other than for a sewer line. Thus, there is no present or prospective public use for the easement.

2. The public will benefit from the action through improved utilization of the land made available by the abandonment. The City Council has declared a citywide housing crisis due to the lack of affordable housing. The project will provide eighty-nine rental units affordable to low income households earning no more than 60 percent of the Area Median Income], and will include larger three and four bedroom units, as well as high quality, articulated buildings, and landscaped courtyards. The addition of eighty-nine affordable housing units will

contribute to the City's affordable housing supply and assist the City in reaching its goal to ensure a sufficient supply of affordable housing.


3. **The abandonment is consistent with any applicable land use plan.** The abandonment of the sewer easement and the addition of eighty-nine rental units affordable to low income households is consistent with the applicable land use plans, including the General Plan, Barrio Logan Community Plan, Barrio Logan Planned District Ordinance, and the Barrio Logan Redevelopment Plan.

4. **The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.** The City acquired the easement to operate a sewer line that has since been abandoned and the City has determined that the abandonment of the sewer easement will not detrimentally affect the City's sewer system; therefore, the purpose for which the easement was acquired no longer exists.:

BE IT FURTHER RESOLVED, that the sewer easement located within Lot 40, Block 132, Map 209, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20639-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-302483-1, and RR-302483-2, which are by this reference incorporated herein and made a part hereof, is ordered vacated..

BE IT FURTHER RESOLVED, 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 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
03/05/07
Or.Dept:DSD
R-2007-853
MMS #4473
EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

LEGAL DESCRIPTION

SEWER EASEMENT VACATION

All of that portion of sewer easement granted to the City of San Diego per document recorded October 21, 1924 in Book 1038, Page 194 of Deeds, lying within Lot 40, Block 132, Map 209, in the City of San Diego, County of San Diego, State of California, filed in the office of the county recorder of San Diego County, July 11, 1870, of Official Records.

LEPPERT ENGINEERING CORPORATION

Norman S. Kasubuchi

By: Norman S. Kasubuchi
R.C.E. 31829 Exp. 12/31/08

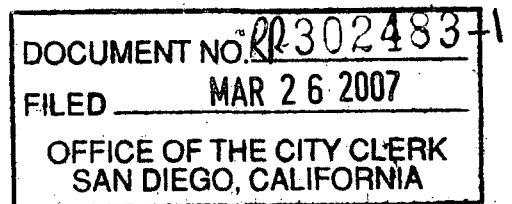
Date: 2/08/07



PTS#: 103439

JO#: 42-6474

DWG#: 20639-B



MAP NO. 209

BLOCK 138

5 6 7 8 9 10 11 12 13 14 15 16 17

NATIONAL AVENUE (FORMERLY "M" STREET)

40'
40'

SEWER EASEMENT PER DOC. REC. OCTOBER 21, 1924
IN BOOK 1038, PAGE 194 OF DEEDS. (THE EXACT
LOCATION CANNOT BE DETERMINED FROM RECORD
INFORMATION)

44 43 42 41 40 39 38 37 36 35 34 33 32 31 30

BLOCK 132
MAP NO. 209

ALLEY 20'

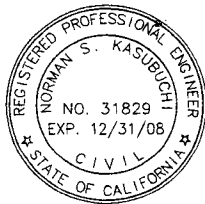
5 6 7 8 9 10 11 12 13 14 15 16 17



INDICATES SEWER EASEMENT PER DOCUMENT
RECORDED OCTOBER 21, 1924 IN BOOK 1038
OF DEEDS, PAGE 194, O.R., VACATED.

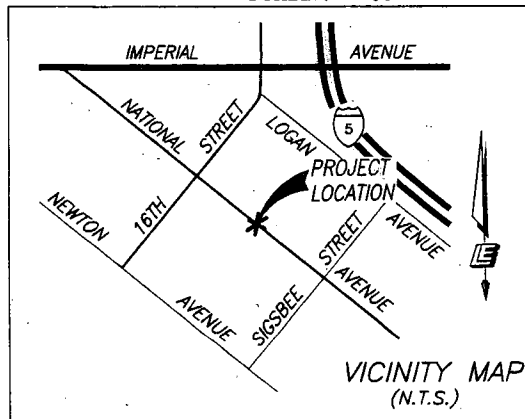
APN: 538-030-23

REFERENCES: MAP 209, CITY COUNCIL RESOLUTION 32439.



50 0 50 100

SCALE: 1" = 50'



VICINITY MAP
(N.T.S.)

PREPARED BY:
LEPPERT ENGINEERING CORPORATION
5190 GOVERNOR DRIVE, SUITE 205
SAN DIEGO, CA 92122

Norman S. Kasubuchi 2/08/07
NORMAN S. KASUBUCHI, RCE 31829 EXP. 12/31/08 DATE

SEWER EASEMENT VACATION WITHIN LOT 40, BLOCK 132, MAP 209

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	P.T.S. No. 103439 JOB NO. 42-6474
ORIGINAL	LEC				<i>Seedhouse</i> FOR CITY ENGINEER	1836-6283 NAD 83 COORDINATES
					2/12/08 DATE	196-1723 LAMBERT COORDINATES
						20639-B
STATUS						

DOCUMENT NO. **00-302483-2**
FILED **MAR 26 2007**
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA