

RESOLUTION NUMBER R- 302678

DATE OF FINAL PASSAGE JUN 04 2007

WHEREAS, California Streets and Highways Code section 8330 et seq. and San Diego Municipal Code section 125.1001 et seq. provide a procedure for the summary vacation of public easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the sewer easement, to unencumber this property and facilitate development of the site as conditioned in approved Site Development Permit No. 10859; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the sewer 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; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation does not adversely affect the General Plan or an approved Community Plan; and

(d) the public service easement system for which the easement was originally acquired will not be detrimentally affected by this vacation; 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 City 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 City Council of the City of San Diego, as follows:

1. That the sewer easement located within a portion of Lot 171, Map 9828; a portion of Rancho Los Penasquitos, Patent Book 2, Page 385; a portion of Lot 992, Map 10044; and a portion of Lot 1, Map 10043, in connection with Site Development Permit No. 10859, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 00111-C, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 302678⁻¹, and RR- 302678⁻², which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and 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



Roopal Shah
Deputy City Attorney

RS:pev

05/21/07

Or.Dept:DSD

R-2007-1147

MMS #4867

EASEMENT AABANDONMENT&STREET VACATIONS – Summary Vacation 11-01-04

SEWER EASEMENT VACATION

PARCEL "A"

A portion of that certain 20.00 foot wide sewer easement granted to the City of San Diego April 8, 1966 as Document No. 59556 of Official Records lying within Rancho Los Penasquitos; Lot 171 of Penasquitos Views West Unit #1 according to Map thereof No. 9828; Lot 992 of Penasquitos Park View Estates Unit No. 4 according to Map thereof No. 10044; Lot 1 of Penasquitos Park View Estates Unit No. 1 according to Map thereof No. 10045 and Black Mountain Road as dedicated to Public use, all in the City of San Diego, County of San Diego, State of California, the centerline of said 20.00 foot wide easement is more particularly described as follows:

Beginning at the Northeasterly terminus of that course in the Easterly boundary of said Lot 171 shown as North 30°41'55" East (North 30°42'35" East per this description) 389.05 feet being also the beginning of a tangent 170.00 foot radius curve concave Westerly; thence Northerly along said curve through a central angle of 17°19'19" (17°27'17" record per Map 9828) an arc distance of 51.40 feet to a point on centerline of said sewer easement, said point being the TRUE POINT OF BEGINNING; thence leaving said curve and said Easterly boundary of Lot 171, along the centerline of said 20.00 foot sewer easement the following courses: South 45°41'13" West 431.44 feet (record North 45°41'30" East); thence South 58°16'43" West 350.00 feet; thence South 52°56'43" West 672.00 feet; thence South 40°56'43" West 350.00 feet; thence South 51°44'43" West 334.98 feet; thence South 89°14'43" West 380.00 feet; thence South 46°31'43" West 288.00 feet; thence South 36°12'43" West 413.00 feet; thence South 70°44'43" West 267.00 feet; thence South 88°48'43" West 320.00 feet; thence South 81°37'43" West 350.00 feet; thence South 64°48'43" West 304.00 feet; thence South 85°27'43" West 350.00 feet; thence North 68°02'17" West 282.00 feet; thence North 15°39'56" West 353.92 feet; thence North 33°13'06" West 300.00 feet; thence North 78°12'06" West 177.00 feet to a Point of Terminus.

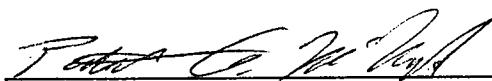
The sidelines of said 20.00 foot easement to be lengthened or shortened to form a continuous 20.00 foot strip of land and shall begin on the arc of said 170.00 foot radius curve and end at 90° through the Point of Terminus.

Parcel "B"

A portion of that certain 10.00 foot sewer easement granted to the City of San Diego March 31, 1970 as Document No. 55740, lying within Lot 171 of

Penasquitos Views West Unit No. 1, according to Map thereof No. 9828 in the City of San Diego, County of San Diego, State of California, said portion more particularly described as follows:

Beginning at the Northeasterly terminus of that course on the Easterly boundary of said Lot 171 shown as North 30°41'55" East (North 30°42'35" East per this description) 389.05 feet; thence along said boundary line South 30°42'35" West 39.95 feet to a point on the Northeast line of said easement and being the TRUE POINT OF BEGINNING; thence continuing South 30°42'35" West 10.00 feet to a point on the Southwesterly line of said easement; thence leaving the boundary of said Lot 171 along said Southwesterly line of said easement North 59°17'25" West 24.26 feet to a point on the Southerly line of Parcel "A" above; thence along said Southerly line North 45°41'13" East 10.35 feet; thence leaving said Southerly line along the Northeasterly line of this easement being vacated South 59°17'25" East 21.59 feet to the TRUE POINT OF BEGINNING.

 3-13-2006
Patrick A. McMichael, L.S. 6187

Pts. # 40076
J.O. # 177161
Dwg. # 00111-C

Jb/14039.002



R- 302678

