

RESOLUTION NUMBER R- 305183

DATE OF FINAL PASSAGE JUL 28 2009

A RESOLUTION SUMMARILY VACATING THE
GREENWOOD CEMETERY WATER UTILITY EASEMENT
NO. 617160.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the summary vacation of public easements by City Council resolution; and

WHEREAS, SCI California Funeral Services, Applicant, and California Surveying Corporation requested that Greenwood Cemetery Water Utility Easement No. 617160 be vacated; and

WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the easement does not contain public utility facilities or does not contain active public utility facilities that would be affected by the abandonment; 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 City 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 28 2009, 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 City Council of the City of San Diego, that, with respect to the Greenwood Cemetery Water Utility Easement located near K and 43rd Streets within the Southeastern San Diego Planning Area, the City Council finds that:

(a) 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.

A portion of 43rd Street, south of K Street and within the Greenwood Memorial Cemetery was previously vacated as right-of-way no longer needed by the City of San Diego and is now used by the cemetery. However, at that time, structures supporting cemetery operations remained and required water service. Therefore, an easement for water utilities within the prior 43rd Street right-of-way was retained. The structures needing the water service have since been removed and, therefore, neither the water lines, nor the utility easement are now necessary. It is not anticipated that water service will be needed in the future because the structures needing the water service and, therefore, the water easement, have been removed.

(b) The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.

This vacation would reduce public liability and maintenance for an unused easement. The land would continue to be used for cemetery purposes, which contributes to landscaped open areas in the community. Moreover, the vacation would contribute to the beneficial use of land.

(c) The abandonment is consistent with any applicable land use plan.

The Southeastern San Diego Community Plans identifies the project area as cemetery use and specifically recognizes Greenwood Cemetery as an example of good landscaping benefiting

the community. The vacation would be consistent with the applicable land use plan because it would allow the Greenwood Cemetery to continue to be used for its current use as a cemetery.

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


A portion of 43rd Street, south of K Street and within the Greenwood Memorial Cemetery was previously vacated as right-of-way no longer needed by the City of San Diego and is now used by the cemetery. However, at that time, structures supporting cemetery operations remained and required water service. Therefore, an easement for water utilities within the prior 43rd Street right-of-way was retained. The structures needing the water service have since been removed and, therefore, neither the water lines, nor the utility easement are now necessary. Therefore, the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that the water utility easement located within the Greenwood Cemetery, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing Nos. 20976-1-B and 20976-2-B marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that said easement abandonment is conditioned such that prior to the recordation of the Easement Vacation the Applicant shall cut and plug the existing 6" water main within the 43rd Street right-of-way south of K Street, in a manner satisfactory to the Director of Public Utilities and the City Engineer. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that after the Applicant has fulfilled any and all conditions of this Easement Vacation, the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:js
07/09/2009
Or.Dept:DSD
JO: 432023
Drawing No. 20976-1-B
R-2010-44

EXHIBIT A
LEGAL DESCRIPTION

Water Easement Abandonment

THE WATER EASEMENT AS RESERVED IN THAT PORTION OF 43RD STREET AS VACATED BY THE CITY OF SAN DIEGO RESOLUTION NUMBER R-272092 RECORDED JUNE 10, 1989 AS INSTRUMENT NO. 89-012366 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY.

ALL AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF.

PREPARED BY ME OR UNDER MY DIRECTION

T.M. Krull

THEODORE M. KRULL L.S. 5848
REGISTRATION EXPIRES DECEMBER 31, 2010

5/29/29

DATE



PTS NO. 171694

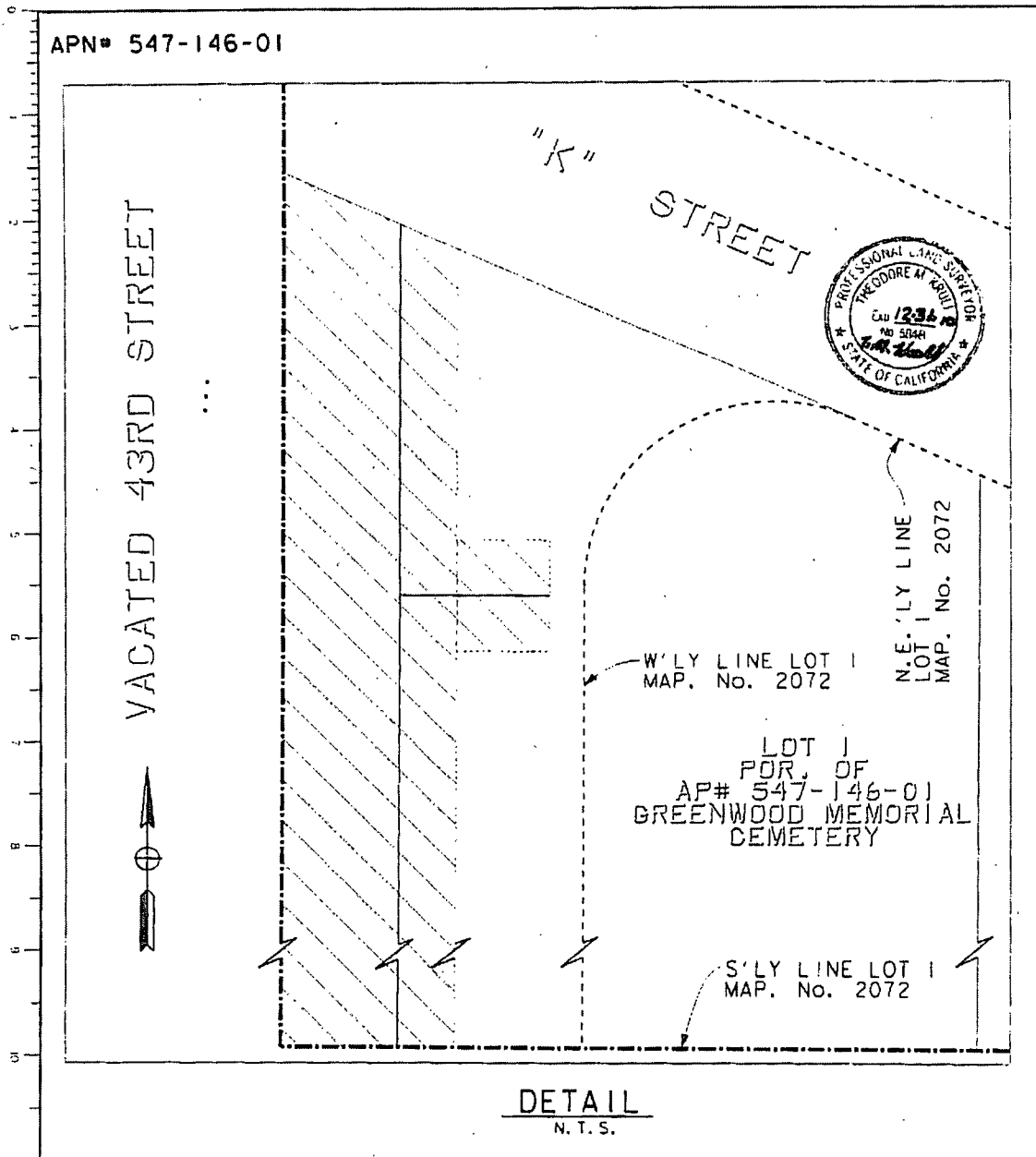
J.O. NO. 432023

DWG. NO. 20976-1-B, 2-B

R-305183

EXHIBIT "B"

APN# 547-146-01



DETAIL
N. T. S.

KFM ENGINEERING, INC.
26672 TOWNE CENTRE DRIVE
SUITE #300
FOOTHILL RANCH, CA. 92610

WATER EASEMENT - VACATION

SOUTHEAST CORNER OF "K" STREET AND 43RD STREET (VACATED)

IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA






DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SHEET 3 OF 3 SHEETS	NO. 432025
ORIGINAL		JT	6/11/09		<i>Gregory R. Hawkins</i> DEPUTY CITY ENGINEER	6-11-09	PTS. NO. 171694
							CCS83 1838-8299 C. 19A-1738 LAMBERT COORDINATES
							20976-2-B

R-305183

EXHIBIT "B"

APN* 547-146-01

LEGEND:

-  EXISTING WATER EASEMENT VACATED AS RESERVED IN THAT PORTION OF 43RD STREET AS VACATED BY THE CITY OF SAN DIEGO, IN RESOLUTION No. R-272092, RECORDED JUNE 10, 1989 AS INSTRUMENT No. 89-12366 OF OFFICIAL RECORDS.
-  CITY/COUNTY LIMITS
-  R/W LINE
-  LOT LINE
-  REC. PER MARKET STREET ADDITION MAP No. 2072

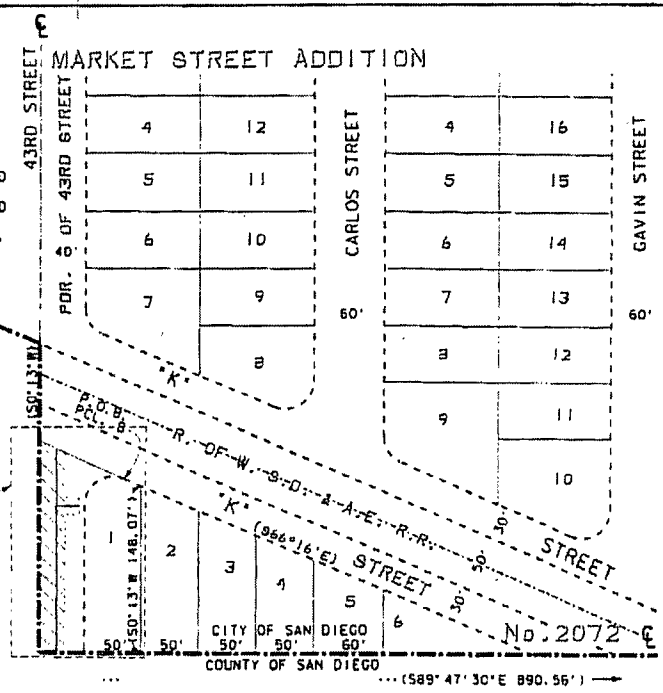
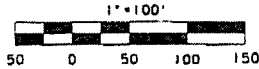
BASIS OF BEARINGS:

THE BEARING OF THE CENTERLINE OF 43RD STREET AS SHOWN ON MARKET STREET ADDITION MAP No. 2072 BEING S50°13'W

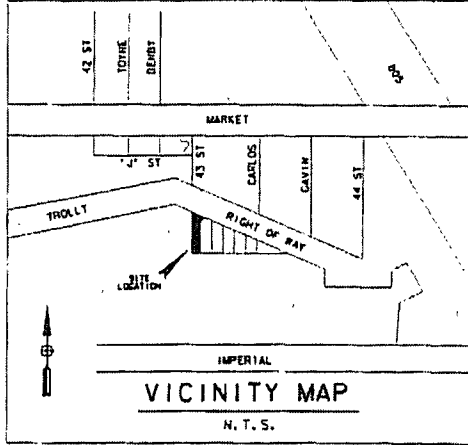
AREA SUMMARY:

WATER EASEMENT = 4386 SQ. FEET MORE OR LESS

SEE DETAIL SHEET 2



GREENWOOD MEMORIAL CEMETERY



KFM ENGINEERING, INC.
26672 TOWNE CENTRE DRIVE
SUITE #300
FOOTHILL RANCH, CA. 92610

WATER EASEMENT - VACATION

SOUTHEAST CORNER OF "K" STREET AND 43RD STREET (VACATED)

IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SHEET NO.
ORIGINAL		JT	6/10/89		CITY OF SAN DIEGO, CALIFORNIA	432023
					DEPUTY CITY ENGINEER	PTS NO. 171694
						CCS83 1836-6299
						1.C. 198-1739
						LAMBERT COORDINATES
						20976-1-B

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