

RESOLUTION NUMBER R- 303126

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 by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and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 flood water storage easements located within Lots 6 and 7 of Martinez Ranch Business Park Map No. 12488, as depicted on Engineering Drawing No. 20701-B, to unencumber their 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 facility or purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated;

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

(c) the vacation is 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 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 flood water storage easements located within Lots 6 and 7 of Martinez Ranch Business Park Map No. 12488, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20701-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303126-1, and RR- 303126-2, 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 easements vacated no longer constitute public service easements.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel C. Lipsky
Deputy City Attorney

SRE:pev
09/05/07
Or.Dept:DSD
R-2008-187
MMS #5241
EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

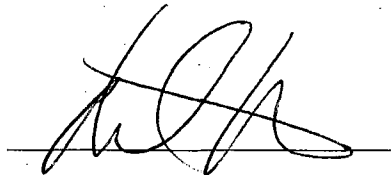
EXHIBIT "A"
LEGAL DESCRIPTION

VACATION OF A FLOOD WATER STORAGE EASEMENT

ALL OF THAT FLOOD WATER STORAGE EASEMENT IN LOTS 6 AND 7 GRANTED TO THE CITY OF SAN DIEGO ON MARTINEZ RANCH BUSINESS PARK, MAP NUMBER 12488 RECORDED ON NOVEMBER 1, 1989 AS FILE NUMBER 89-596420, OFFICIAL RECORDS, SAN DIEGO COUNTY, CALIFORNIA.

ATTACHED HERETO IS A DRAWING NO. 20701-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF IS MADE.

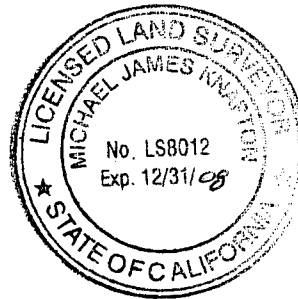
CONTAINING 2.297 ACRES.



MICHAEL JAMES KNAPTON
P.L.S.8012 EXPIRES 12/31/08

6/29/07

DATE



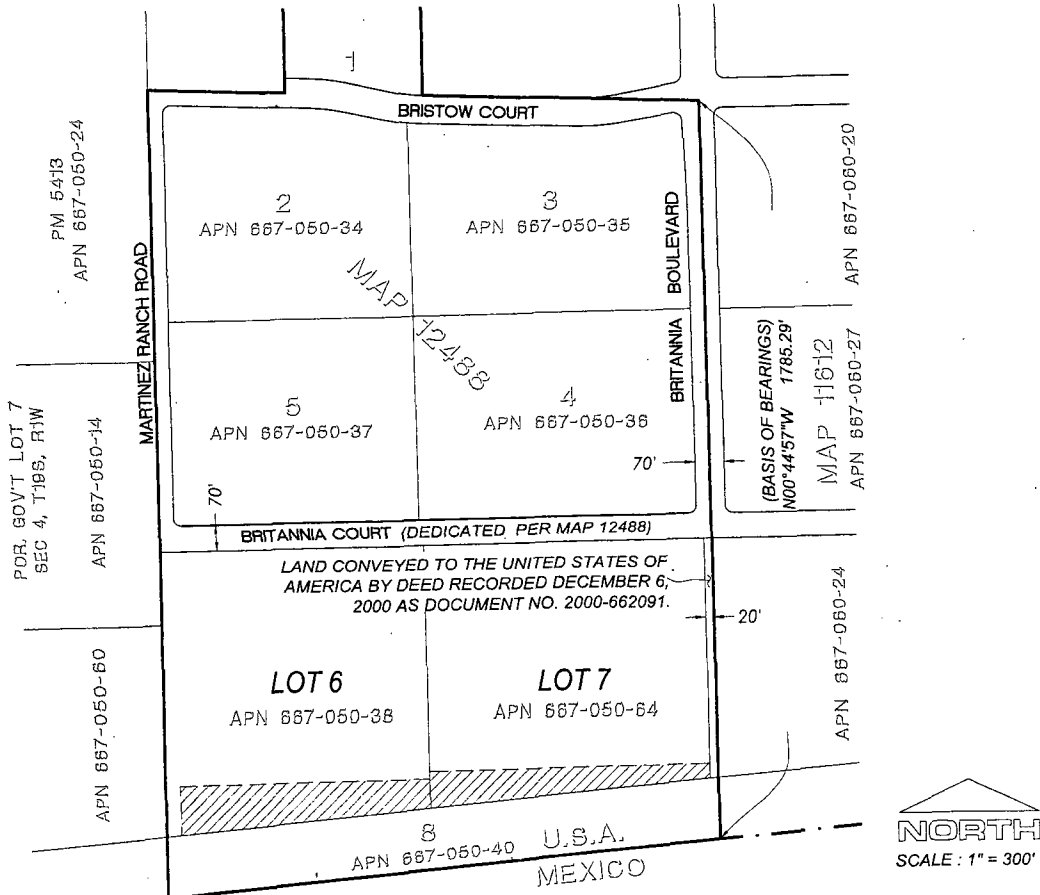
P.T.S. 94272

J.O. NO. 425930

DWG. NO. 20701-B

R 303126

EXHIBIT B



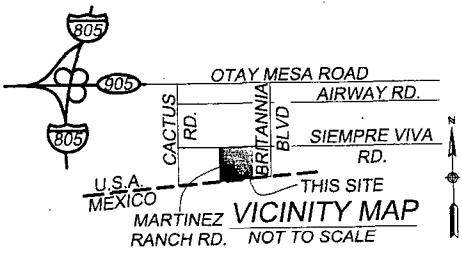
BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS DRAWING IS
 THE EASTERLY LINE OF MAP NO. 12488.
 I.E. N00°44'57"W

REFERENCE DRAWINGS:
 DWG. NO. 33501-D
 DWG. NO. 33502-D
 MAP 12488

LEGEND

FLOOD WATER STORAGE
 EASEMENT PER MAP NO. 12488
 VACATED
 AREA = 2.297 ACRES 100,063 SQ. FT.

SUBDIVISION BOUNDARY



PROJECT 095430000

Kimley-Horn and Associates, Inc.
 Engineering, Planning, and Environmental Consultants
 517 Fourth Avenue, Suite 201 Tel. No. (619) 234-9411
 San Diego, California 92101 Fax No. (619) 234-9433

[Signature] 7/15/07
 MICHAEL J. KNAPTON DATE
 P.L.S. 8012

VACATION OF A FLOOD WATER STORAGE EASEMENT IN LOTS 6 AND 7 OF MARTINEZ RANCH BUSINESS PARK, MAP NO. 12488

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS. NO. 94272
ORIGINAL	KHA				SHEET 1 OF 1 SHEETS	JO NO. 425930
	AEA		7-18-07		<i>[Signature]</i>	1778-6333 NAD 83 COORDINATES
					DATE	138-1773 LAMBERT COORDINATES
						20701-B
STATUS						

R. 303126