

RESOLUTION NUMBER R- 303105
DATE OF FINAL PASSAGE OCT 30 2007

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides a procedure for the summary vacation of easements (pursuant to California Streets and Highways Code section 8330 et. seq.) by City Council resolution where the easement to be vacated has been has not been used for the purpose for which is was acquired for five consecutive years and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of a portion of a drainage easement located within Parcel 2 of Parcel Map No. 16694 to unencumber his property and facilitate development of the site; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the drainage 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; and
- (b) the public will benefit from the vacation through improved utilization of land made available by the abandonment; and
- (c) the vacation is consistent with the General Plan or an approved Community Plan; and
- (d) the public facility or purpose 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 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, as follows:

1. That the portion of drainage easement located within Parcel 2 of Parcel Map No. 11694, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20658-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303105⁻¹, and RR- 303105⁻², 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 her under seal, to be recorded in the office of the County Recorder.

3. That from and after the date this resolution is recorded, the public service easement vacated no longer constitutes a public service easement.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel Lipsky
Deputy City Attorney

RL:pev
10/01/07
Or.Dept:DSD
R-2008-287
MMS #5259
EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

R 303105

EXHIBIT "A"

LEGAL DESCRIPTION

VACATION OF A PORTION OF A DRAINAGE EASEMENT.

THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 16694. IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

THE NORTHERLY 78 FEET OF THAT DRAINAGE EASEMENT PARCEL "E" GRANTED TO THE CITY OF SAN DIEGO, RECORDED MARCH 12, 1987 AS INSTRUMENT NO. 87-1287739 OF OFFICIAL RECORDS.

"ATTACHED HERETO IS A DRAWING NO. 20658-B LABEL EXHIBIT "B" AND BY THIS REFERENCE MADE APART HEREOF IS MADE".

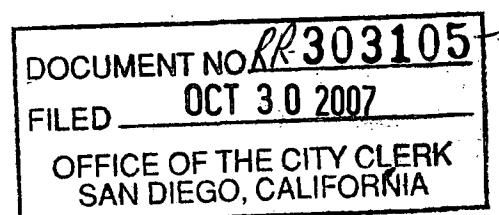
AREA = 0.030 ACRE




PTS NO. 122418

JO NO. 427390

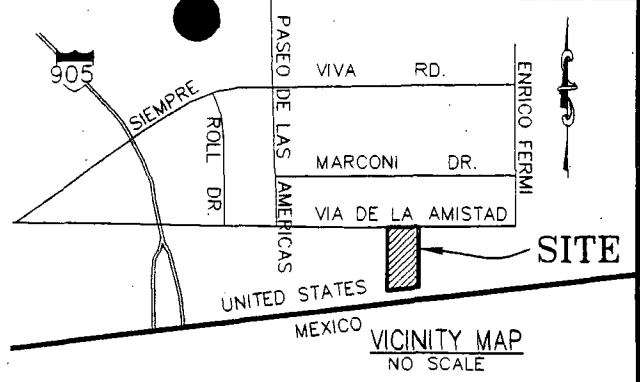
DWG NO. 20658-B



LEGEND

 DENOTES PORTION OF PARCEL "E", DRAINAGE EASEMENT RECORDED MARCH 12, 1987 AS FILE/PAGE NO. 87-128739, OF OFFICIAL RECORDS, VACATED.

REFERENCE DRAWING 23009-D
 PARCEL MAP NO. 15261
 PARCEL MAP NO. 16694
 MAP NO. 11163



VICINITY MAP
NO SCALE



SCALE: 1" = 40'

PARCEL 2

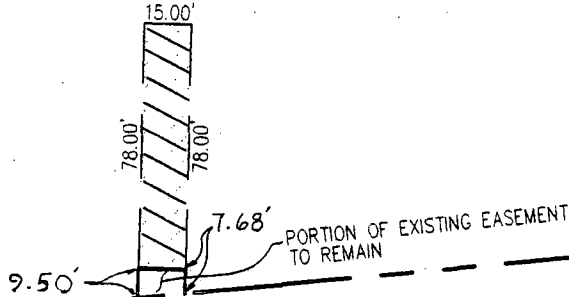
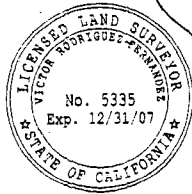
PARCEL MAP NO. 16694

AP.N. 646-142-31

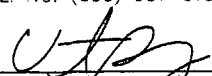
PARCEL 1

SOUTHWEST CORNER PARCEL 2,
PARCEL MAP NO. 16694

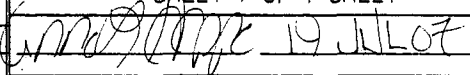
PARCEL 3



ALTA CONSULTANTS
 4901 MORENA BLVD. SUITE 409
 SAN DIEGO, CA 92117
 TEL. NO. (858) 581-6101

 5/14/07
 VICTOR RODRIGUEZ FERNANDEZ, LS 5335

**VACATION OF A PORTION OF A DRAINAGE EASEMENT
 IN PARCEL 2 OF PARCEL MAP NO. 16694**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	J.O.# 427390 PTS# 122418
ORIGINAL	ALTA				 19 JUL 07	1780-6351 CCS 83
	AEA	7-19-07				140-1789 LAMBERT COORDINATE
						20658- B

DOCUMENT NO. **PR303105**
 FILED **OCT 30 2007**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA