

RESOLUTION NUMBER R- 303188

DATE OF FINAL PASSAGE NOV 20 2007

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

WHEREAS, the affected property owners have requested the vacation of the unnecessary public utility easement in Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948 as depicted on Engineering Drawing No. 20692-B, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public utility easement, either for the 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 public utility easement located within Lots 255 and 256 of Kensington Heights Unit No. 3 Map No. 1948, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20692-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303188-1, and RR- 303188-2, 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.

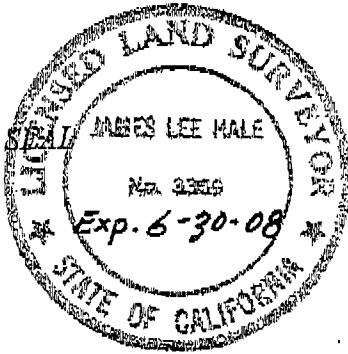
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel Lipsky
Deputy City Attorney

RL:pev:mm
10/31/07
Or.Dept:DSD
R-2008-290
MMS #5397
EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04

Exhibit "A"
Public Utility Easement Vacation

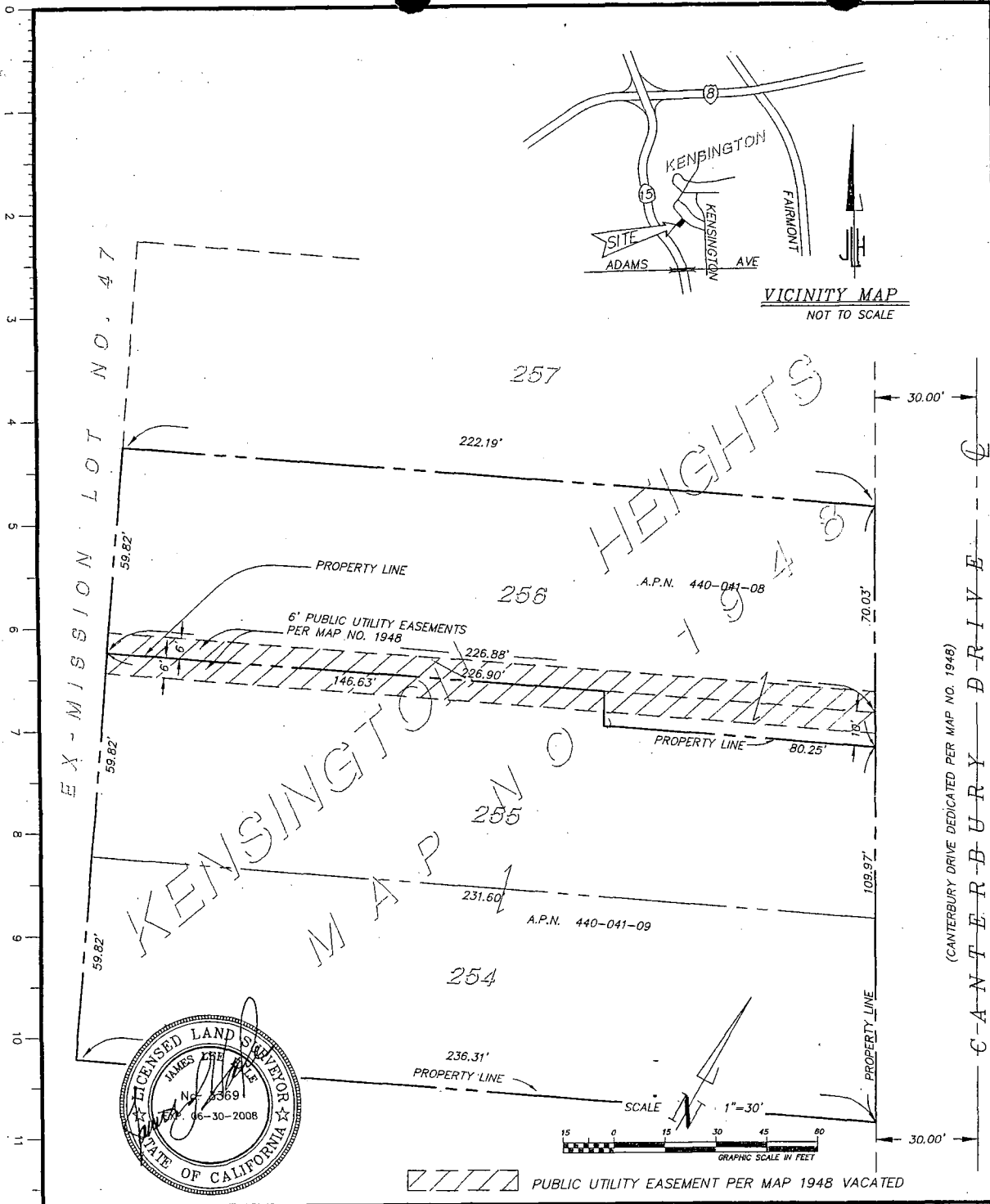
All that Public Utilities Easement granted to the City of San Diego in Lots 255 and 256 per Map 1948, in the City of San Diego, County of San Diego, State of California, recorded September 28, 1926 in the Office of the San Diego County Recorder.



James Lee Male 9-4-07
signature date

Reference:
Dwg. 20692-B
File PTS 102603
JO 426395

R 303188



CANTERBURY DRIVE DEDICATED PER MAP NO. 1948

PUBLIC UTILITY EASEMENT PER MAP 1948 VACATED

J L H Inc., SURVEYORS
 7910 CONVOY COURT
 SAN DIEGO, CALIF. 92111
 PH. (858) 715-1420 P.L.S 3369

**PUBLIC UTILITY EASEMENT VACATION
 LOTS 255 & 256 KENSINGTON HEIGHTS MAP, 1948**

	CITY OF SAN DIEGO, CALIFORNIA	PT No. 102063
	SHEET 1 OF 1 SHEET	JO No. 426395
	CITY ENGINEER _____ DATE _____	CCS 83 COORDINATES _____
	DIVISION HEAD _____	LAMBERT COORDINATES _____
STATUS _____	SECTION HEAD _____	20692 -B

EXHIBIT B

R 303188