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(R-2008-796)

RESOLUTION NUMBER R- 303581

DATE OF FINAL PASSAGE APR 15 2008

WHEREAS, California Streets and Highways Code 8300 et seq. (and specifically Sections 8333 and 8335), and San Diego Municipal Code Section 125.1010(c) provide a procedure for the summary abandonment or vacation of public service easements by City Council resolution where the easement to be abandoned has been superseded by relocation and there are no public facilities located within the easement; and

WHEREAS, the affected property owner has requested the abandonment of an unnecessary public service sewer easement on Parcel "B" of Lot Line Adjustment recorded on April 20, 2007 as Document No. 2007-0270554 O.R. as depicted on Engineering Drawing No. 20713-B to un-encumber his property. Said public service sewer easement [easement] is located in the La Jolla Community Plan area, southerly of La Jolla Scenic Drive South; and

WHEREAS, the existing public utility facilities located within the easement to be abandoned have been superseded with a new sewer as shown on Engineering Drawing No. 34442-D and the associated easements were granted as shown on Engineering Drawing No. 19139-B; and

WHEREAS, there are no other public facilities located within the easement to be abandoned, and there is no present or prospective public use of the existing easement in its present location; and

WHEREAS, this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301; 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, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on APR 15 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, Council of the City of San Diego finds that:

- (a) the public service easement to be abandoned herein does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment;
- (b) The easement has been superseded by relocation and there are no other public facilities located within the easement;
- (c) There is no present or prospective public use for the 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;

- (d) The public will benefit from the action through improved utilization of the land made available by the abandonment;
- (e) The abandonment is consistent with any applicable land use plan; and,
- (f) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

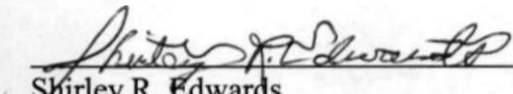
BE IT FURTHER RESOLVED, the Council of the City of San Diego finds:

1. That the public service sewer easement located within Parcel "B" of Lot Line Adjustment recorded on April 20, 2007 as Document No. 2007-027995 O.R., as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20713-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303581⁻¹, and RR- 303581⁻² which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.
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. From and after the date of recordation of this Resolution, the abandoned public service easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete.

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BE IT FURTHER RESOLVED, the Council of the City of San Diego finds that this action is exempt from the CEQA pursuant to State CEQA Guidelines Section 15301.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
03/21/08
Or.Dept:DSD
R-2008-796
MMS #6038


EXHIBIT 'A'

SEWER EASEMENT VACATION

THAT PORTION OF THE SEWER EASEMENT GRANTED PER DOCUMENT NO. 78-121059 RECORDED MARCH 29, 1978, IN PARCEL B OF LOT LINE ADJUSTMENT RECORDED MARCH 2, 2007 AS DOCUMENT NO. 2007-0143505 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

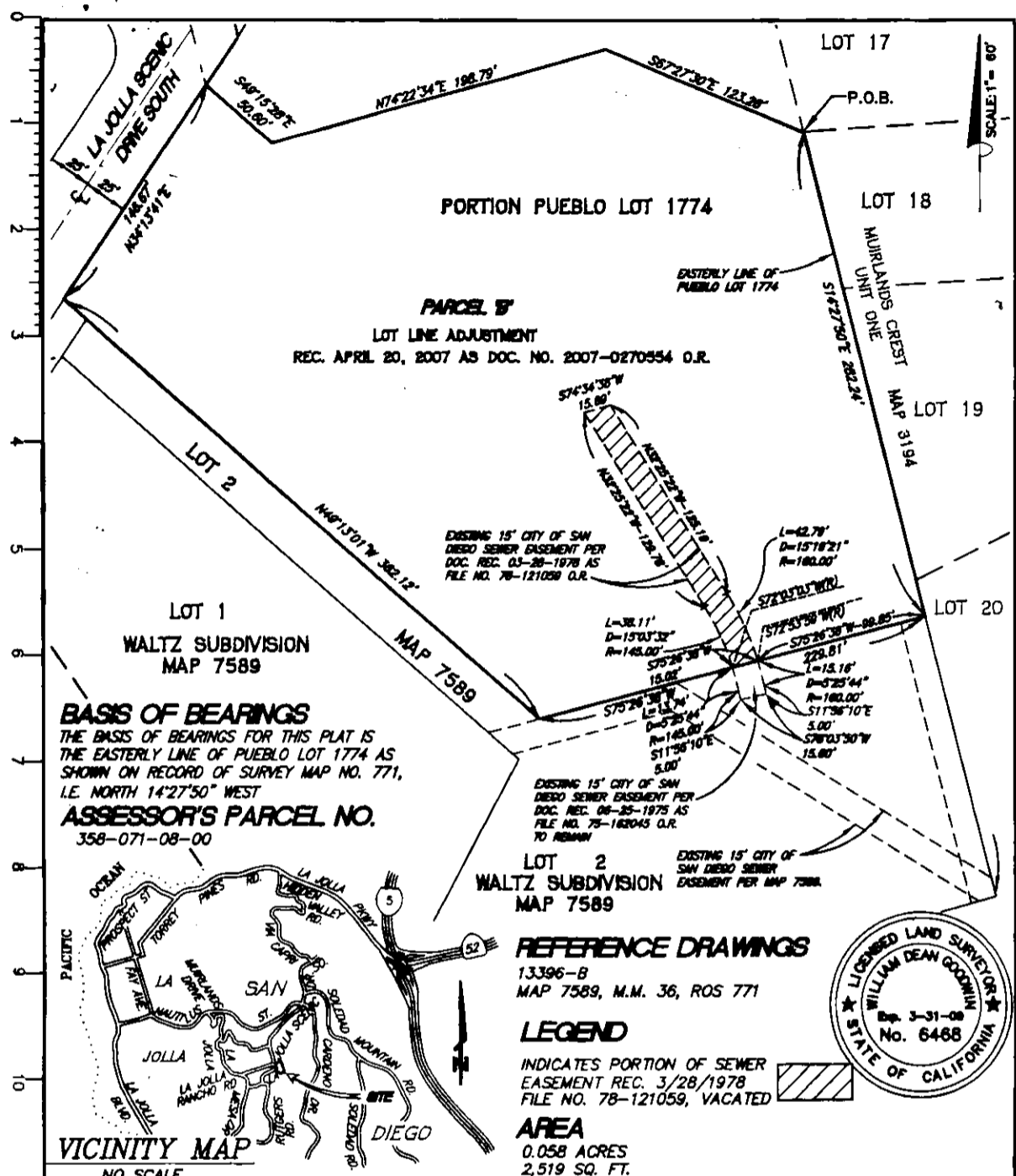
COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL B OF SAID LOT LINE ADJUSTMENT; THENCE ALONG THE EASTERLY LINE OF SAID PUEBLO LOT 1774 AND THE EASTERLY LINE OF SAID PARCEL B, SOUTH 14°27'50" EAST, 282.24 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL B; THENCE LEAVING SAID EASTERLY LINE OF SAID PUEBLO LOT 1774, ALONG THE SOUTHERLY LINE OF SAID PARCEL B, SOUTH 75°26'38" WEST, 99.85 FEET TO THE EASTERLY LINE OF SAID SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 78-121059, AND THE TRUE POINT OF BEGINNING, BEING A POINT ON A 160.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 72°53'59" EAST; THENCE LEAVING SAID SOUTHERLY LINE OF SAID PARCEL B, ALONG THE EASTERLY LINE OF SAID PUBLIC SEWER EASEMENT, NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°19'21", A DISTANCE OF 42.79 FEET; THENCE NORTH 32°25'22" WEST, 125.19 FEET TO THE NORTHEASTERLY CORNER OF SAID PUBLIC SEWER EASEMENT; THENCE ALONG THE NORTHERLY LINE OF SAID PUBLIC SEWER EASEMENT, SOUTH 74°34'38" WEST, 15.69 FEET TO THE NORTHWESTERLY CORNER OF SAID PUBLIC SEWER EASEMENT; THENCE ALONG THE WESTERLY LINE OF SAID PUBLIC SEWER EASEMENT, SOUTH 32°25'22" EAST, 129.78 FEET TO THE BEGINNING OF A TANGENT 145.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°03'32", A DISTANCE OF 38.11 FEET TO THE SOUTHERLY LINE OF SAID PARCEL B; THENCE ALONG SAID SOUTHERLY LINE, NORTH 75°26'38" EAST, 15.02 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 2,519 SQUARE FEET (0.058 ACRES) MORE OR LESS.

SIGNATURE:  01/18/08
BILL GOODWIN, PLS 6468 DATE
LICENSE EXPIRES 03/31/09



J.O.: 42779
PTS: 129171
DWG: 20713-B



W.D. Coleman 1-18-08
 DATE

SEWER EASEMENT VACATION

IN PARCEL 'B' OF LOT LINE ADJUSTMENT RECORDED APRIL 20, 2007 AS DOC. NO. 2007-0270554 O.R.

DESCRIPTION	BY	APPROVED DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS NO. 129171
ORIGINAL				SHEET 1 OF 1 SHEETS	W.G. NO. 427779
	AEA	2-21-08		<i>William D. Coleman</i> 25 FEB '08 FOR CITY ENGINEER DATE	1880-8251
					CCS(NAD 83) COORDINATES
					240-1681
					LAMBERT COORDINATES
					20713-B
STATUS					

EXHIBIT B
R 303581