

RESOLUTION NUMBER R- 305259
DATE OF FINAL PASSAGE SEP 15 2009

A RESOLUTION SUMMARILY VACATING PORTIONS OF
ONE WATER AND THREE SEWER EASEMENTS –
UNIVERSITY SQUARE, PROJECT NO. 176494.

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, it is proposed that one water and three sewer easements be vacated by Approval No. 634412; 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WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and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; 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 SEP 15 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 one water and three sewer easements located at 5801 University Avenue and depicted on Plan No. 21007-1-3-B, the Council finds that:

(a) 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.

There is no current or anticipated future use for the easements as they have been diverted and relocated under the University Square Substantial Conformance Review to Planned Commercial Development [PCD] No. 88-0124 approved on June 28, 2007.

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

The public will benefit from the abandonment in that the easements have been diverted and relocated under the University Square Substantial Conformance Review to PCD No. 88-0124 approved on June 28, 2007 and sewer and water services will be still provided through the diverted and relocated easements.

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

The proposed abandonment would not adversely affect the Mid-City Communities Plan and the General Plan in that it calls for providing and maintaining essential facilities and infrastructure to serve existing and future development. This project proposes to vacate one existing water easement and three sewer easements that have been replaced by a new water and three new sewer easements recorded in 2008 that serve a newly constructed building. As such, it appears that water and sewer supply infrastructure will be maintained under this proposal.

(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 water and sewer easements have been diverted and relocated under the University Square Substantial Conformance Review to PCD No. 88-0124 approved on June 28, 2007. As such, it appears that water and sewer supply infrastructure will be maintained under this proposal.

BE IT FURTHER RESOLVED, that the water and sewer easements located within 5801 University Avenue in connection with the University Square Substantial Conformance Review to PCD No. 88-0124, approved on June 28, 2007, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21007-1-3-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 Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:pev
08/17/09
08/24/09 Cor.Copy
09/09/09 Cor.Copy2
Or.Dept:DSD
R-2010-108
MMS #10190

EXHIBIT "A"

SEWER EASEMENT VACATIONS

LEGAL DESCRIPTION

PARCEL A:

THAT PORTION OF A 20.00 FOOT WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED DECEMBER 28, 1988 AS FILE/PAGE NO. 1988-669521 OF OFFICIAL RECORDS, LYING IN LOTS 5, 8 AND 9 OF UNIVERSITY SQUARE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12796, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO MARCH 27, 1991, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF LOT 8 OF SAID MAP NO. 12796, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE ALONG THE EASTERLY LINE OF SAID LOT 8, SOUTH 36°57'13" EAST (RECORD PER SAID MAP NO. 12796, NORTH 37°28'37" WEST), 135.71 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID 20 FOOT WIDE SEWER EASEMENT AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID SEWER EASEMENT THE FOLLOWING COURSES, SOUTH 55°53'40" WEST (RECORD PER SAID DEED, NORTH 55°22'14" EAST), 23.17 FEET TO THE BEGINNING OF A TANGENT 240.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 35°37'29" A DISTANCE OF 149.22 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF A 12 FOOT SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED APRIL 13, 1944 AS DOCUMENT NO. 26226, BOOK 1665, PAGE 42 OF OFFICIAL RECORDS; THENCE ALONG SAID SOUTHEASTERLY LINE, SOUTH 48°20'22" WEST, 28.05 FEET (RECORD PER SAID DEED NORTH 47°48'58" EAST) TO A POINT ON THE ARC OF A 260.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL BEARING TO SAID POINT BEARS SOUTH 06°01'53" WEST (RECORD PER SAID DEED, SOUTH 05°30'28" WEST); THENCE LEAVING SAID 12 FOOT EASEMENT, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 40°08'13" A DISTANCE OF 182.14 FEET; THENCE NORTH 55°53'40" EAST, 37.03 FEET; THENCE NORTH 36°26'51" WEST, 20.02 FEET; THENCE SOUTH 55°53'40" WEST, 13.04 FEET TO THE TRUE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 0.093 ACRE, MORE OR LESS.

PARCEL B:

THAT PORTION OF A 15.00 FOOT WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED JANUARY 12, 1989 AS FILE/PAGE NO. 1989-017003 OF OFFICIAL RECORDS, LYING IN LOTS 5 AND 8 OF SAID MAP NO. 12796, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF LOT 8 OF SAID MAP NO. 12796, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE ALONG THE WESTERLY LINE OF SAID LOT 8, SOUTH 36°57'13" EAST (RECORD PER SAID MAP NO. 12796, NORTH 37°28'37" WEST), 125.08 FEET; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 8 NORTH 53°02'47" EAST (RECORD PER SAID MAP NO. 12796, NORTH 52°31'23" EAST), 33.03 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID 15 FOOT WIDE SEWER EASEMENT AND THE TRUE POINT OF BEGINNING, THENCE ALONG SAID SEWER EASEMENT THE FOLLOWING COURSES, NORTH 36°57'13" WEST (RECORD PER SAID DEED, NORTH 37°28'37" EAST), 59.18 FEET TO A POINT ON THE SOUTHERLY LINE OF A 20 FOOT WIDE SEWER

EASEMENT AS DESCRIBED IN PARCEL 'A', SAID POINT ALSO THE BEGINNING A NON-TANGENT 260.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL BEARING TO SAID POINT BEARS SOUTH 06°01'53" WEST (RECORD PER SAID DEED, SOUTH 05°30'28" WEST); THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°22'04" A DISTANCE OF 19.82 FEET; THENCE SOUTH 36°57'13" EAST 100.80 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF A SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED MARCH 12, 2008 AS DOCUMENT NO. 08-0129999, OF OFFICIAL RECORDS; THENCE LEAVING SAID 15 FOOT WIDE SEWER EASEMENT AND ALONG SAID SOUTHEASTERLY LINE, SOUTH 54°05'29" WEST, 8.67 FEET; THENCE SOUTH 71°44'16" WEST, 6.68 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID 15 FOOT WIDE SEWER EASEMENT; THENCE LEAVING SAID SOUTHEASTERLY LINE AND ALONG SAID SOUTHWESTERLY LINE, NORTH 36°57'13" WEST 52.27 FEET TO THE TRUE POINT OF BEGINNING.

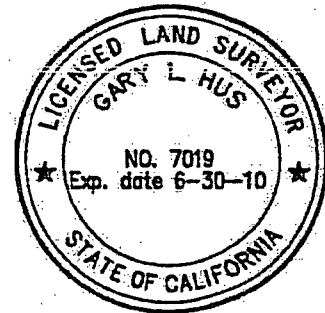
SAID PARCEL OF LAND CONTAINS 0.037 ACRE, MORE OR LESS.

PARCEL C

ALL OF THAT PORTION OF A 12.00 FOOT WIDE SEWER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED APRIL 13, 1944 AS DOCUMENT NO. 26226, IN BOOK 1665, PAGE 42 OF OFFICIAL RECORDS, LYING WITHIN LOTS 7 AND 8 OF MAP NO. 12796.

SAID PARCEL OF LAND CONTAINS 0.064 ACRE, MORE OR LESS.

BY: _____ DATE: _____
GARY L. HUS, PLS 7019
(MY LICENSE EXPIRES 06-30-2010)



P.T.S. NO. 176494
J.O. NO. 432196
DWG. NO. 21007-B

EXHIBIT "A"

WATER EASEMENT VACATION

LEGAL DESCRIPTION

PARCEL 'D':

THAT PORTION OF A WATER EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED JANUARY 12, 1989 AS FILE/PAGE NO. 1989-017002 OF OFFICIAL RECORDS, LYING WITHIN LOTS 5, 6 AND 7 OF MAP NO. 12796, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 7 OF SAID MAP NO. 12796, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF UNIVERSITY AVENUE; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE NORTHEASTERLY LINE OF SAID LOT 7, SOUTH 36°57'13" EAST, 8.30 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF AN EXISTING SEWER, WATER AND DRAINAGE EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO RECORDED MARCH 23, 1989 AS FILE/PAGE NO. 1989-148016 OF OFFICIAL RECORDS, SAID POINT ALSO THE BEGINNING A NON-TANGENT 1006.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL BEARING TO SAID POINT BEARS SOUTH 42°36'05" EAST (RECORD PER SAID MAP NO. 12796, NORTH 43°07'15" WEST); THENCE ALONG SAID SOUTHEASTERLY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°39'01" A DISTANCE OF 11.42 FEET TO A POINT ON THE NORTHWESTERLY LINE OF SAID WATER EASEMENT AND THE TRUE POINT OF **BEGINNING**; THENCE CONTINUING WESTERLY ALONG THE ARC OF SAID CURVE THROUGH CENTRAL ANGLE OF 00°17'19" A DISTANCE OF 5.07 FEET; THENCE SOUTH 48°20'14" WEST 9.99 FEET TO A POINT ON THE WESTERLY LINE OF SAID WATER EASEMENT; THENCE LEAVING SAID SOUTHEASTERLY LINE OF AN EXISTING SEWER, WATER AND DRAINAGE EASEMENT AND ALONG SAID WESTERLY LINE OF WATER EASEMENT SOUTH 36°57'13" EAST, 271.81 FEET; THENCE LEAVING SAID WESTERLY LINE NORTH 53°02'47" EAST, 15.00 TO A POINT ON THE EASTERLY LINE OF SAID WATER EASEMENT; THENCE ALONG SAID EASTERLY LINE NORTH 36°57'13" WEST, 273.06 FEET TO THE TRUE POINT OF **BEGINNING**.

SAID PARCEL OF LAND CONTAINS 0.094 ACRE, MORE OR LESS.

BY: _____ DATE: _____
GARY L. HUS, PLS 7019
(MY LICENSE EXPIRES 06-30-2010)



P.T.S. NO. 176494
J.O. NO. 432196
DWG. NO. 21007-B

R 305259

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM, ZONE 6, EPOCH 1991.35 AND IS DETERMINED BY G.P.S. MEASUREMENTS TAKEN ON JULY 12, 2007 BETWEEN POINTS "A" AND "B" AS SHOWN HEREON. POINTS "A" AND "B" WERE ESTABLISHED FROM G.P.S. STATION NO. 1091 AND G.P.S. STATION NO. 1093 PER ROS 14492. THE BEARING FROM POINT "A" TO POINT "B" IS

I.E. S41°39'46"E

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

THE COMBINED GRID FACTOR AT POINT "A" IS 0.99999714
 GRID DISTANCE = GROUND DISTANCE X COMBINED GRID FACTOR.
 ELEVATION AT POINT "A" IS 295.22' (N.G.V.D. 29)





ASSESSOR'S PARCEL NOS.:


472-470-47, 48, 49, 50, AND 51

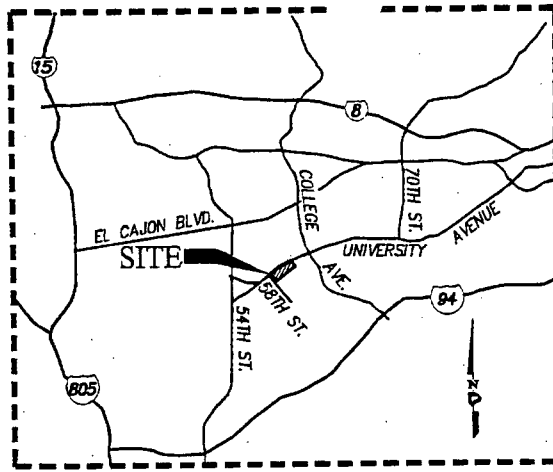
REFERENCE DRAWINGS:

- MAP NO. 12796- UNIVERSITY SQUARE
- P.M. NO. 17112 • CITY DWG. 24651-D & 24629-D

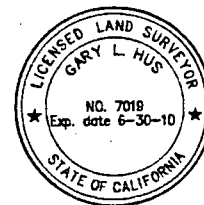
LEGEND:

-  **PARCEL 'A'**- INDICATES PORTION OF 20' SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED DECEMBER 28, 1988 AS F/P NO. 88-669521, O.R. AND AS SHOWN ON MAP 12796 VACATED. AREA = 0.093 ACRE
-  **PARCEL 'B'**- INDICATES PORTION OF 15' SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED JANUARY 12, 1989 AS F/P NO. 89-017003, O.R. AND AS SHOWN ON MAP 12796 VACATED. (SEE CITY DWG. 24651-D) AREA = 0.037 ACRE
-  **PARCEL 'C'**- INDICATES PORTION OF 12' SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED APRIL 13, 1944 AS DOCUMENT NO. 26226, IN BOOK 1665, PAGE 42, O.R. AND AS SHOWN ON MAP 12796 VACATED. AREA = 0.064 ACRE
-  **PARCEL 'D'**- INDICATES PORTION OF WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED JANUARY 12, 1989 AS F/P NO. 89-017002, O.R. AND AS SHOWN ON MAP 12796 VACATED. (SEE CITY DWG. 24651-D) AREA = 0.094 ACRE

- P.O.C.** POINT OF COMMENCEMENT
- T.P.O.B.** TRUE POINT OF BEGINNING
-  INDICATES FOUND LEAD & DISC STAMPED "R.C.E. 22606" PER MAP NO. 12796
- () INDICATES RECORD DATA PER UNIVERSITY SQUARE, MAP NO. 12796, UNLESS OTHERWISE NOTED.
- ()1 INDICATES RECORD DATA PER F/P NO. 88-669521, O.R. RECORDED 12/28/88
- ()2 INDICATES RECORD DATA PER F/P NO. 89-017003, O.R. RECORDED 1/12/89
- ()3 INDICATES RECORD DATA PER DOC. NO. 26226, IN BK. 1665, PG. 42, O.R., RECORDED 4/13/44
- ()4 INDICATES RECORD DATA PER F/P NO. 89-017002, O.R. RECORDED 1/12/89



VICINITY MAP
NO SCALE



GARY L. HUS, L.S. 7019 DATE
 MY LICENSE EXPIRES 6-30-2010



PROJECT DESIGN CONSULTANTS
 Planning | Landscape Architecture | Engineering | Surveying
 701 B Street, Suite 800 San Diego, CA 92101
 619.295.6471 Tel 619.234.0349 Fax

WATER AND SEWER EASEMENT VACATIONS

IN A PORTION OF LOTS 5, 6, 7, 8 AND 9 OF UNIVERSITY SQUARE, MAP NO. 12796

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	J.O. NO. 432196
ORIGINAL	PDC				SHEET 1 OF 3 SHEETS	P.T.S. NO. 176494
					FOR CITY ENGINEER	DATE
						1852-6307
						NAD83 COORDINATES
						212-1747
						LAMBERT COORDINATES
						21007-1-B

R-305259