

RESOLUTION NUMBER R- 302838
DATE OF FINAL PASSAGE JUL 26 2007

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provides for the summary abandonment of easements by City Council resolution where the easement to be vacated has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary water easement in portions of Lots, 7, 8, 13, 17, 18 & "A" of Map No. 14283, Lots 2, 3, 13 and 17 of Map No. 14570 and the SE ¼, SE ¼, NW ¼, Sec. 22, T14S, R3W SBBM as depicted on Engineering Drawing No. 20273-B to unencumber their property; and

WHEREAS, City staff has requested this vacation as this water easement is no longer necessary because the water lines originally planned for this easement have been constructed in the dedicated public right-of-way; and

WHEREAS, this action is exempt from environmental review pursuant to state California Environmental Quality Act [CEQA] Guidelines section 15060(C)(3) on the basis that this is not a project for the purposes of CEQA; 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, 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; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego the Council makes the following findings:

SDMC § 125.1040 FINDINGS FOR A PUBLIC SERVICE EASEMENT ABANDONMENT

(a) 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;

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

(c) The abandonment is consistent with any applicable *land use plan*; and

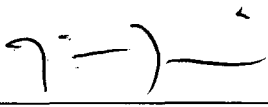
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

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

1. That the water easement located within portions of Lots 7, 8, 13, 17, 18 & "A" of Map No. 14283, and Lots 2, 3, 13 & 17 of Map No. 14570, and the SE 14, SE ¼, NW ¼, Sec. 22, T14S, R3W, SBBM, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20273-B, marked as Exhibit "B", and on file in the office of the City Clerk as Document Nos. RR- 302838-¹, and RR- 302838-², which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk 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.

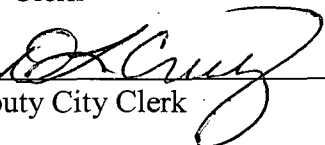
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Nina M. Fain
Deputy City Attorney

NMF:nda
06/19/07
Or.Dept:DSD
R-2007-1271
MMS#4996

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 17 2007.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-26-07
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

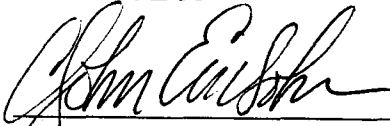
JERRY SANDERS, Mayor

EXHIBIT "A"

LEGAL DESCRIPTION WATER EASEMENT VACATION

ALL THAT PORTION OF A WATER EASEMENT 30 FEET IN WIDTH GRANTED TO THE CITY OF SAN DIEGO AS DESCRIBED PER DOCUMENT RECORDED SEPTEMBER 23, 1970 AS FILE/PAGE NO. 172776 OF OFFICIAL RECORD LYING WITHIN LOTS 7, 8, 13, 17, 18 AND 'A' OF MESA VERDE ESTATES UNIT NO. 2 MAP NO. 14283, LOTS 2, 3, 13 AND 17 OF DUCK POND MAP NO. 14570 AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN PER ROS 17210, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

LATITUDE 33



C. JOHN EARDENSOHN
L.S. 5278 EXPIRES 12/31/07

6/9/06

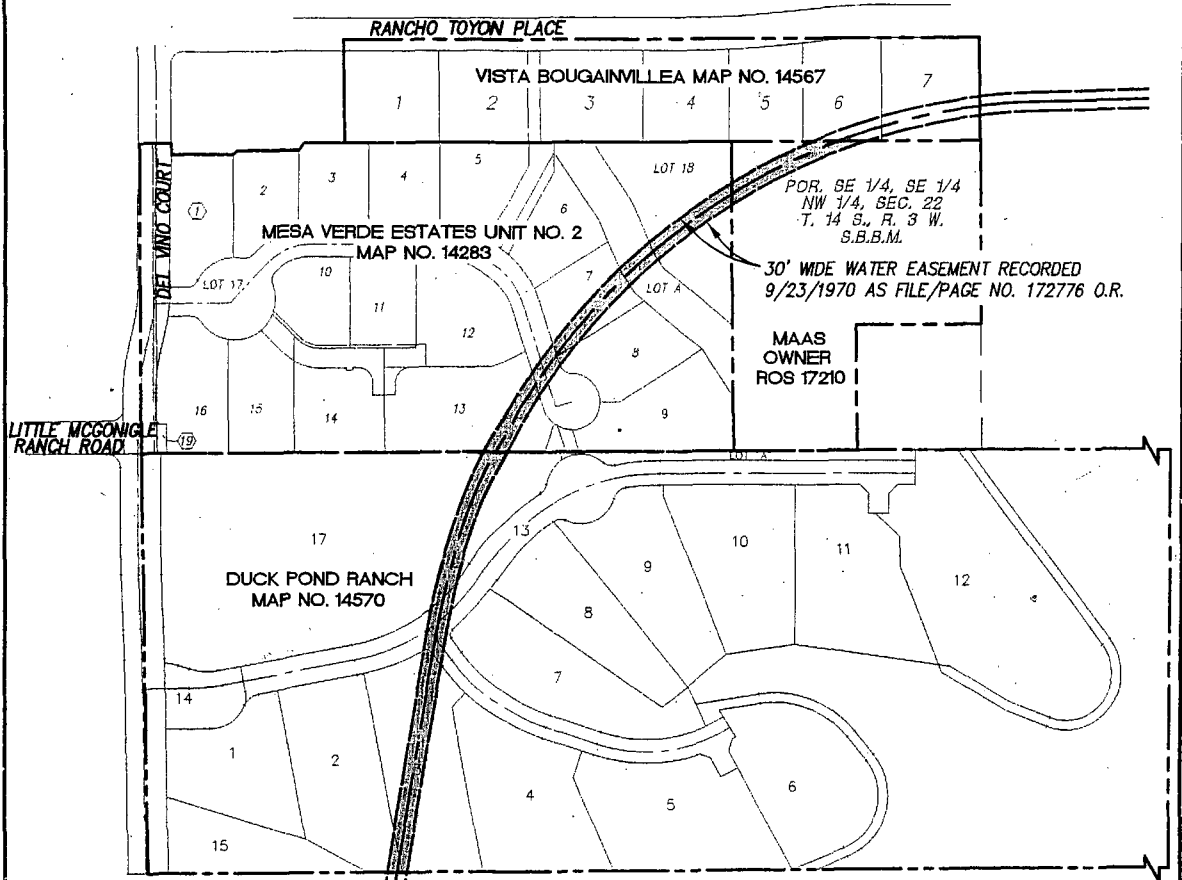
DATE



P.T.S. NO. 50097
J.O. NO. 423398
DRAWING NO. 20273-B


DOCUMENT NO. 302838
FILED JUL 17 2007
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA

EXHIBIT B

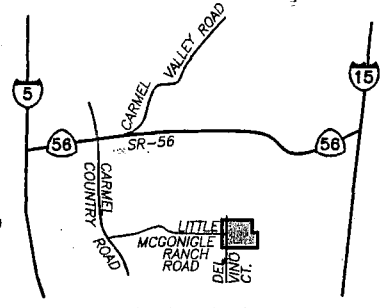


ASSESSOR'S PARCEL NUMBER:
 308-180-07, 08, 09, 13, 18, 20 & 22
 308-220-03, 07, 13 & 17


REFERENCE DRAWING:
 MAP NO. 14283 AND 14570
 ROS 17210

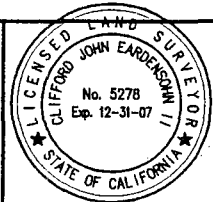
 INDICATES WATER EASEMENT
 PER DOC. RECORDED 9/23/1970
 AS FILE/PAGE NO. 172776 O.R. VACATED

Latitude 33
 Planning and Engineering
 4893 Paramount Drive, 2nd Floor
 San Diego, CA 92119
 619-761-0639 Fax 619-761-0634



VICINITY MAP
 NOT TO SCALE


C. JOHN EARDENSOHN L.S. 5278
 REGISTRATION EXPIRES 12-30-2007
 DATE 6/9/06

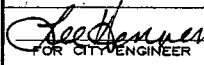


WATER EASEMENT VACATION

IN PORTIONS OF LOT 7, 8, 13, 17, 18 & A OF MAP NO. 14283,
 LOT 2, 3, 13 & 17 OF MAP NO. 14570 AND
 THE SE 1/4, SE 1/4, NW 1/4, SEC. 22, T14S, R3W, SBBM

DESCRIPTION	BY	APPROVED DATE	FILMED
ORIGINAL	AEA	6/15/06	

CITY OF SAN DIEGO, CALIFORNIA
 DEVELOPMENT SERVICES DEPARTMENT
 SHEET 1 OF 1 SHEET

 6/16/06
 FOR CITY ENGINEER DATE

P.T.S. NO. 50097
 J.O. NO. 423398
 1922-6273
 CCS '83 COORDINATES
 282-1713
 LAMBERT COORDINATES

20273-B

DOCUMENT NO. **K1302838**
 FILED JUL 17 2007
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA