

RESOLUTION NUMBER R- 303701  
DATE OF FINAL PASSAGE MAY 13 2008

WHEREAS, California Streets and Highways Code section 8330 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or vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary public service sewer easement in Pueblo Lands of San Diego M.M. 36, Por. P.L. 1164 as depicted on Engineering Drawing No. 20660-B, to unencumber this property. Said public service easement [easement] is located in the Barrio Logan Community Plan area, on the northwest corner of Sampson Street and Harbor Drive; 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WHEREAS, the existing public utility facilities located within the easement to be abandoned have been superseded with a new sewer as shown on Engineering Drawing No. 34430-D; and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 15060(c)(3); 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 MAY 13 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, that the Council of the City of San Diego [City Council] 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; and

(b) the easement has been superseded by relocation and there are no other public facilities located within the easement;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 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 vacation through improved utilization of 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 required no longer exists.

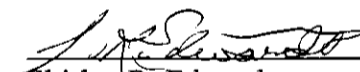
BE IT FURTHER RESOLVED, that the City Council, finds as follows:

1. That the public service sewer easement located within Pueblo Lands of San Diego M.M. 36, Por. P.L. 1164, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20660-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303701<sup>-1</sup>, and RR- 303701<sup>-2</sup>, 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.

BE IT FURTHER RESOLVED, that the City Council finds that this action is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:pev  
04/28/08  
Or.Dept:DSD  
R-2008-987  
MMS #6187

**EXHIBIT "A"**

**LEGAL DESCRIPTION  
FOR  
SEWER EASEMENT VACATION**

BEING A PORTION OF PUEBLO LOT 1164 OF THE PUEBLO LANDS OF SAN DIEGO, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN THE YEAR 1870, A COPY OF WHICH BEING FILED AS MISCELLANEOUS MAP NO. 36 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ALSO BEING A PORTION OF LANDS DESCRIBED IN DEED RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 23, 1991 AS DOCUMENT NO. 1991-0666414 OF OFFICIAL RECORDS, ALL BEING IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 15.00 FEET IN WIDTH, THE CENTERLINE OF WHICH BEING DESCRIBED AS FOLLOWS;

**COMMENCING** AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT-OF-WAY OF HARBOR DRIVE (FORMERLY COLTON AVENUE) AS DESCRIBED IN DOCUMENT RECORDED DECEMBER 4, 1941 IN BOOK 1285 AT PAGE 78 OF OFFICIAL RECORDS OF SAID COUNTY AND THE NORTHWESTERLY RIGHT-OF-WAY OF SAMPSON STREET AS DESCRIBED IN DOCUMENT RECORDED DECEMBER 28, 1926 IN BOOK 1276 AT PAGE 271 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY OF SAID SAMPSON STREET, SOUTH  $39^{\circ}48'35''$  WEST 150.74 FEET TO THE INTERSECTION WITH THE CENTERLINE OF AN EASEMENT, 15.00 FEET IN WIDTH FOR SEWER FACILITIES IN FAVOR OF THE CITY OF SAN DIEGO AS DESCRIBED IN DOCUMENT RECORDED APRIL 7, 1993 AS DOCUMENT NO. 1993-0213888 OF OFFICIAL RECORDS OF SAID COUNTY, SAID INTERSECTION ALSO BEING THE **TRUE POINT OF BEGINNING**; THENCE DEPARTING SAID NORTHWESTERLY RIGHT-OF-WAY LINE AND NORTHWESTERLY ALONG THE CENTERLINE OF SAID EASEMENT, BEING NORTHEASTERLY 10.97 FEET OF AND PARALLEL WITH THE NORTHEASTERLY BOUNDARY OF LANDS DESCRIBED IN DEED TO SAN DIEGO GAS AND ELECTRIC COMPANY RECORDED JUNE 4, 1941 IN BOOK 1193 AT PAGES 39 AND 40 OF OFFICIAL RECORDS OF SAID COUNTY, NORTH  $50^{\circ}09'25''$  WEST 500.00 FEET TO THE INTERSECTION WITH THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY BOUNDARY OF LANDS DESCRIBED IN AFORESAID DEED TO SAN DIEGO GAS AND ELECTRIC COMPANY; THENCE CONTINUING, NORTH  $50^{\circ}09'25''$  WEST 161.00 FEET TO THE **TERMINUS**.

THE SIDELINES OF SAID 15.00 FOOT WIDE STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE IN THE NORTHWESTERLY RIGHT-OF-WAY OF SAID SAMPSON STREET.

ATTACHED HERETO IS A DRAWING NO. 20660-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF IS MADE.

CONTAINS 0.227 ACRE, MORE OR LESS

BY: Ronald E. Roth

DATE: 01/04/08

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



P.T.S. 122818  
J.O. 427408  
20660 - B

R 303701

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM CCS 83, ZONE 6, EPOCH 1991.35 GRID BEARING BETWEEN G.P.S. STATION NO. 3219 AND G.P.S. STATION NO. 1219 PER RECORD OF SURVEY 1492, I.E. SOUTH 16°10'11" EAST.

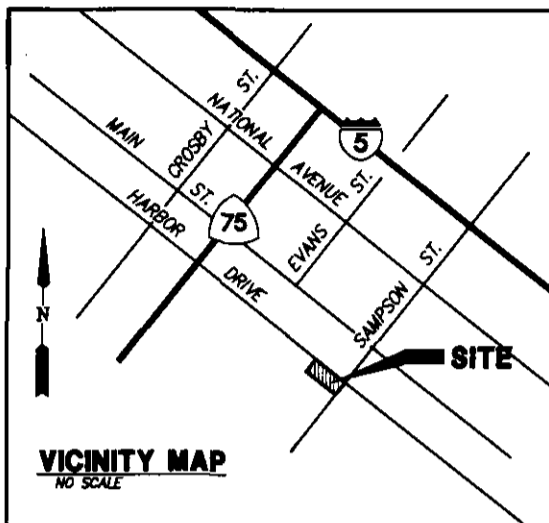
QUOTED BEARINGS FROM REFERENCE MAPS/DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM

**ASSESSOR'S PARCEL NO.'S**


538-700-06

**REFERENCE DRAWINGS**

PUEBLO LANDS OF SAN DIEGO M.M. 36  
ROS 9106, ROS 13809, PM 14649  
S.B.E. MAP 141-37-11



**LEGEND**

 INDICATES SEWER EASEMENT PER DOCUMENT 1993-0213888 OF OFFICIAL RECORDS, RECORDED APRIL 7, 1993, VACATED.

AREA = 0.227 ACRES

P.O.C. INDICATES POINT OF COMMENCEMENT

T.P.O.B. INDICATES TRUE POINT OF BEGINNING



*Ronald E. Roth* 01-04-08  
RONALD E. ROTH P.L.S. 5508 DATE  
MY REGISTRATION EXPIRES 9-30-2008

**SEWER EASEMENT VACATION-**

PUEBLO LANDS OF SAN DIEGO  
M.M. 36, POR. P.L. 1164

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	PDC				SHEET 1 OF 2 SHEETS	
	AGA		12-08		<i>Ronald J. Doherty</i>	1832-6285
					FOR CITY ENGINEER	CCS '83 COORDINATES
					PLS5771	192-1725
						LAMBERT COORDINATES
						20660-1-B

**EXHIBIT B** R-303701

