

RESOLUTION NUMBER R-304354

DATE OF FINAL PASSAGE NOVEMBER 10, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO FOR THE VACATION AND ABANDONMENT OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS IN CONNECTION WITH THE SYCAMORE LANDFILL MASTER PLAN PROJECT NO. 5617.

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or vacation of public service easements by City Council resolution where the easement to be abandoned has been superseded by relocation and there are no public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation and abandonment of the public rights-of-way and easements to unencumber this property; 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 November 10, 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. That 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;
- b. That the easement has been superseded by relocation and there are no other public facilities located within the easement;
- c. That 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;
- d. That the public will benefit from the action through improved utilization of the land made available by the abandonment;
- e. That the abandonment is consistent with any applicable land use plan; and
- f. That 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 acquired no longer exists; and

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds that certain map surveyed by Patrick A. McMichael, Licensed Land Surveyor, titled PARCEL MAP, Project Tracking System No. 5617 [MAP], being a consolidation of Portions of Lots 3, 4, 9 and 10 of the re-subdivision of part of Fanita Rancho in the City of San Diego, County of San Diego, State of California, according to Map No. 1703, and a portion of Lot 73 of Rancho Mission, Map No. 330; and

BE IT RESOLVED, by the Council of the City of San Diego, that all of Sewer Easement Parcel Numbers 9 and 10, granted to the City of San Diego per deed recorded July 6, 1965 as F/P 120547 of Official Records; and All of Sewer Easement Parcel Numbers 12, 13, 14, 15, 16, and 17, granted to the City of San Diego per deed recorded May 23, 1967 as F/P 73196 of Official records; and

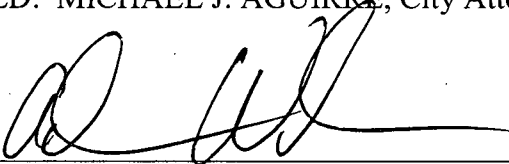
Together with:

All of Roadway Easement Parcel Numbers 10, 12, 13, and 14, and portions of Roadway Easement Parcel Numbers 1 and 7 granted to the City of San Diego per deed recorded June 7, 1965 as F/P 101350 of Official records, and portions of Roadway Easement Parcel Numbers 17, 18, and 19 granted to the City of San Diego per deed recorded May 23, 1967 as F/P 73196 of Official Records, will not be shown on said MAP because they are vacated/abandoned pursuant to section 66445(j) of the Subdivision Map Act; and

BE IT FURTHER RESOLVED, the Council of the City of San Diego finds that this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15301.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By:



Adam Wander
Deputy City Attorney

AW:mm:cw
11/17/08
Or.Dept:DSD
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