

336 (D)
(R-2008-1014) 5/20

RESOLUTION NUMBER R- 303734

DATE OF FINAL PASSAGE MAY 20 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) provides 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or vacation of public service easements by City Council resolution where the easement to be abandoned has been superseded by relocation and there are no active public facilities located within the easement; and

WHEREAS, the affected property owner has requested the summary abandonment of a storm drain easement on Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as depicted on Engineering Drawing No. 20649-B. Said storm drain easement is located in the Uptown Community Plan area; and

WHEREAS, the storm drain easement does not contain active public utility facilities that would be affected by the abandonment; and

WHEREAS, the storm drain easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the storm drain 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

WHEREAS, the public facility or purpose for which the storm drain easement was originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of a public utility easement on Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as depicted on Engineering Drawing No. 20646-B. Said public utility easement is located in the Uptown Community Plan area; and

WHEREAS, the public utility easement does not contain active public utility facilities that would be affected by the abandonment; and

WHEREAS, the public utility easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the public utility 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

WHEREAS, the public facility or purpose for which the public utility easement was originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of a sewer easement on Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as depicted on Engineering Drawing No. 20645-B. Said sewer easement is located in the Uptown Community Plan area; and

WHEREAS, the sewer easement does not contain public utility facilities; and

WHEREAS, the sewer easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the sewer 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

WHEREAS, the public facility or purpose for which the sewer easement was originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of two sewer easements on Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as depicted on Engineering Drawing No. 20647-B. Said sewer easements are located in the Uptown Community Plan area; and

WHEREAS, the two sewer easements do not contain public utility facilities; and

WHEREAS, the two sewer easements have not been used for the purpose for which they were dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use for the two sewer easements, 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

WHEREAS, the public facility or purpose for which the sewer easements were originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, the affected property owner has requested the summary abandonment of a water easement on Parcel "1" of Parcel Map No. 18598, recorded on DATE as Document No. ADD O.R. as depicted on Engineering Drawing No. 20650-B. Said sewer easements are located in the Uptown Community Plan area; and

WHEREAS, the water easement does not active public utility facilities that would be affected by the abandonment; and

WHEREAS, the water easement has been superseded by relocation as shown on Engineering Drawing No. 20650-B , attached as Exhibit "A" hereto, and there are no other public facilities located within the easement; and

WHEREAS, and there is no present or prospective public use of the existing easements, either for the facility or purpose for which they were originally acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, the public will benefit from the action through improved utilization of the land made available by the abandonments, and

WHEREAS, the abandonments are consistent with the Uptown Community Plan and Progress Guide and General Plan; and

WHEREAS, the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by the abandonment; and

WHEREAS, on April 3, 2007, the Uptown Planners Committee voted to recommend approval of the project with specific recommendations which have been incorporated into the project and are fully discussed in Planning Commission Report No. PC-08-040; and

WHEREAS, on April 3, 2008, the Planning Commission approved the proposed project; 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 20 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 for the 6 easements:

- (a) There is no present or prospective public use for the easements, either for the facility or 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 action through improved utilization of the land made available by the abandonments; and
- (c) The abandonment are consistent with any applicable land use plan; and,
- (d) The public facility or purpose for which the easements were originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easements were acquired no longer exists; and,

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

1. That the storm drain easement, located within Parcel "1" of Parcel Map No. 18598, recorded on DATE as Document No. ADD O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20649-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303734⁻¹, and RR- 303734⁻² which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

2. That the public utility easement, located within Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20646-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303734⁻³, and RR- 303734⁻⁴ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

3. That the one sewer easement, located within Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20645-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303734⁻⁵, and RR- 303734⁻⁶ which are by this reference incorporated herein and made a part hereof, is ordered summarily abandoned.

4. That the two sewer easements, located within Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20647-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303734⁻⁷, and RR- 303734⁻⁸ which are by this reference incorporated herein and made a part hereof, are ordered summarily abandoned.

5. That the water easement, located within Parcel "1" of Parcel Map No. 18598, recorded on 12/08/2000 as Document No. 2000-0669213 O.R. as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20650-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303734⁻⁹, and

RR- 303734⁻¹⁰ which are by this reference incorporated herein and made a part hereof,
is ordered summarily abandoned.

6. 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 easements shall no longer constitute public service easements. Upon such recordation, the summary abandonments are complete.

7. That the above findings are supported by the minutes, maps, and exhibits, all of which are hereby incorporated by reference.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel C. Lipsky
Deputy City Attorney

RL:mm
05/02/08
Or.Dept:DSD
R-2008-1014
MMS #6208

EXHIBIT "A"

LEGAL DESCRIPTION
STORM DRAIN EASEMENT VACATION

ALL THAT PORTION OF THE 10.00 FOOT WIDE STORM DRAIN EASEMENT AS GRANTED PER DOCUMENT RECORDED JULY 22, 1963 AS INSTRUMENT NO. 127989 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20649-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20649-B

PR-

DOCUMENT NO. 303734-1
FILED MAY 20 2008
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA

EXHIBIT "A"

LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT VACATION

THAT PORTION OF THE PUBLIC UTILITY EASEMENT RESERVED FROM THE VACATED PORTION OF MONTECITO WAY PER DOCUMENT RECORDED FEBRUARY 7, 1979 AT FILE/PAGE 1979-058862 OFFICIAL RECORDS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20646-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09

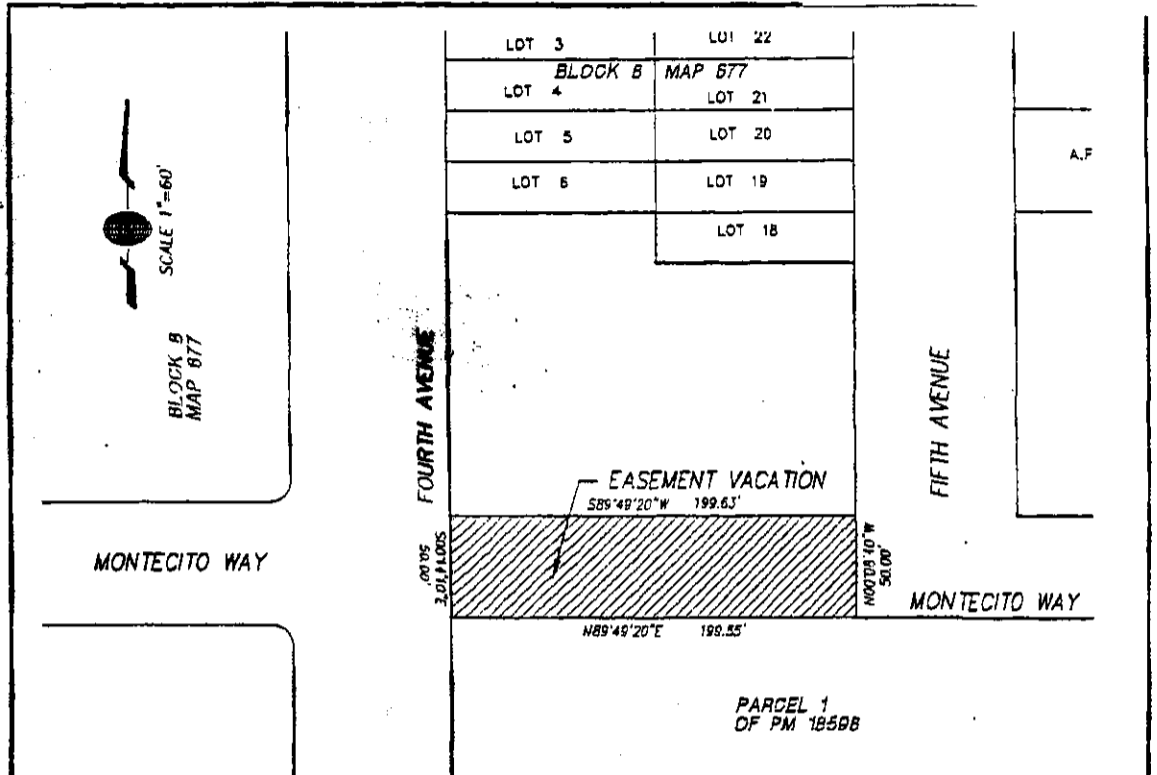



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20646-B

DOCUMENT NO. RR-303734 - 3
FILED MAY 20 2008
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

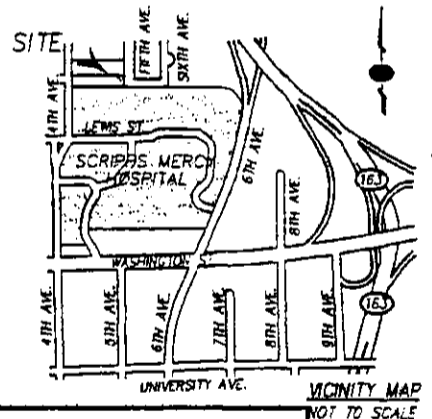
EXHIBIT 'B'




LEGEND
 INDICATES PUBLIC UTILITIES EASEMENT RESERVED PER DOCUMENT RECORDED FEB. 7, 1978 AS INSTRUMENT No. 79-058862 O.R. VACATED.

REFERENCE DRAWING
 PM 18598, 14391-B

Latitude 33
 Planning and Engineering
 4933 Paramount Drive, Second Floor
 San Diego, CA 92123
 858-751-0833 Fax 858-751-0834



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 C. JOHN EARDENSOHN L.S. 5278 REGISTRATION EXPIRES 12-31-09	DATE 2/29/08	DOCUMENT NO. 303734-4 FILED MAY 20 2008 OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA
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PUBLIC UTILITIES EASEMENT VACATION
 IN PARCEL 1 OF P.M. No. 18598

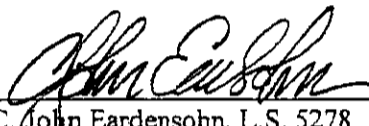
DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS	PTS. NO. 04392 J.O. NO. 425937 1854-6279 CCS '83 COORDINATES 212-1719 LAMBERT COORDINATES
ORIGINAL	LAT33			FOR CITY ENGINEER _____ DATE _____	20646-B
	AEA	B-12-08			

EXHIBIT "A"

**LEGAL DESCRIPTION
SEWER EASEMENT VACATION**

ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED JUNE 2, 1965, AS INSTRUMENT NO. 98240, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20645-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09

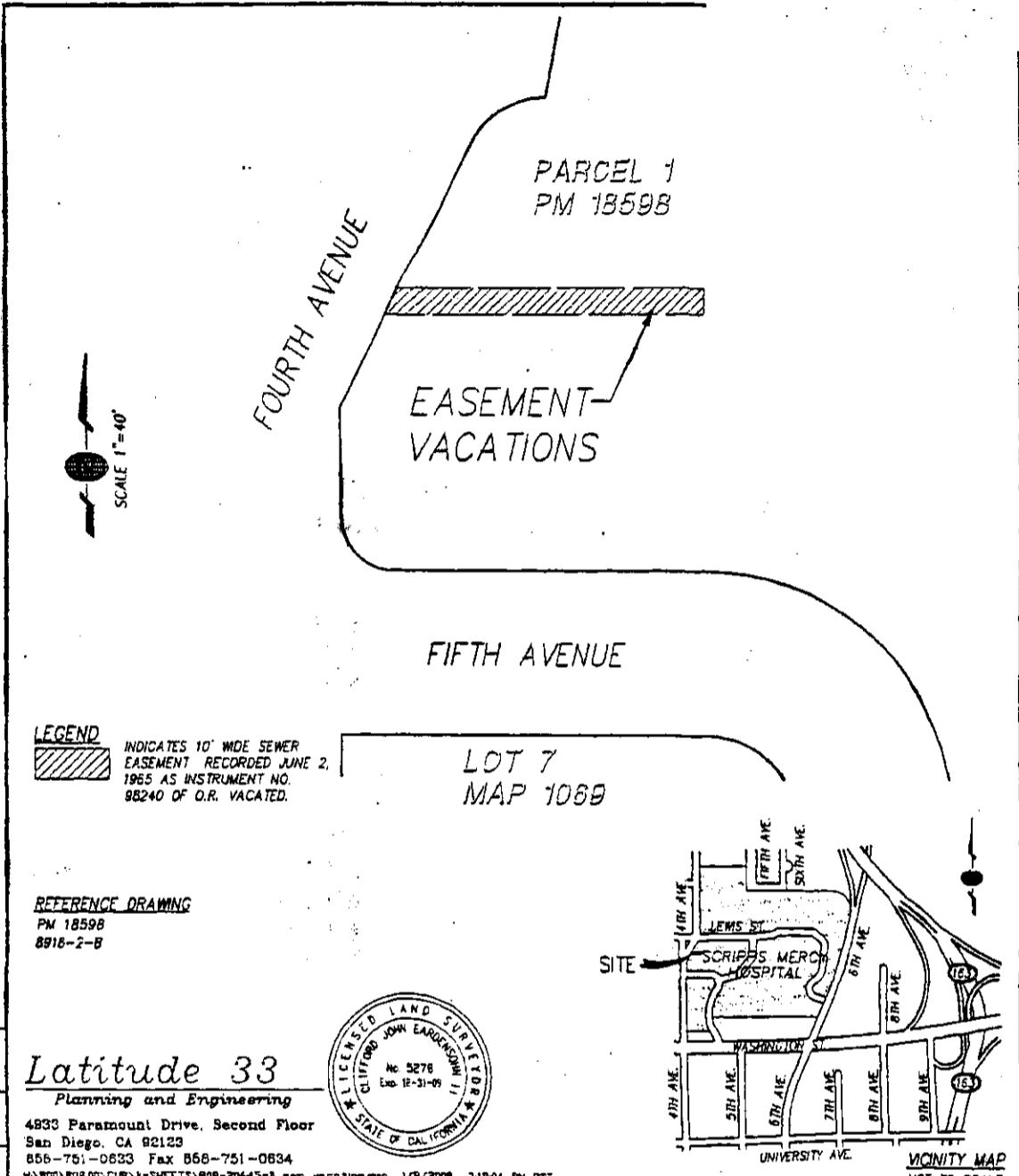


3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20645-B

DOCUMENT NO. <u>303734</u> -5
FILED <u>MAY 20 2008</u>
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA

EXHIBIT 'B'



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Clifford John Eardenson 2/29/08
C. JOHN EARDENSON L.S. 5278 DATE
REGISTRATION EXPIRES 12-31-09

DOCUMENT NO. 303734-6
FILED MAY 20 2008
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

SEWER EASEMENT VACATION
IN PARCEL 1 OF PM 18598

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS		P.T.S. NO. 94392
ORIGINAL	LAT33			FOR CITY ENGINEER	DATE	J.O. NO. 425837
	AEA	2-2-08				1854-6279 CGS '83 COORDINATES
						214-1719 LAMBERT COORDINATES
						20645-B

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL THAT PORTION OF THE 6.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED DECEMBER 13, 1928 IN BOOK 1564 OF DEEDS, PAGE 151 OF OFFICIAL RECORDS, AND ALL THAT PORTION OF THE 10.00 FOOT WIDE SEWER EASEMENT AS GRANTED PER DOCUMENT RECORDED JUNE 23, 1960 AS INSTRUMENT NUMBER 128282 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1 OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20647-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.



C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20647-B

1 OF 1

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DOCUMENT NO. 2303734
FILED MAY 20 2008
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA

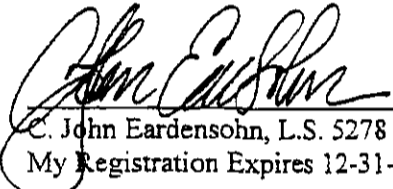
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EXHIBIT "A"

LEGAL DESCRIPTION
WATER EASEMENT VACATION

ALL THAT PORTION OF THE 20.00 FOOT WIDE WATER EASEMENT AS GRANTED PER DOCUMENT RECORDED DECEMBER 12, 1980. AS INSTRUMENT NO 1980-418947 OF OFFICIAL RECORDS, LOCATED IN PARCEL 1, OF PARCEL MAP NO. 18598, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 8, 2000 AS FILE NUMBER 2000-0669213 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

ATTACHED HERETO IS DRAWING NO. 20650-B LABELED EXHIBIT 'B' BY THIS REFERENCE MADE A PART HEREOF.


C. John Eardensohn, L.S. 5278
My Registration Expires 12-31-09



3/10/08
DATE

FILE: PTS 94392
WO 425937
DRAWING 20650-B

DOCUMENT NO 303734-9
FILED MAY 20 2008
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

