

335
(R-2008-1078) (D)
4/17

RESOLUTION NUMBER R- 303855

DATE OF FINAL PASSAGE JUN 17 2008

SLOPE EASEMENT VACATION FOR THE LINDA VISTA
ROAD CENTER PROJECT.

WHEREAS, California Streets and Highways Code 8300 et seq., and San Diego Municipal Code Section 125.1001 et seq. provide a procedure for the summary vacation of public service easements by City Council resolution where the easement to be vacated is no longer required; and

WHEREAS, the affected property owner has requested the vacation of the slope easement located on Mesa College Drive between Linda Vista Road and Highway 163 southbound on-ramp, to unencumber his property and facilitate development of the site as conditioned in approved Planned Development Permit No. 532247; 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 JUN 17 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) 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.

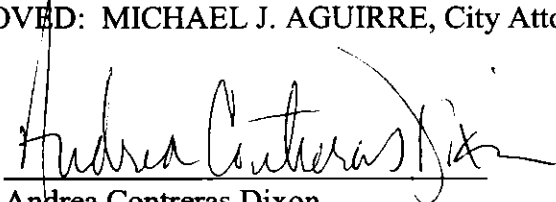
- (b) The public will benefit from the action through improved utilization of the land.
- (c) The vacation is consistent with the General Plan or an approved Community Plan.
- (d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation.

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

1. That the slope easement located within Mesa College Drive between Linda Vista Road and Highway 163 southbound on-ramp in connection with Planned Development Permit No. 532247, as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20833-B, marked as Exhibit "B," and on file in the Office of the City Clerk as Document Nos. RR- 303855⁻¹, and RR- 303855⁻² which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom general utility and public utility easements for utilities together with ingress and egress for that purpose.
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


Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
05/27/08
Or.Dept:DSD
R-2008-1078
MMS #6304

EXHIBIT "A"

LEGAL DESCRIPTION

**SLOPE EASEMENT VACATION WITH GENERAL UTILITY AND
ACCESS EASEMENT RESERVED FROM SLOPE VACATION**

PARCEL 'A'

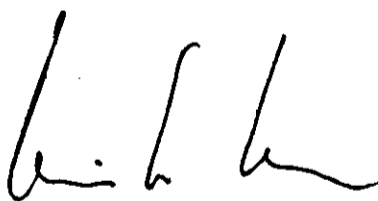
ALL THAT PORTION OF LOT 3 OF ARTILLERY SQUARE UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 6266 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN SLOPE EASEMENT GRANTED TO THE STATE OF CALIFORNIA PER DEED RECORDED NOVEMBER 13, 1967 AS FILE NO. 178108 SERIES 8 BOOK 1967 OF OFFICIAL RECORDS AND RELINQUISHED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED JULY 27, 1972 AS FILE NO. 195261 BOOK 1972 OF OFFICIAL RECORD. VACATED.

PARCEL 'B'

GENERAL UTILITY AND ACCESS EASEMENT RESERVED OVER ALL THAT PORTION OF SAID SLOPE EASEMENT.

CONTAIN. APPROXIMATELY 5,913 SQUARE FEET MORE OR LESS.



MACARIO PEREZ, PE
RCE 20604



3/14/2008

DATE

J.O. 426706
P.T.S. 108435
DWG: 20833-B

DOCUMENT NO. <u>R-303855-1</u>
FILED <u>JUN 17 2008</u>
OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA

R-303855

