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RESOLUTION NUMBER R- 304401
DATE OF FINAL PASSAGE NOV 18 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING FOR THE VACATION OF AN UNNEEDED DRAINAGE EASEMENT WITHIN PORTIONS OF LOT 8, 15 AND 16, BLOCK 6 OF MAP NO. 1216 OF LA JOLLA STRAND.

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or vacation of public service easements by City Council resolution where the easement to be vacated has been superseded by relocation and there are no other public facilities located within the easement; and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 the unnecessary drainage easement within portions of Lots 8, 15 and 16, Block 6 of Map 1216 of La Jolla Strand as depicted on Engineering Drawing No. 20321-B to unencumber his property. Said drainage easement [easement] is located in the La Jolla Community Plan area, on the east side of La Jolla Boulevard north of Gravilla Street; and

WHEREAS, the existing public utility facilities located within the easement to be abandoned have been superseded with a new drain as shown on Engineering Drawing No. 33508-D; and

WHEREAS, there are no other public facilities located within the easement to be abandoned, and there is no present or prospective public use of the existing easement in its present location; and

WHEREAS, this action is not a project as defined in Section 15378, and therefore exempt from California Environmental Quality Act [CEQA], pursuant to State CEQA Guidelines Section 15060(b)(3); 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where 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 NOV 18 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, by the Council of the City of San Diego finds that:

1. 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.
2. The easement has been superseded by relocation and there are no other public facilities located within the easement.
3. 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.
4. The public will benefit from the action through improved utilization of the land made available by the abandonment.
5. The abandonment is consistent with any applicable land use plan; and

6. 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.

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

1. That the drainage easement located within Lot 8, 15 and 16, Block 6 of Map 1216 of La Jolla Strand as more particularly described in the legal description marked as Exhibit "A," and as shown on Drawing No. 20321-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 304401¹, and RR- 304401² 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 public service easement shall no longer constitute a public service easement. Upon such recordation, the abandonment is complete.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

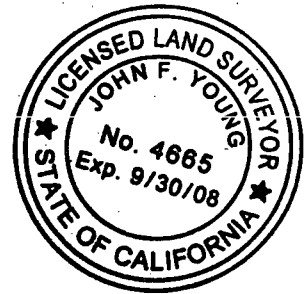
By Marianne Greene
Marianne Greene
Deputy City Attorney

MG:als
10/27/08
Or.Dept:DSD
R-2009-534
MMS#6953

EXHIBIT "A"

LEGAL DESCRIPTION
FOR
STORM DRAIN EASEMENT VACATION

ALL OF EXISTING EASEMENT FOR STORM DRAIN PIPE IN FAVOR OF THE CITY OF SAN DIEGO PER DOCUMENT RECORDED DECEMBER 13, 1928, IN BOOK 1564, PAGE 154 OF DEEDS, LYING WITHIN PORTIONS OF LOTS 8, 15 AND 16 IN BLOCK 6 OF LA JOLLA STRAND, ACCORDING TO MAP THEREOF NO. 1216, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON OCTOBER 18, 1909, BEING IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.



John F. Young

JOHN F. YOUNG, PLS 4665
LIC. EXPIRES: 09-30-08

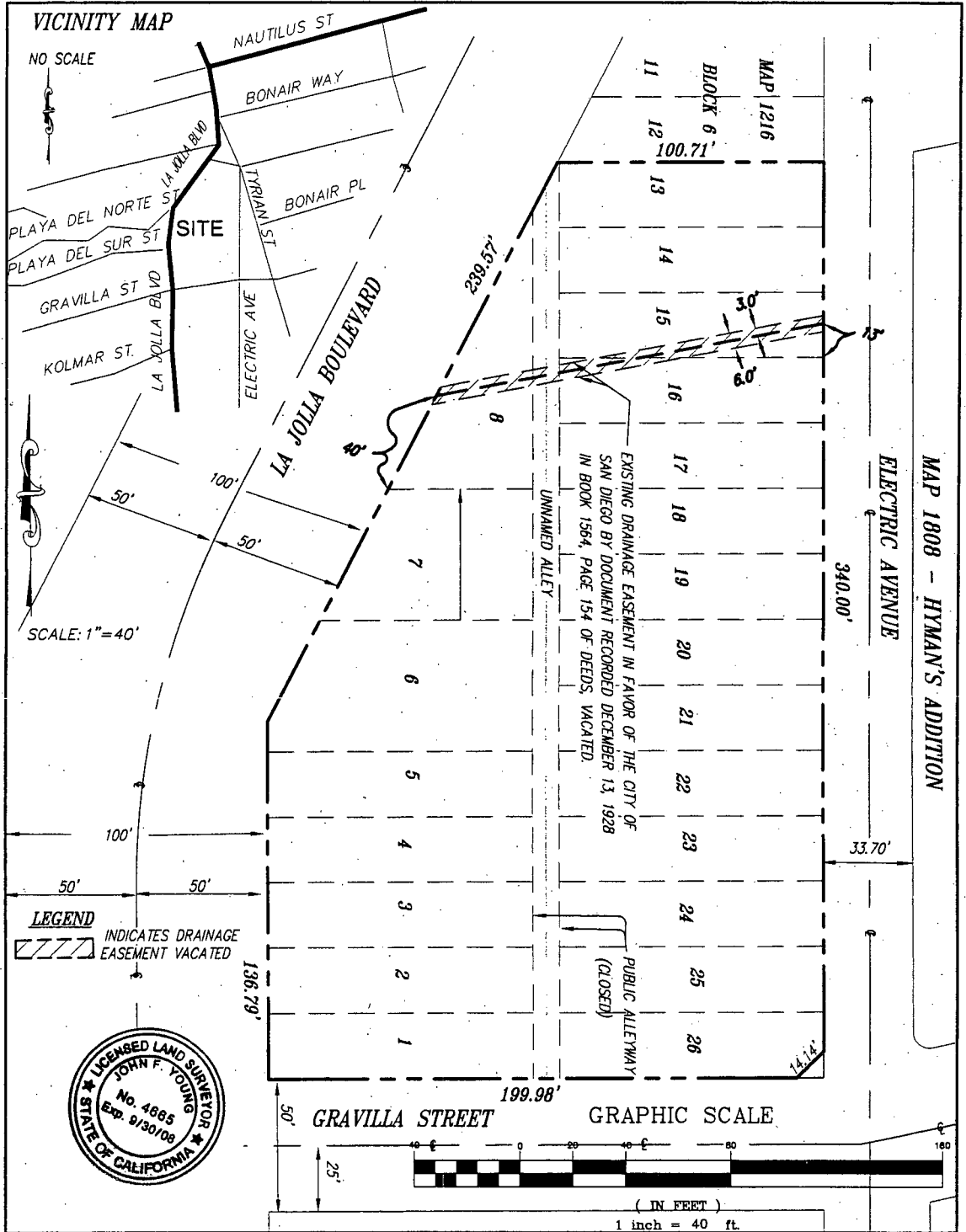
6/02/08

DATE

DWG. NO. 20321-B
P.T.S. 62353
J.O. NO. 423996

R 304401

EXHIBIT "B"



CONSTRUCTION TESTING & ENGINEERING, INC.
PLANNING - CIVIL ENGINEERING - LAND SURVEYING - GEOTECHNICAL
1441 MONTIEL ROAD, SUITE 115 ESCOBEDO CA. 92026, PH: (760) 746-4855
John F. Young 7/2/08
JOHN F. YOUNG, PLS 4665, EXP 9/30/08

DRAINAGE EASEMENT VACATION WITHIN A PORTION OF LOTS 8, 15 AND 16 OF MAP 1216 OF LA JOLLA STRAND

DESCRIPTION	BY:	APPROVED:	DATE	FILMED	CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	P.T.S. NO. 62353
ORIGINAL	✓	J.M.	7/14		<i>Gregory Holten</i> 7/15/08 FOR CITY ENGINEER DATE	J.O. NO. 423996
						1882-6243
						CCS (NAD 83)
						242-1683
						LAMBERT COORDINATES
						20321 - B

STATUS

R 304401