

RESOLUTION NUMBER R- 302839DATE OF FINAL PASSAGE JUL 26 2007

WHEREAS, San Diego Municipal Code section 125.1010 (c)(3) provides for the summary abandonment of public service easements by City Council resolution where the easement to be vacated has been superceded by relocation and there are no other public facilities located within the easement; and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, that portion of the sewer easement located within Parcel 1 of Parcel Map 20078, as more particularly described in the legal description, marked as attached Exhibit "A," and as shown on Drawing No. 20485-B, marked and attached as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 302839-1 and RR- 302839-2 [Easement], which are by this reference incorporated herein and made a part hereof, has not been used for the purpose for which it was granted for five years; and

WHEREAS, the subject Easement has never been used for the purpose for which it was dedicated, and there is a structure that was built over the Easement in 1956; and

WHEREAS, there are no other public facilities located within the Easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary portion of a sewer easement in Parcel 1 of Parcel Map 20078 as depicted on Engineering Drawing No. 20485-B to unencumber his property; and

WHEREAS, this action is exempt from environmental review pursuant to state California Environmental Quality Act [CEQA] Guidelines section 15301 on the basis that the facilities are existing; 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 that the Council makes the following findings:

SDMC § 125.1040 FINDINGS FOR 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 portion of sewer easement located within Parcel 1 of Parcel Map 20078 as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20485-B, marked as Exhibit "B," and on file in the office of the City Clerk as

Document Nos. RR- 302839⁻¹ and RR- 302839⁻², which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. 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

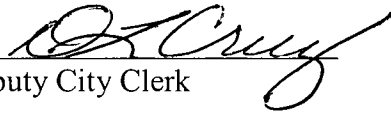
By 

Nina M. Fain
Deputy City Attorney

NMF:nda
06/19/07
Or.Dept:Dev.Svcs.
R-2007-1272
MMS#4995

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

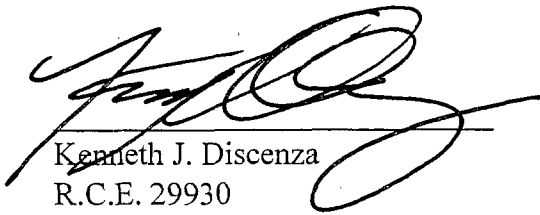
Vetoed: _____
(date)

JERRY SANDERS, Mayor

EXHIBIT "A"
Legal Description
Sewer Easement Vacation

That portion of Parcel 1 of Parcel Map No. 20078 in the City of San Diego, County of San Diego, State of California, recorded August 17, 2006, described as follows:

All that existing easement per document recorded February 25, 1930,
in Book 1751, Page 31 of Deeds,


Kenneth J. Discenza
R.C.E. 29930
expires 6/30/07



Project No. 95489
Job Order No. 425624
Drawing No. 20485-B
A.P.N. 539-156-12

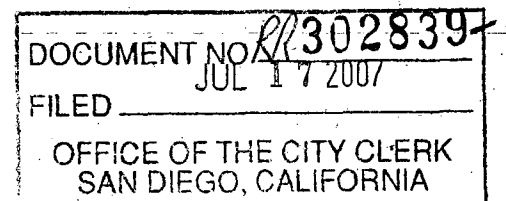
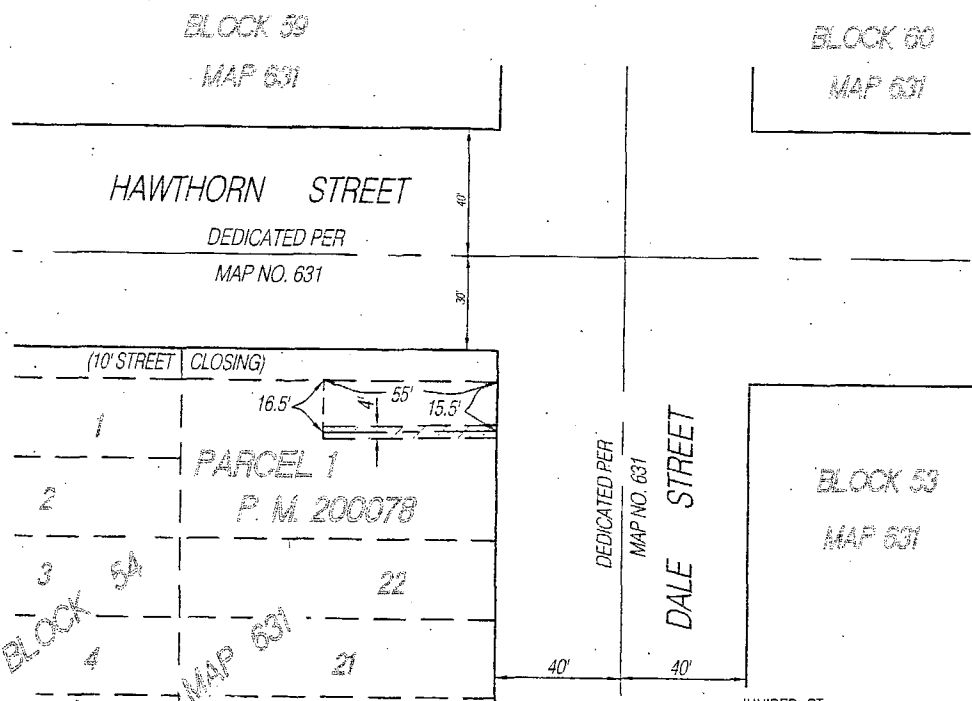



EXHIBIT "B"



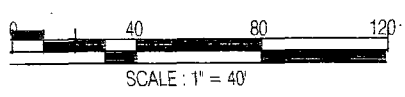
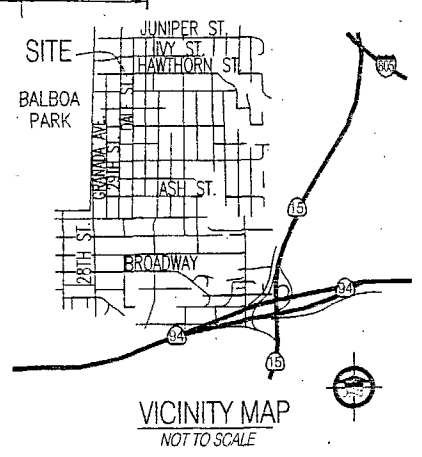
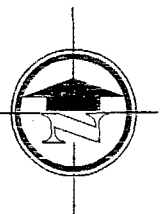
LEGEND

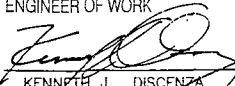
 INDICATES SEWER EASEMENT
 EASEMENT RECORDED FEB. 25, 1930
 IN BOOK 1751, PAGE 31 OF DEEDS, VACATED

REFERENCE DRAWINGS

MAP No. 631, PARCEL MAP No. 20078


A.P.N.
 539-156-12



ENGINEER OF WORK

 DATE 9-15-06
 KENNETH J. DISCENZA R.C.E. 29930

SITE DESIGN ASSOCIATES, INC.
 1016 BROADWAY, SUITE A
 EL CAJON, CALIFORNIA 92021
 PHONE: (619) 442-8467

SEWER EASEMENT VACATION IN PARCEL 1 OF PARCEL MAP NO. 20078

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 95489
ORIGINAL					SHEET 1 OF 1 SHEET	J.O. 425624
	R.B.	R.B.	10/11/06		 FOR CITY ENGINEER	1844-6289 NAD 83 COORDINATES
						204-1729 LAMBERT COORDINATES
						20485-B
STATUS						

DOCUMENT NO. **RR-302839-2**
 FILED JUL 17 2007
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA