

RESOLUTION NUMBER R- 305237

DATE OF FINAL PASSAGE SEP 8 2009

A RESOLUTION SUMMARILY VACATING FLOODWATER  
STORAGE EASEMENT, PROJECT NO. 125957

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, Otay Crossing Self Storage LLC, Applicant, requested that the Floodwater Storage Easement, Vacation No. 431828, 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WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and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, a Hydrology Report entitled *Hydrology Analysis for Lots 2 & 3-Otay International Center, Constructions Change "B"*, dated August 2, 2007, concluded that a new easement identified on Drawing No. 20683-B, which was granted to the City of San Diego and recorded as Document No. 2007-0708189, would provide adequate storage volume for the detention of runoff; 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 SEP 08 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 Council of the City of San Diego that with respect to the existing Floodwater Storage Easement identified on Drawing No. 20682-B granted to the City of San Diego and recorded as Document No. 2002-1036808, located within portions of Lots 2 and 3 of Otay International Center Map No. 12421, located at 2206 Otay Center Court, 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.

The site is developed with an existing self storage facility, consisting of eight buildings. The Applicant desires to construct an additional building on the property. The vacation of the easement is necessary to accommodate the construction of an additional building on the property. The easement to be vacated has been superseded by a new easement identified on Drawing No. 20683-B, which was granted to the City of San Diego and recorded as Document No. 2007-0708189. A review of the topographic and hydrologic conditions determined that the new easement would provide adequate storage volume for the detention of runoff. Therefore, there is no present or prospective 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.

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

The site is developed with a self storage facility, a use which is consistent with the underlying Otay Mesa International Subdistrict zone and the Otay Mesa Precise Plan. The public will benefit from the abandonment through improved utilization of land as the vacation will facilitate the construction of new commercial development, consistent with the zone and the community plan. Therefore, the public will benefit from the greater beneficial use of land.

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

The existing easement is on a portion of the property identified as Lot 1B in the Otay International Center Precise Plan and designated as Motel/Restaurant and Business Park. The designation allows for commercial and industrial development. Therefore, the abandonment is consistent with the applicable land use plan.

(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.

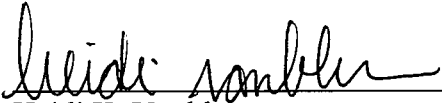
The site is developed with an existing self storage facility consisting of eight buildings. The vacation of the easement is necessary to accommodate the proposed location of an additional building to be constructed in the future. The easement to be vacated has been superseded by a new easement granted to the City of San Diego and recorded on November 7, 2007 as Document No. 2007-0708189. A Hydrology Report entitled *Hydrology Analysis for Lots 2 & 3-Otay International Center, Constructions Change "B"*, dated August 2, 2007, was prepared for the review and analysis of the proposed new easement location. This review included an analysis of

the topographic and hydrologic conditions related to the vacation of the existing easement and the location of the new easement. The report concluded that there is adequate storage volume for the detention of runoff. Therefore, 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.

BE IT FURTHER RESOLVED, that the Floodwater Storage Easement located at 2206 Otay Center Court, particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20682-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 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  
07/31/2009  
Or.Dept:DSD  
R-2010-83

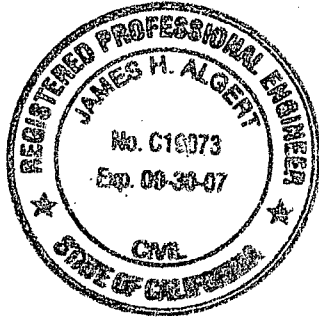
EXHIBIT "A"  
LEGAL DESCRIPTION

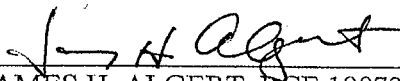
FLOODWATER STORAGE EASEMENT VACATION

ALL THAT EXISTING FLOOD WATER STORAGE EASEMENT RECORDED ON NOVEMBER 19, 2002, AS DOCUMENT 2002-1036808 OF OFFICIAL RECORDS WITHIN A PORTION OF LOTS 2 AND 3 OF OTAY INTERNATIONAL CENTER LOT NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12421, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 12, 1989.

ATTACHED HERETO IS A DRAWING NO. 20682-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF IS MADE.

ACRE 0.40



  
JAMES H. ALGERT, RCE 19073  
My license expires 9-30-07

PTS. NO. 125957  
J. O. NO. 427590  
DWG. NO. 20682-B


R- 305237

# EXHIBIT "B"

SCALE: 1"=40'

(DEDICATED BY MAP 12421)  
**OTAY CENTER COURT**

### LEGEND

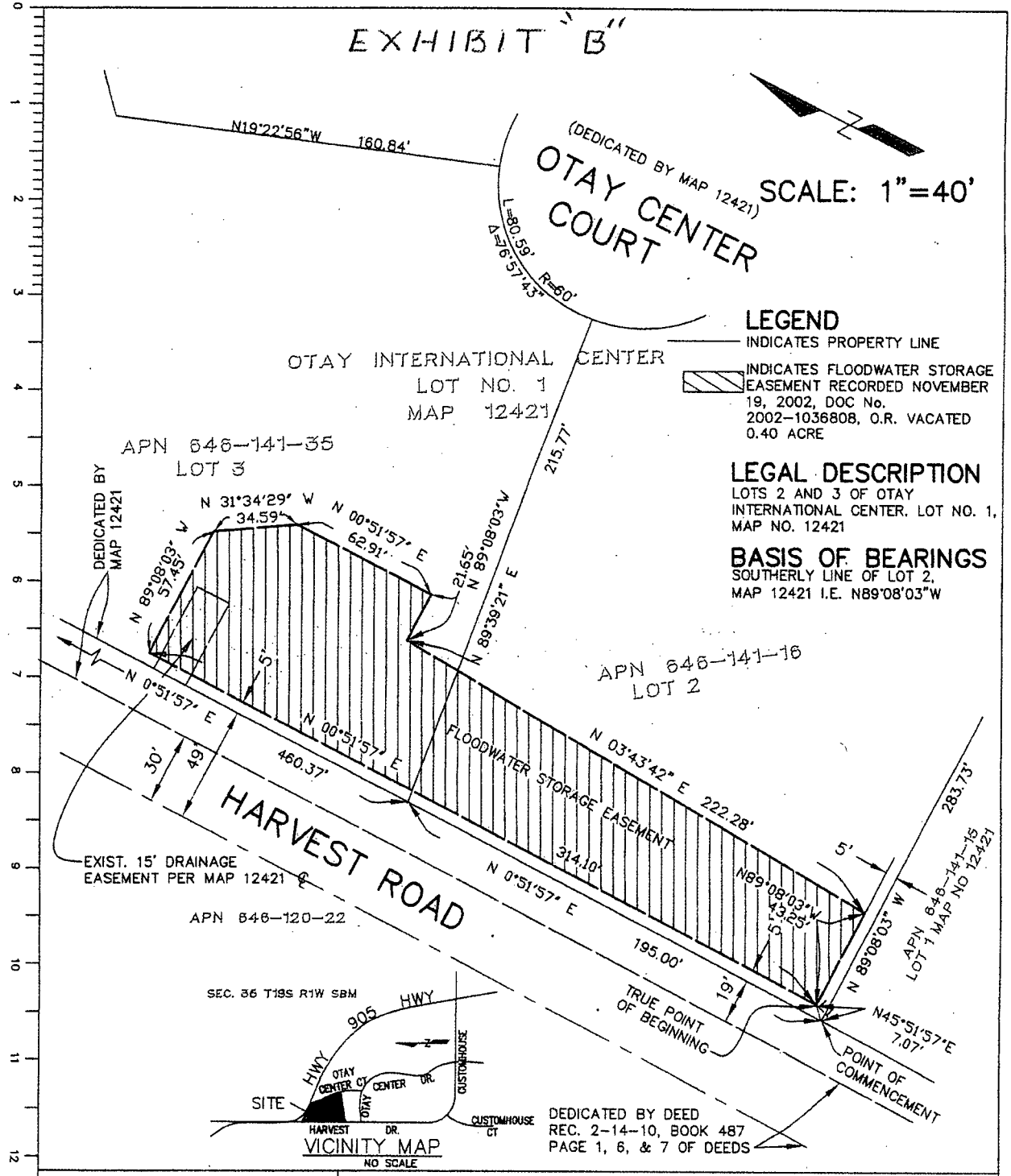
- INDICATES PROPERTY LINE
-  INDICATES FLOODWATER STORAGE EASEMENT RECORDED NOVEMBER 19, 2002, DOC No. 2002-1036808, O.R. VACATED 0.40 ACRE

### LEGAL DESCRIPTION

LOTS 2 AND 3 OF OTAY INTERNATIONAL CENTER, LOT NO. 1, MAP NO. 12421

### BASIS OF BEARINGS

SOUTHERLY LINE OF LOT 2, MAP 12421 I.E. N89°08'03"W



**ALBERT ENGINEERING, INC.**  
 428 BROADWAY  
 CHULA VISTA, CA. 91910  
 TEL. (619) 420-7090  
 FAX. (619) 420-9139

## FLOODWATER STORAGE EASEMENT VACATION

IN LOT 2 AND 3 MAP NO. 12421

DESCRIPTION	BY.	APPROVED	DATE	FILMED	CITY OF SAN DIEGO	PTS. No. 125957
ORIGINAL					SHEET 1 OF 1	J.O. NO. 427590
	AEA		6-7-07		<i>[Signature]</i>	1782-6345
					FOR CITY ENGINEER	NAD 83 COORDINATES
					DATE	142-1785
						LAMBERT COORDINATES
						20682-B
STATUS						

OTAY INTERNATIONAL CENTER

LOT NO. 1  
MAP 12421

DEDICATED BY  
MAP 12421

EXIST. 15' WIDE DRAINAGE  
EASEMENT PER MAP 12421

SCALE: 1"=40'

APN 646-120-22

APN 646-141-35  
LOT 3

SEC. 35 T18S R1W SBM

HARVEST ROAD

APN 646-141-16  
LOT 2

LEGEND

- INDICATES PROPERTY LINE
- INDICATES FLOODWATER STORAGE EASEMENT ACQUIRED AREA=0.400 ACRE

LEGAL DESCRIPTION

LOTS 2 AND 3 OF OTAY INTERNATIONAL CENTER. LOT NO. 1, MAP NO. 12421

BASIS OF BEARINGS

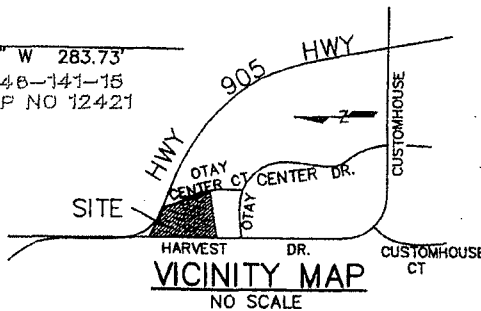
SOUTHERLY LINE OF LOT 2,  
I.E. N 89°08'03" W

DEDICATED BY DEED  
REC. 2-14-10, BOOK 487  
PAGE 1, 6, & 7 OF DEEDS



44.33' N 89°08'03" W 283.73'  
APN 646-141-16  
LOT 1 MAP NO 12421

COMMENCING AT  
THE SOUTHWEST  
CORNER OF LOT 2



ALBERT ENGINEERING, INC.  
428 BROADWAY  
CHULA VISTA, CA. 91910  
TEL. (619) 420-7090  
FAX. (619) 420-9139

DOC # 2007-0708189  
NOVEMBER 7, 2007

FLOODWATER STORAGE EASEMENT

IN LOT 2 AND 3 MAP NO. 12421

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO	PTS. No. 125962
ORIGINAL	AEA		6/14/07		SHEET 1 OF 1	J.O. NO. 427591
					FOR CITY ENGINEER	1782-6347
					DATE	NAD 83 COORDINATES
						142-1785
						LAMBERT COORDINATES
						20683-B

**AQUIRED**

STATUS