

RESOLUTION NUMBER R- 303187

DATE OF FINAL PASSAGE NOV 20 2007

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides for the summary abandonment easements by City Council resolution where the easements to be vacated have not been used for the purpose for which they were dedicated or acquired for five consecutive years prior to the proposed vacation and there are no other public facilities located within the easements; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary sewer, water, drainage and public utility easements in Lot 6 of City of San Diego Industrial Park Unit No. 1, Map No. 3978 and in Lot 8 of City of San Diego Industrial Park Unit No. 2, Map No. 4113 as depicted on Engineering Drawing No. 20685-B, to unencumber their property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the sewer, water, drainage and public utility 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 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 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,

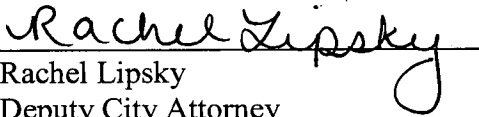
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the sewer, water, drainage and public utility easements located within Lot 6 of City of San Diego Industrial Park, Unit No. 1, Map No. 3978 and in Lot 8 of City of San Diego Industrial Park, Unit No. 2, Map No. 4113, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20685-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303187-1, and RR- 303187-2, 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.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Rachel Lipsky
Deputy City Attorney

RL:pev:mm

10/31/07

Or.Dept:DSD

R-2008-289

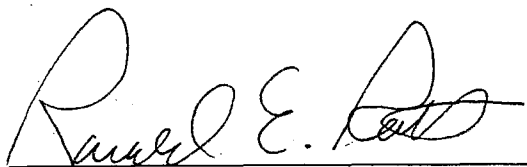
MMS #5396

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

EXHIBIT 'A'
LEGAL DESCRIPTION
FOR

SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT VACATION

ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT LYING PARALLEL WITH THE EASTERLY LINE OF LOT 6 GRANTED TO THE CITY OF SAN DIEGO PER CITY OF SAN DIEGO INDUSTRIAL PARK, UNIT NO. 1, MAP NO. 3978; TOGETHER WITH ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT LYING PARALLEL WITH WESTERLY LINE OF LOT 8 GRANTED TO THE CITY OF SAN DIEGO PER CITY OF SAN DIEGO INDUSTRIAL PARK, UNIT NO. 2, MAP NO. 4113, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.



RONALD E. ROTH, PLS 5506
(MY LICENSE EXPIRES 09-30-08)

06/13/07
DATE:

P.T.S. 126479
J.O. 427613
DWG. NO. 20685-B



ASSESSOR'S PARCEL NO.'S

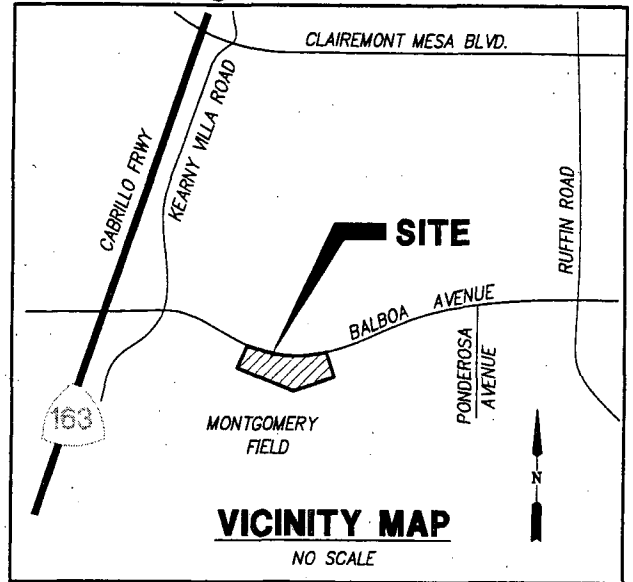
369-150-11 369-140-12

REFERENCE DRAWINGS

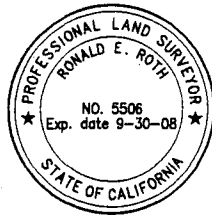
MAP NO. 3978 AND 4113



INDICATES SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENT GRANTED PER MAPS 3978 AND 4113 VACATED



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PROJECT DESIGN CONSULTANTS
 Planning | Landscape Architecture | Environmental | Engineering | Survey

701 B Street, Suite 800
 San Diego, CA 92101
 619.238.8471 Tel
 619.234.0240 Fax

Ronald E. Roth 06/12/07
 RONALD E. ROTH P.L.S. 5506 DATE
 MY REGISTRATION EXPIRES 9-30-2008

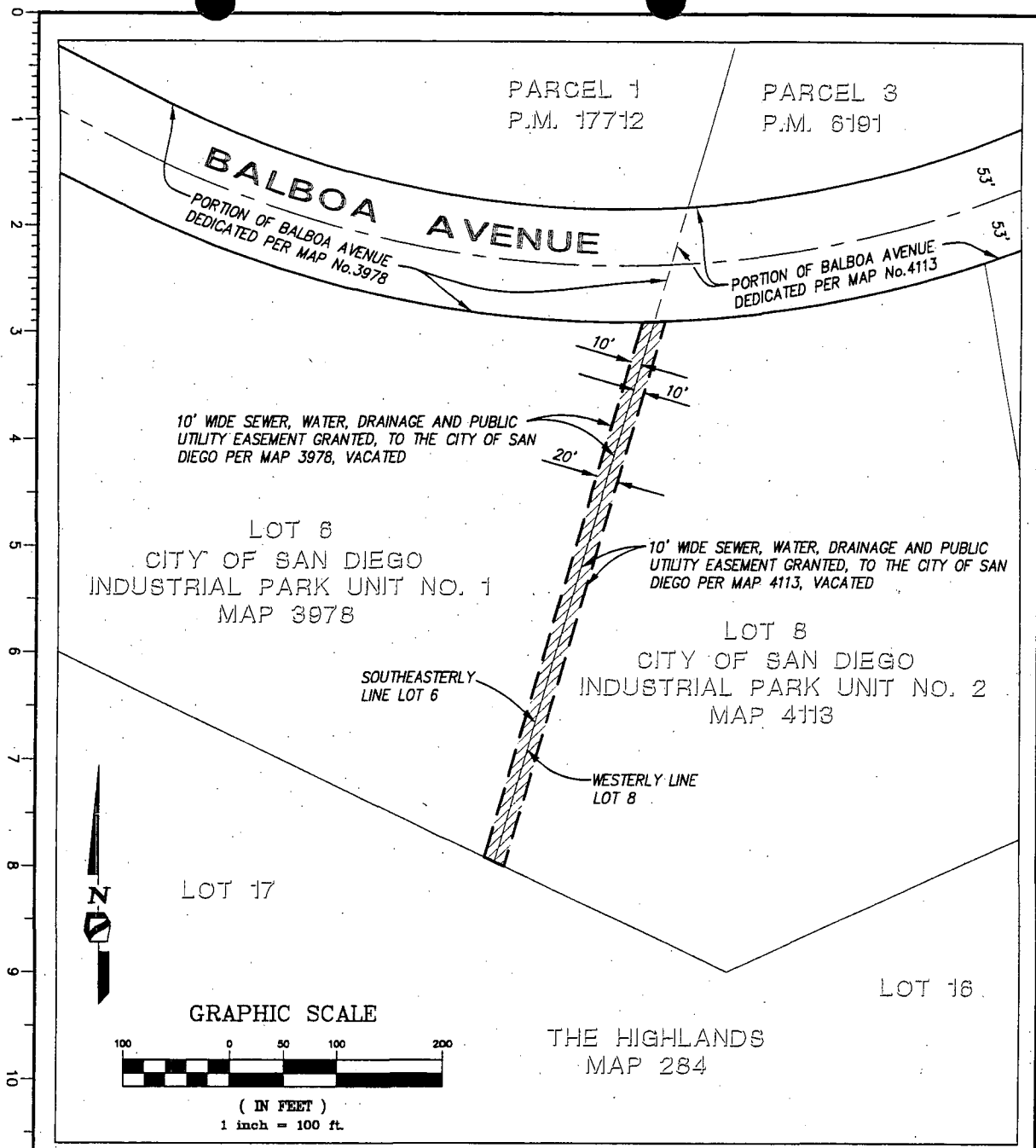
**VACATION OF SEWER,
 WATER, DRAINAGE AND
 PUBLIC UTILITY EASEMENTS**

IN LOT 6 OF CITY OF SAN DIEGO INDUSTRIAL
 PARK, UNIT NO. 1, MAP NO. 3978 AND
 IN LOT 8 OF CITY OF SAN DIEGO INDUSTRIAL
 PARK, UNIT NO. 2, MAP NO. 4113

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	PDC				SHEET 1 OF 2 SHEETS	126479
	✓	JGM	7/10/07			J.O. NO.
					<i>[Signature]</i>	1878-6285
					FOR CITY ENGINEER	NAD '83 COORDINATES
						238-1725
						LAMBERT COORDINATES
						20685-B

EXHIBIT B

R-303187



PROJECT DESIGN CONSULTANTS
 Planning | Landscape Architecture | Environmental | Engineering | Survey

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 San Diego, CA 92101
 619.236.8071 Tel
 619.234.0249 Fax

Ronald E. Roth 06/12/07
 RONALD E. ROTH P.L.S. 5506 DATE
 MY REGISTRATION EXPIRES 9-30-2008

VACATION OF SEWER, WATER, DRAINAGE AND PUBLIC UTILITY EASEMENTS

IN LOT 6 OF CITY OF SAN DIEGO INDUSTRIAL PARK, UNIT NO. 1, MAP NO. 3978 AND
 IN LOT 8 OF CITY OF SAN DIEGO INDUSTRIAL PARK, UNIT NO. 2, MAP NO. 4113

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	PDC			

CITY OF SAN DIEGO, CALIFORNIA

SHEET 2 OF 2 SHEETS

[Signature] 12 JUL 07
 FOR CITY ENGINEER DATE

P.T.S. NO.	126479
J.O. NO.	427613
	1878-6285
	NAD '83 COORDINATES
	238-1725
	LAMBERT COORDINATES
	20685-B

EXHIBIT B

R 303187