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(R-2007-911)  
(COR. COPY)  
5/01/07

RESOLUTION NUMBER R- 302571

DATE OF FINAL PASSAGE MAY 01 2007

A RESOLUTION APPROVING SEWER EASEMENT  
VACATION IN PARCEL 2 & 3 OF PARCEL MAP 19170  
AND LOTS 5, 6, 7 AND "A" OF MISSION CITY PHASE IV  
MAP 14550.

WHEREAS, Municipal Code section 125.1010 (c)(3) provides a procedure for the summary abandonment of a public easement by City Council resolution where the easement to be vacated has been superceded by relocation and there are no other public facilities located with the easement; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary sewer easement in Parcels 2 & 3 of Parcel Map 19170 and Lots 5, 6, 7 and "A" of Mission City Phase IV Map 14550 as depicted on Engineering Drawing No. 20441-B to unencumber this property; 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 a public hearing was required by law implicating due process rights of individuals affected by the decision and 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, 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;

(b) the public will benefit from the vacation through improved utilization of the land made available by the abandonment;

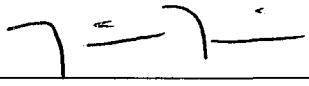
(c) the vacation is consistent with any applicable land use plan, including the Mission City Specific Plan, Community Plan, and General Plan;

(d) the public facility purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the sewer easement located within Parcels 2 & 3 of Parcel Map 19170 and Lots 5, 6, 7 & "A" of Mission City Phase IV Map 14550, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20441-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 302571-<sup>1</sup>, and RR- 302571-<sup>2</sup>, which are by this reference incorporated herein and made a part hereof, is ordered vacated and abandoned.

BE IT FURTHER RESOLVED, 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

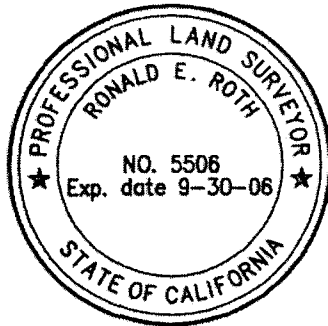
By   
\_\_\_\_\_  
Nina M. Fain  
Deputy City Attorney

NMF:mm  
04/04/07  
04/24/07COR.COPY  
Or.Dept:DSD  
R-2007-911  
MMS #4549

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**FOR**  
**SEWER EASEMENT VACATED**

BEING A PORTION OF PARCELS 2 AND 3 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO PARCEL MAP NO. 19170, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 28, 2003, TOGETHER WITH A PORTION OF LOTS 5, 6, 7 AND LOT A OF MISSION CITY PHASE IV, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 14550, FILED IN THE OFFICE OF SAID COUNTY RECORDER ON FEBRUARY 28, 2003, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN 15 FOOT WIDE SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 19, 1957 IN BOOK 6544, PAGE 31, OF OFFICIAL RECORDS, VACATED.



*Ronald E. Roth* 10/27/05  
\_\_\_\_\_  
RONALD E. ROTH DATE  
PLS 5506  
EXPIRATION DATE 09/30/2006

W.O. NO. 424854  
DWG. NO. 20441-B  
PTS. NO. 77777  
APN 433-301-30 THRU 43

DOCUMENT NO. Pl-302570-1  
FILED MAY 01 2007  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

**BASIS OF BEARINGS**

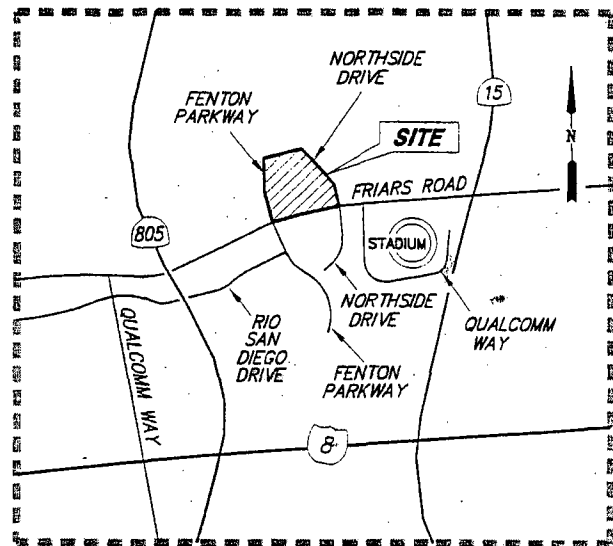
THE BASIS OF BEARINGS FOR THIS SURVEY IS A PORTION OF THE SOUTHERLY LINE OF LOT 7 OF MISSION CITY PHASE IV, MAP NO. 14550. I.E. N45°54'31"E.

**ASSESSOR'S PARCEL NO.'S**

433-301-30 THRU 43

**REFERENCE DRAWINGS**


PARCEL MAP NO. 19170  
MAP NO. 14550



**VICINITY MAP**

NO SCALE

**LEGEND**

-  INDICATES PORTION OF 15' WIDE SEWER EASEMENT RECORDED APRIL 19, 1957 IN BOOK 6544, PAGE 31 OF O.R., VACATED AREA = 31,486 SQ. FT.
- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
- ( ) INDICATES DATA PER SEWER EASEMENT RECORDED APRIL 19, 1957 IN BOOK 6544, PAGE 31 OF O.R.



**PROJECT DESIGN CONSULTANTS**

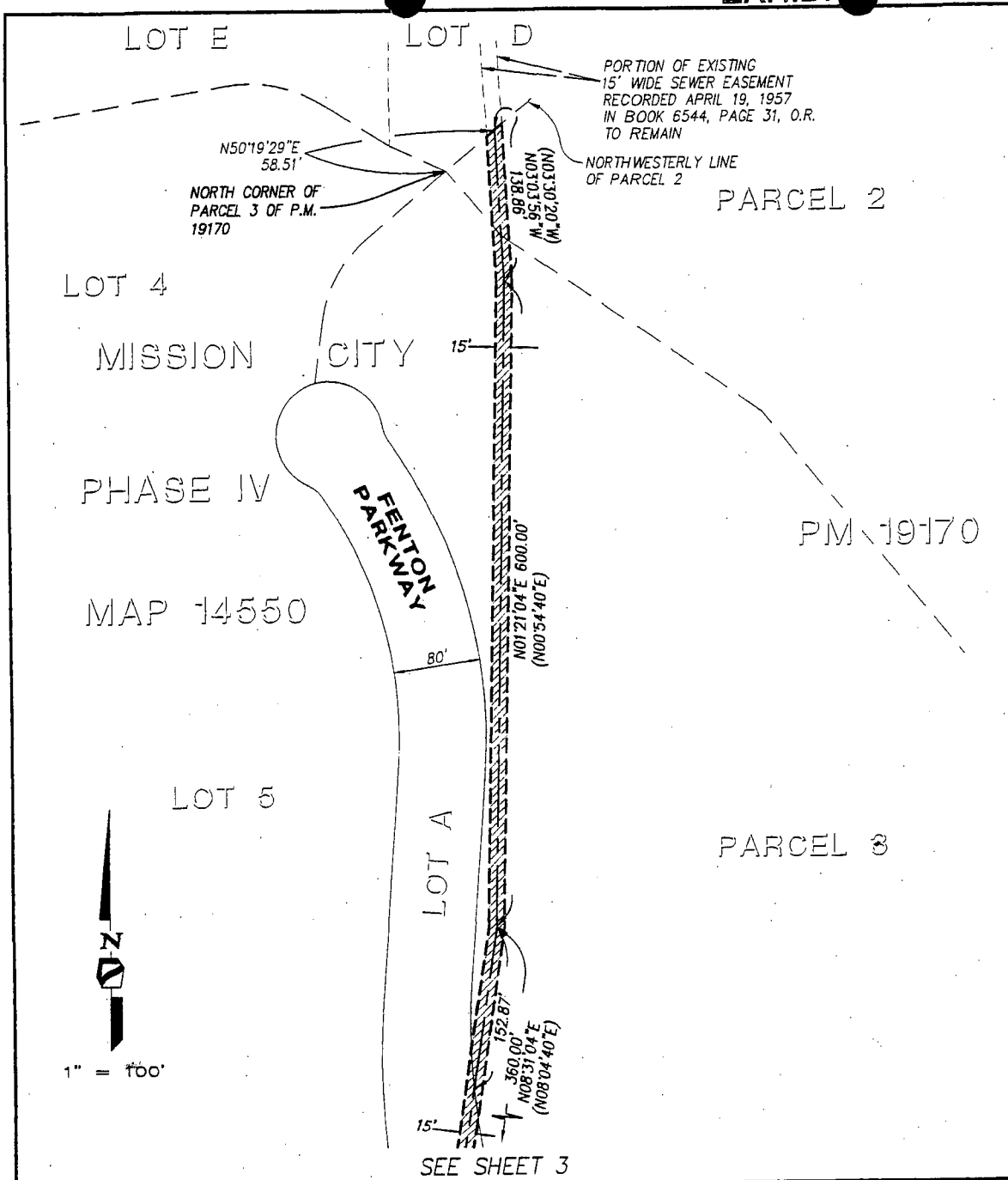
Planning | Landscape Architecture | Environmental | Engineering | Survey  
701 B Street, Suite 800 San Diego, CA 92101  
619.235.8471 Tel 619.234.0349 Fax

*Ronald E. Roth* 10/27/05  
RONALD E. ROTH P.L.S. 5506 DATE  
MY REGISTRATION EXPIRES 09-30-2006

**SEWER EASEMENT  
VACATED**

IN PARCELS 2 & 3 OF PARCEL MAP 19170  
AND  
LOTS 5, 6, 7 & 'A' OF MISSION CITY PHASE IV MAP 14550

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	PDC				SHEET 1 OF 4 SHEETS	77777
	R.B.	R.B.	4/26/06		<i>[Signature]</i> 4/26/06 FOR CITY ENGINEER DATE	424854
						1864-6287
						CCS 83C COORDINATES
						224-1727
						LAMBERT COORDINATES
						20441-1-B



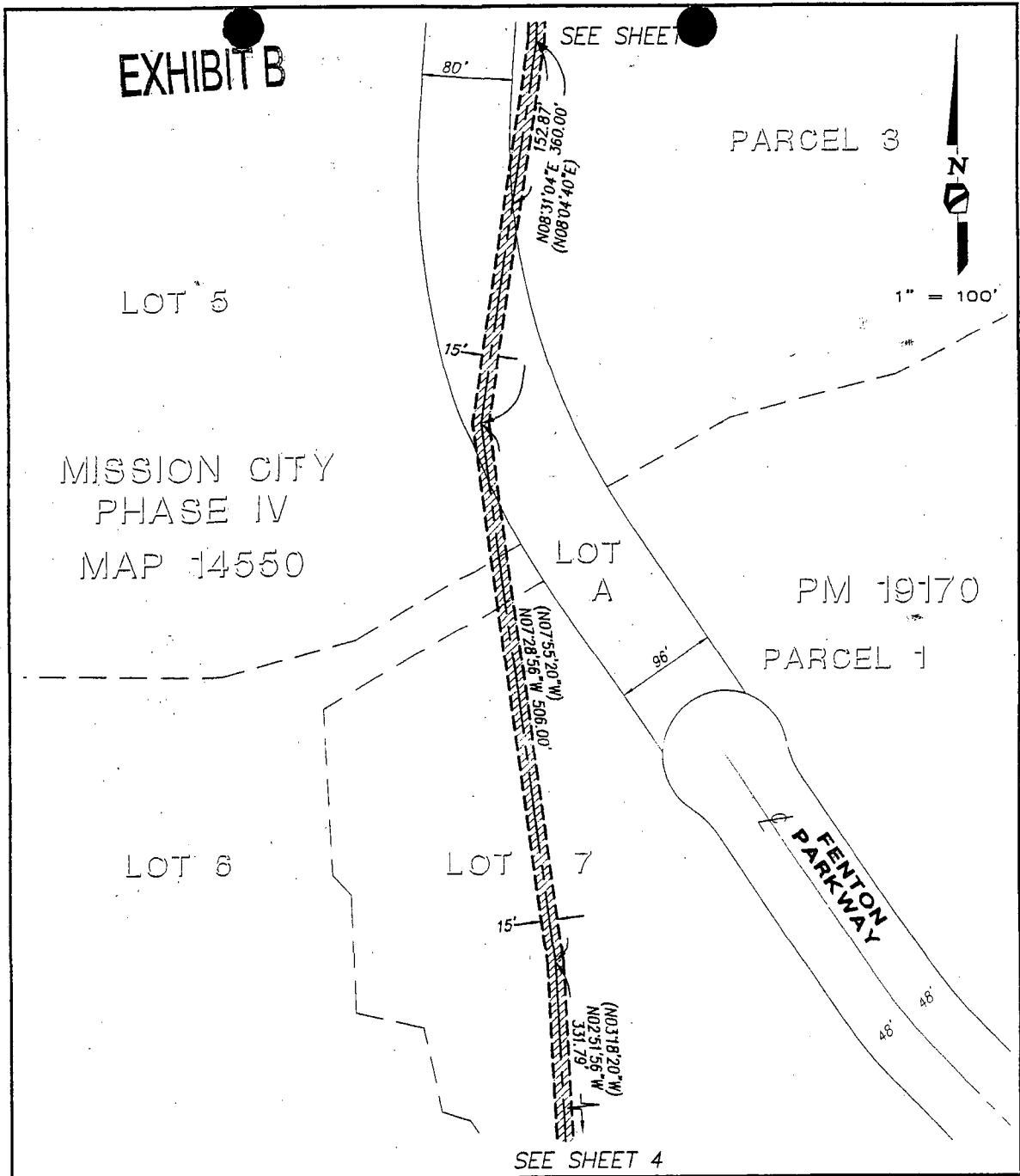
**PROJECT DESIGN CONSULTANTS**  
 Planning | Landscape Architecture | Environmental | Engineering | Survey  
 701 B Street, Suite 800 San Diego, CA 92101  
 619.235.6471 Tel 619.234.0349 Fax

**SEWER EASEMENT VACATED**

IN PARCELS 2 & 3 OF PARCEL MAP 19170 AND LOTS 5, 6, 7 & 'A' OF MISSION CITY PHASE IV MAP 14550

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO. 77777
ORIGINAL	PDC				SHEET 2 OF 4 SHEETS	J.O. NO. 424854
	R.B.	R.B.	4/26/06		<i>[Signature]</i> 4/26/06 FOR CITY ENGINEER DATE	1864-6287 CCS 83C COORDINATES
						224-1727 LAMBERT COORDINATES
						20441-2-B

# EXHIBIT B



**PROJECT DESIGN CONSULTANTS**  
 Planning | Landscape Architecture | Environmental | Engineering | Survey  
 701 B Street, Suite 800 San Diego, CA 92101  
 619.235.6471 Tel 619.234.0349 Fax

## SEWER EASEMENT VACATED

IN PARCELS 2 & 3 OF PARCEL MAP 19170  
 AND  
 LOTS 5, 6, 7 & 'A' OF MISSION CITY PHASE IV MAP 14550

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	PDC				SHEET 3 OF 4 SHEETS	77777
	R.S.	R.B.	4/26/06		<i>[Signature]</i> 4/26/06 FOR CITY ENGINEER DATE	424854
						1864-6287
						CCS 83C COORDINATES
						224-1727
						LAMBERT COORDINATES
						20441-3-B

