

RESOLUTION NUMBER R- 305161

DATE OF FINAL PASSAGE JUL 31 2009

RESOLUTION AUTHORIZING THE ACCEPTANCE AND RECORDATION OF AN EASEMENT DEED FOR A STORM DRAIN AND THE GRANTING OF A QUITCLAIM DEED FOR THE RECONVEYANCE OF AN UNNEEDED DRAINAGE EASEMENT AREA.

WHEREAS, the intensity of a rain storm in January 2005 resulted in high water flows that damaged an existing 12-inch storm drain pipe located within a 10-foot drainage easement [pre-existing easement] at 2695 State Street, which was previously granted to the City of San Diego [City]; and

WHEREAS, as a result of the damage to that storm drain pipe, the water flow ran down the hillside and eroded the slope between 2695 and 2705 State Street and flooded the property located at 2695 State Street; and

WHEREAS, as a result of that property damage, City made certain storm drain improvements which included the construction and re-alignment of a new 18-inch storm drain pipe, a block wall system installed near the top of the slope on State Street, and restored damaged irrigation components to their pre-construction condition; and

WHEREAS, a re-alignment of the pre-existing easement was required because a section of the pre-existing easement fell under the foundation of the house located at 2695 State Street and, if left in place, would limit the space available for future maintenance activities; and

WHEREAS, to formalize the re-alignment of the storm drain improvements, the owners of the property located at 2695 State Street will grant City a new easement for the re-located

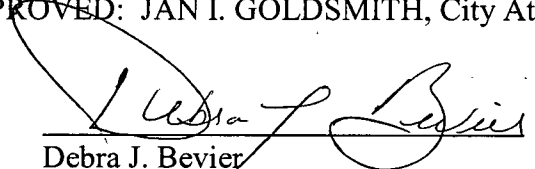
storm drain improvements which are constructed on their property, and City will quit claim away any rights it has in the pre-existing storm drain alignment; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor, or his designee, is hereby authorized to take all actions necessary to facilitate the acceptance and recordation of that certain easement deed which conveys to the City of San Diego those easement rights from Christopher Stavros and Rolf Stefan Chilcote, as tenants in common, granting a storm drain easement across that portion of Parcel 2, in the City of San Diego, County of San Diego, according to the Parcel Map thereof, No. 5685, filed in the office of the County Recorder of said San Diego County on March 16, 1977, as is more particularly described in the Easement Deed.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is hereby authorized to execute a Quitclaim Deed conveying to Christopher Stavros and Rolf Stefan Chilcote, as tenants in common, all of the City of San Diego's right, title and interest in the pre-existing easement area over that portion of Parcel 2, in the City of San Diego, County of San Diego, according to the Parcel Map thereof, No. 5685, filed in the office of the County Recorder of said San Diego County on March 16, 1977, as is more particularly described in the Quitclaim Deed.

APPROVED: JAN I. GOLDSMITH, City Attorney


By


Debra J. Bevier
Deputy City Attorney

DJB:mm
06/22/09
Or.Dept:READ
R-2009-1326
MMS#9669

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 28 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-31-09
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor