

RESOLUTION NUMBER R- 303106

DATE OF FINAL PASSAGE OCT 30 2007

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides for the summary abandonment of easements (pursuant to California Streets and Highways Code section 8330 et. seq.) by City Council resolution where the easements to be vacated have been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary flood water storage easements in Parcels 1, 2, and 3 of Parcel Map 19476 as depicted on Engineering Drawing No. 20609-B, to unencumber his property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the flood water storage easements, either for the purpose for which they were 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 vacations are consistent with the General Plan or an approved Community Plan; and

(d) the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by these vacations; 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:

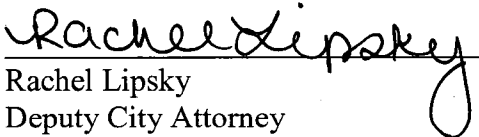
1. That the flood water storage easements located within Parcels 1, 2, and 3 of Parcel Map 19476, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20609-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303106⁻¹, and RR-303106⁻², which are by this reference incorporated herein and made a part hereof, are 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 easements vacated no longer constitute public service easements.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Rachel Lipsky
Deputy City Attorney

RL:pev

10/01/07

Or.Dept:DSD

R-2008-286


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

EXHIBIT "A"

LEGAL DESCRIPTION

FLOOD WATER STORAGE EASEMENT VACATION

ALL THOSE CERTAIN FLOOD WATER STORAGE EASEMENTS GRANTED, PER BROWN FIELD BUSINESS PARK UNIT NO. 2, MAP NO. 12305, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 2, 1989, NOW LYING WITHIN PARCELS 1, 2 AND 3 OF PARCEL MAP NO. 19476, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 30, 2004, VACATED


RAMON J. SPEAR L.S. 6404

8/9/2007
DATE

J.O. # 427185
DWG. 20609-B
PTS 118135

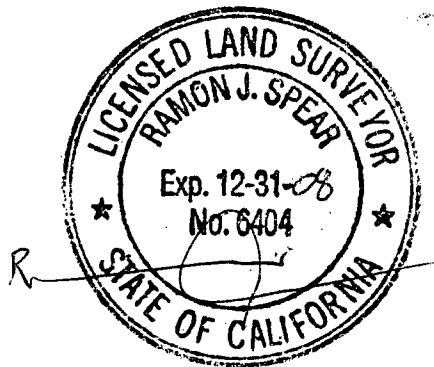
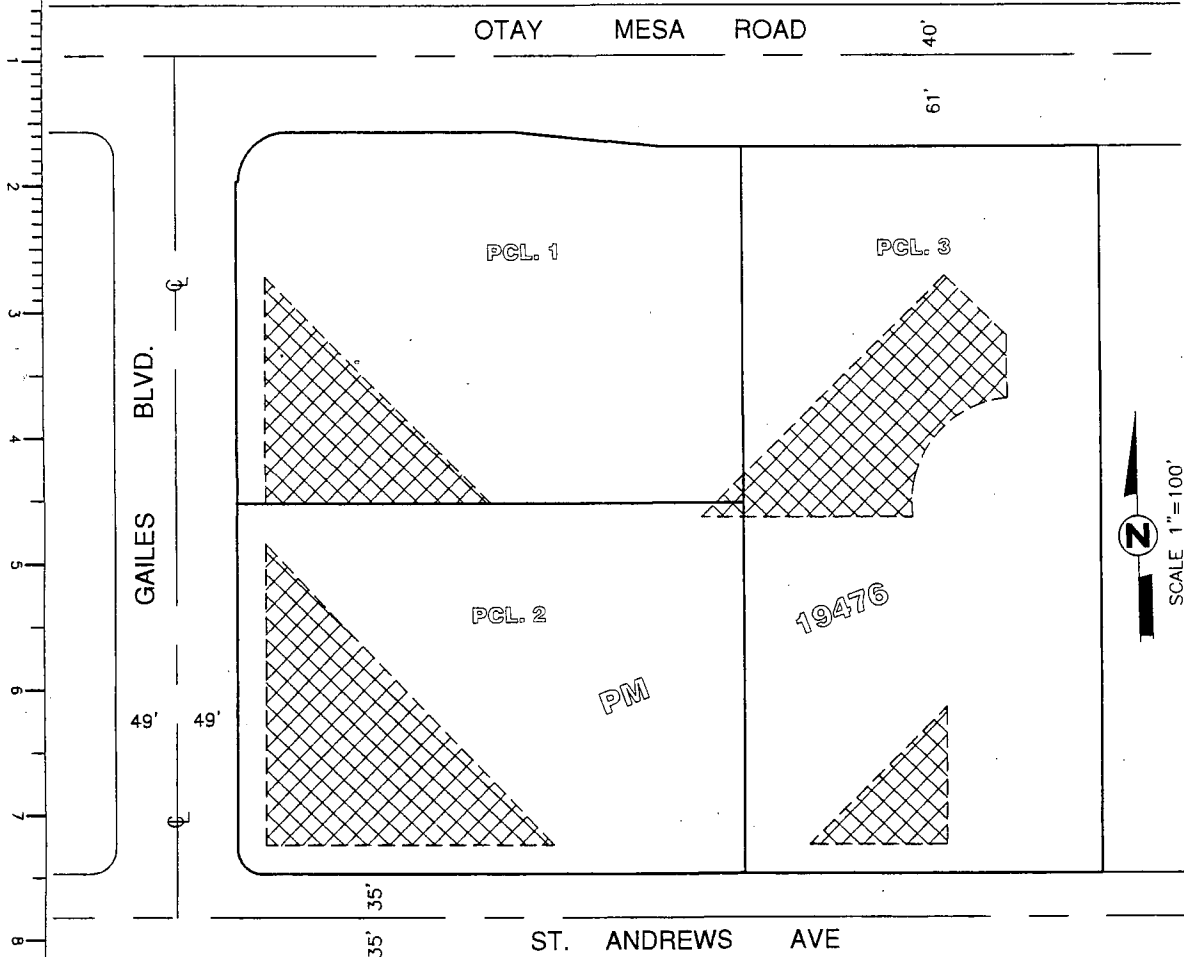



EXHIBIT "B"



REFERENCE DRAWINGS

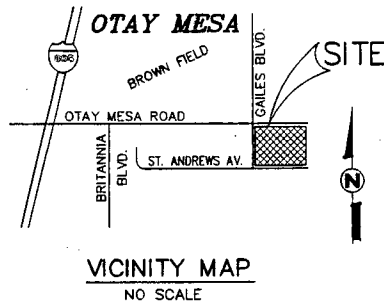
33976-D
20530-B

LEGEND

 EXISTING FLOOD WATER STORAGE EASEMENT PER MAP 12305 VACATED.

ASSESSORS PARCEL NUMBERS


646-221-37, 38 AND 39



SPEAR & ASSOCIATES, INC

CIVIL ENGINEERING AND LAND SURVEYING

475 PRODUCTION STREET, SAN MARCOS, CA. 92078
PHONE (760) 736-2040 FAX (760) 736-4866

BY:  8/9/2007
L.S. 6404 DATE

FLOOD WATER STORAGE EASEMENT IN PARCELS 1, 2 AND 3 PARCEL MAP 19476 VACATED.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. 427185
ORIGINAL	S&A				SHEET 1 OF 1 SHEET	P.T.S. NO. 116135
					CITY ENGINEER _____ DATE _____	1786-6335 NAD 83 COORDINATES
						146-1775 LAMBERT COORDINATES
					STATUS _____	20609-B