

RESOLUTION NUMBER R- 303988

DATE OF FINAL PASSAGE JUL 29 2008

DRAINAGE EASEMENT VACATION IN LOT 30 MAP 9694.

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or vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and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 30 of Map No. 9694 as depicted on Engineering Drawing No. 20825-B, to unencumber his/her property. Said drainage easement is located in the Mira Mesa Community Plan area, on the south side of Mira Mesa Boulevard easterly of Oberlin Drive; and

WHEREAS, this drainage easement was originally granted to the City at no cost per deed recorded on January 31, 1985 as Instrument No. 85-033314 O.R.; 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the existing public utility facilities located within the section of the drainage easement to be abandoned have been superseded with a new drain as shown on Engineering Drawing No. 20813-B; and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 and/or 15305(c); 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 29 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.

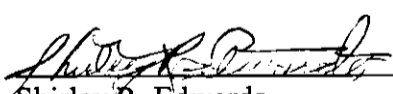
BE IT FURTHER RESOLVED, that the City Council finds as follows:

1. That the portion of the drainage easement located within Lot 30 of Map No. 9694, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20825-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 303988<sup>-1</sup>, and RR- 303988<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 drainage 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 15301 and/or 15305(c).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:pev  
06/20/08  
Or.Dept:DSD  
R-2008-1184  
MMS #6404

SAN DIEGO CO  
CLERK'S OFFICE  
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RECEIVED

R 303988

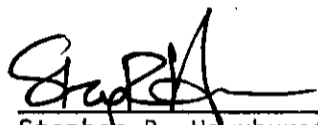
**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**DRAINAGE EASEMENT VACATION**

Parcel "A" of that certain drainage easement granted to the City of San Diego described in deed recorded January 31, 1985 as instrument No. 85-033314 (City Dwg. No. 16338-B), of Official Records, lying within Lot 30 of Lusk Industrial Park Unit No. 1, in the City of San Diego, County of San Diego, State of California, per Map thereof No. 9694, filed in the office of the County Recorder of said county on June 27, 1980. Vacated.

Attached hereto is Drawing No. 20825-B labeled Exhibit "B" and by this reference made a part hereof is made.

**CONTAINING** 2286 Sq. Ft., more or less.

This description was prepared by me or under my direction.

 5.14.08  
Stephen R. Hawxhurst, LS 7355  
RBF CONSULTING  
9755 Clairemont Mesa Boulevard  
San Diego, CA 92124  
May 14, 2008

PTS No. 149914  
J.O. 430317  
Dwg. No. 20825-B



R 303988

**ASSESSOR'S PARCEL NO.**  
341-322-45

**REFERENCE DRAWINGS**

MAP NO. 9694  
CITY DWG. 16338-B

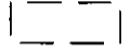
**LEGEND**

**PARCEL "A"**

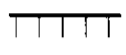


INDICATES PORTION OF EXISTING DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DEED RECORDED JANUARY 31, 1985 AS INSTRUMENT NO. 85-033314, O.R. (SEE CITY DWG. 16338-B). VACATED.  
AREA = 0.053 ACRE (2286 SQ. FT.)

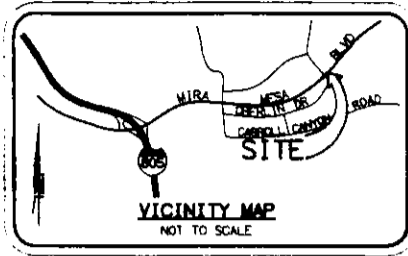
**PARCEL "B"**



INDICATES PORTION OF EXISTING DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DEED RECORDED JANUARY 31, 1985 AS INSTRUMENT NO. 85-033314, O.R. (SEE CITY DWG. 16338-B).  
AREA = 6 SQ. FT.



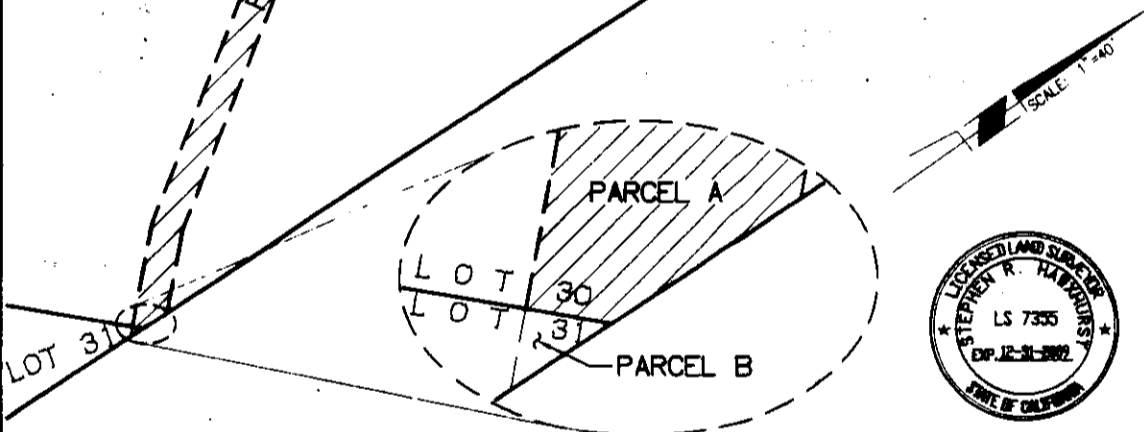
INDICATES ABUTTER'S RIGHTS RELINQUISHED PER MAP NO. 9694



**MIRA MESA BLVD.**  
DEDICATED PER MAP NO. 9694

LOT 30  
MAP NO. 9694

PM 12137



**RBF** PLANNING • DESIGN • CONSTRUCTION  
CONSULTING  
1778 CLAYMOUNT MESA BOULEVARD, SUITE 200  
SAN DIEGO, CALIFORNIA 92128-1884  
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*Stephen R. Harshurst*  
STEPHEN R. HARSHURST DATE 5.10.08 L.S. 7355

**DRAINAGE EASEMENT VACATION  
IN LOT 30 MAP NO. 9694**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS 149914
ORIGINAL	REF				SHEET 1 OF 1 SHEET	J.O. 430317
	J.D.	✓	5-14-08		<i>Gregory P. Taylor</i> FOR CITY ENGINEER	1906-6271 CCS 83 COORDINATES
					5-15-08 DATE	266-1711 LAMBERT COORDINATES
						20825 -B
STATUS						

**EXHIBIT B**

R 303988