

RESOLUTION NUMBER R- 303952

DATE OF FINAL PASSAGE JUL 22 2008

DRAINAGE EASEMENT VACATION IN LOT 346 OF
MAP 5011.

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or vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and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 a section of the public service [drainage] easement in Lot 346 of San Carlos Estates Unit No. 3 Map No. 5011 as depicted on Engineering Drawing No. 20795-B, to unencumber his/her property. Said drainage easement is located in the Navajo Community Plan area, on the west side of Norman Lane south of Madra Avenue; and

WHEREAS, this drainage easement was originally granted to the City at no cost in or around 2003; and

WHEREAS, the existing public utility facilities located within the section of the drainage easement to be abandoned have been superseded with a new drain as shown on Engineering Drawing No. 20574-B, in order to accommodate a construction change to the grading plan approved September 30, 2005 on Engineering Drawing No. 33364-D (W.O. 423556); and

WHEREAS, there are no other public facilities located within that section of the drainage easement to be abandoned, and there is no present or prospective public use of the existing drainage 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 (Existing Facilities); 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 JUL 22 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 drainage 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 drainage 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 drainage 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, including the City's General Plan and the Mira Mesa Community Plan; and

(f) the public facility or purpose for which the drainage easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the drainage easement was required no longer exists.

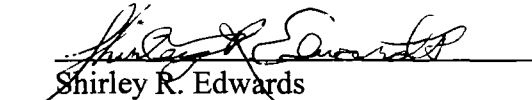
BE IT FURTHER RESOLVED, that the City Council finds as follows:

1. That the portion of the drainage easement located within Lot 346 of San Carlos Estates Unit No. 3 Map No. 5011, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20795-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303952⁻¹, and RR- 303952⁻², 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 drainage easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete.

BE IT FURTHER RESOLVED, the City Council finds that this action is exempt from CEQA pursuant to State CEQA Guidelines Section 15301 (Existing Facilities).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Shirley R. Edwards
Chief Deputy City Attorney

SRE:pev
06/20/08
Or.Dept:DSD
R-2008-1183
MMS #6405

EXHIBIT "A"
LEGAL DESCRIPTION
DRAINAGE EASEMENT VACATION

THAT PORTION OF DRAIN EASEMENT GRANTED TO THE CITY OF SAN DIEGO IN LOT 346 OF SAN CARLOS ESTATES UNIT NO. 3, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 5011, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 23, 1962, LYING NORTHWESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 346;

THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 346 SOUTH 59°27'00" EAST, 92.70 FEET TO THE POINT OF BEGINNING OF THAT CERTAIN DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED NOVEMBER 29, 2006 AS F/P 2006-084804 OFFICAL RECORDS;

THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE SOUTH 59°27'00" EAST, 35.30 FEET TO THE BEGINNING OF A TANGENT 122.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°59'32", A DISTANCE OF 31.92 FEET;

THENCE LEAVING SAID NORTHEASTERLY LINE SOUTH 39°26'10" WEST, 49.91 FEET TO A POINT ALONG SAID DRAINAGE EASEMENT AS DEDICATED ON MAP NO. 5011, BEING A POINT ON A NON-TANGENT 27.50 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 83°51'21" EAST;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 24°46'11", A DISTANCE OF 11.89 FEET A RADIAL TO SAID POINT BEARS N59°05'10"E ALSO BEING AN ANGLE POINT IN SAID DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO RECORDED NOVEMBER 29, 2006 AS F/P 2006-084804 O.R., BEING THE **TRUE POINT OF BEGINNING** OF THIS DESCRIPTION;

THENCE LEAVING SAID CURVE SOUTH 39°26'10" WEST, 11.04 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE WESTERLY LINE OF SAID DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO AS SHOWN ON MAP NO. 5011, BEING THE **POINT OF TERMINUS** OF THIS DESCRIPTION.

CONTAINS 761 SQUARE FEET MORE OR LESS.

PREPARED BY ME OR
UNDER MY DIRECTION

 2008.02.06

DENNIS W. GOOD, DATE
LS 8084

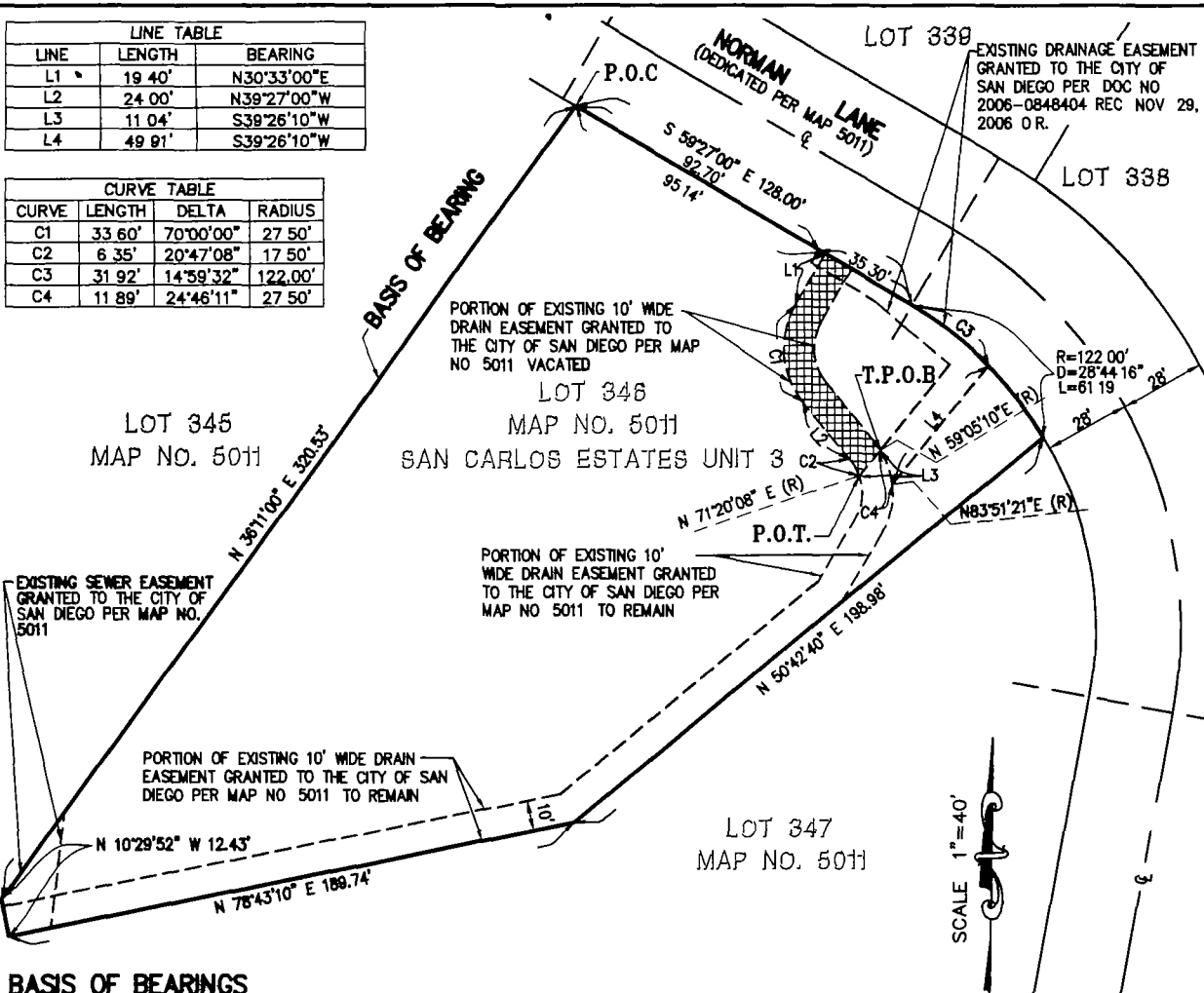


J.O. 428779
PTS 142552
DWG NO. 20795-B

R-303952

LINE TABLE		
LINE	LENGTH	BEARING
L1	19 40'	N30°33'00"E
L2	24 00'	N39°27'00"W
L3	11 04'	S39°26'10"W
L4	49 91'	S39°26'10"W

CURVE TABLE			
CURVE	LENGTH	DELTA	RADIUS
C1	33 60'	70°00'00"	27 50'
C2	6 35'	20°47'08"	17 50'
C3	31 92'	14°59'32"	122.00'
C4	11 89'	24°46'11"	27 50'



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE NORTHWESTERLY LINE OF LOT 346 AS SHOWN ON MAP 5011 I.E. N 36°11'00" E

REFERENCE DRAWINGS

33364-D, MAP 5011

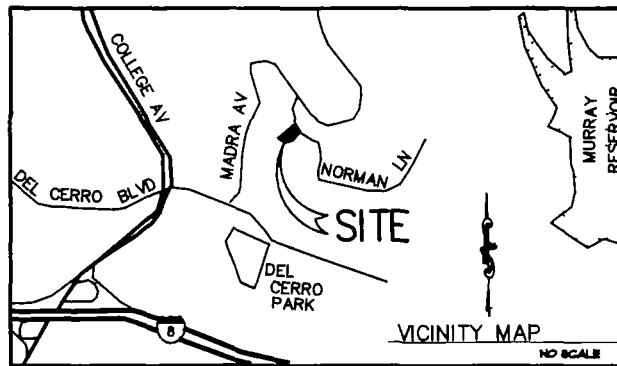
ASSESSOR'S PARCEL NO.

463-540-11-00

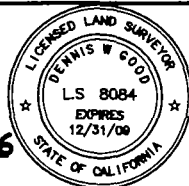
LEGEND

INDICATES PORTION OF DRAIN EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP NO 5011 VACATED CONTAINS 761 SQ FT.

- P.O.T. POINT OF TERMINUS
- T.P.O.B. TRUE POINT OF BEGINNING
- P.O.B. POINT OF BEGINNING
- (R) INDICATES RADIAL BEARING



K & S ENGINEERING, INC.
 Planning Engineering Surveying
 7801 Mission Center Court, Suite 100 San Diego, CA 92108
 (619) 296-5565 Fax (619) 296-5564



D. Ward 2008.02.06
 DENNIS W GOOD L.S. 8084 DATE

**DRAINAGE EASEMENT VACATION:
 PORTION OF EXISTING DRAIN EASEMENT IN LOT 346 OF MAP NO. 5011**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	JOB #
ORIGINAL	K&S				SHEET 1 OF 1 SHEET	428779
	R.B.	R.B.	2-22-08		<i>Ward</i> 25 FEB 08 FOR CITY ENGINEER DATE	142552
					DIVISION HEAD	1864-6311
					SECTION HEAD	NAD83 COORDINATES
						224-1751
						LAMBERT COORDINATES
						20795-B

R-303952

EXHIBIT B