

RESOLUTION NUMBER R- 303127DATE 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 owners have requested the vacation of the unnecessary sewer easement in Lots 6 and 7 of Siempre Viva Business Park Map No. 12659 as depicted on Engineering Drawing No. 20727-B, to unencumber their property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the water 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 sewer easement located within Lots 6 and 7 of Siempre Viva Business Park Map No. 12659, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20727-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303127⁻¹, and RR- 303127⁻², 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-2008-288
MMS #5326
EASEMENT AABANDONMENT&STREET VACATIONS – Summary Vacation 11-01-04

EXHIBIT "A"
LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL OF THAT SEWER EASEMENT GRANTED OVER THE SOUTHERLY 15.00 FEET OF LOT 6 OF SUBDIVISION MAP NO. 12659, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED IN THE SAID COUNTY RECORDER'S OFFICE ON JULY 5, 1990. AS FILE NO. 1990-365349.

ATTACHED HERETO IS A DRAWING NO. 20727-B LABELED EXHIBIT "B" AND BY THIS REFERENCE IS MADE A PART HEREOF.

AREA = 0.081 AC

PREPARED BY ME OR
UNDER MY DIRECTION

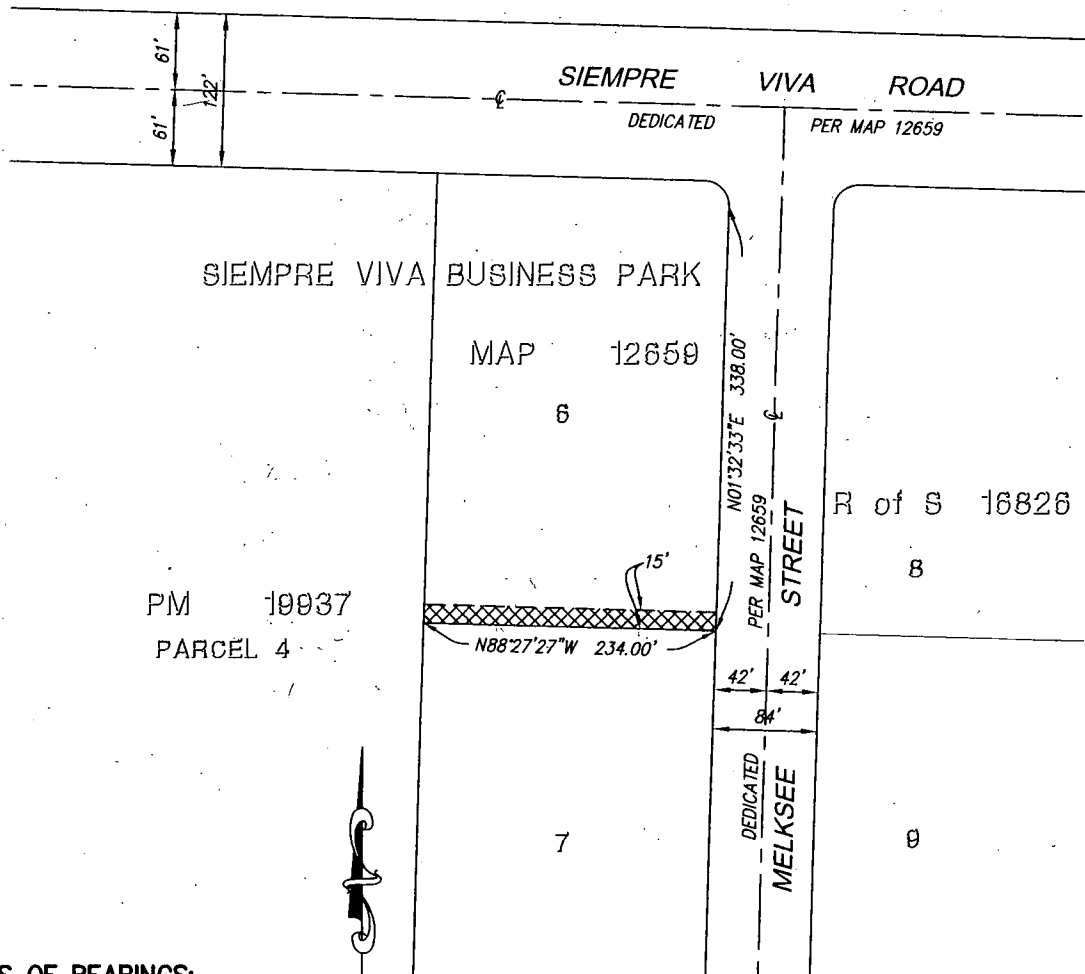

DENNIS W. GOOD LS 8084



PTS NO. 132008
J:O NO. 427943
DWG NO. 20727-B

R. 303127

EXHIBIT "B"



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS PLAT IS THE EASTERLY BOUNDARY LINE OF MAP No. 12659. I.E. N0°31'51"W.

PLAN

SCALE: 1"=100'

REFERENCE DRAWINGS

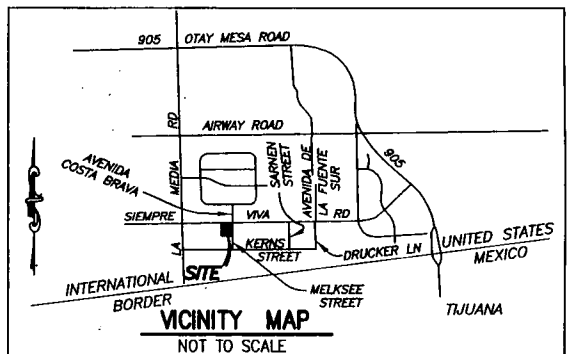
MAP NO. 12659, R.O.S. 16826
PM NO. 19937, 3019 B-13-D
33.544-3-D

ASSESSOR'S PARCEL NO.

667-071-06

LEGEND

SEWER EASEMENT GRANTED PER MAP 12659 VACATED.



K&S ENGINEERING
Planning Engineering Surveying
Dennis W. Good, L.S. 8084
7801 Mission Center Court, Suite 100
San Diego Ca. 92108



**SEWER EASEMENT VACATION
LOT 6 MAP No. 12659**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT	J.O.# 427943
ORIGINAL	K&S	AEA	7-31-07		SHEET 1 OF 1 SHEET	PROJ.# 132008
					<i>[Signature]</i> FOR CITY ENGINEER	1781-6343 CC583 COORDINATES
					<i>[Signature]</i> DATE	140-1781 LAMBERT COORDINATES
					STATUS	20727-B

R 303127