

RESOLUTION NUMBER R- 305631DATE OF FINAL PASSAGE FEB 23 2010A RESOLUTION SUMMARILY VACATING WATER  
EASEMENT NO. 447488.

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 a portion of the water easement granted to the City of San Diego per document recorded May 16, 1989, as File No. 89-257063 be vacated as Easement Vacation No. 447488; 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WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and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 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 February 23, 2010, 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 Easement Vacation No. 447488, 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.

The purpose of the easement for water facilities was to connect to prior development. With the vacation of a portion of this easement, water facilities will continue to be provided by a private water line, and no other public use of a like nature is anticipated.

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

The vacation of a portion of the existing water easement reduces City liability for pipe maintenance and service for the private development proposed for this site. No private or public water service would be affected by this vacation.

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

The Rancho Penasquitos Community plan designates this site for religious facility uses and is being amended to be designated for General Institutional-Health Clinic and Wellness Center. The easement vacation is consistent with this designation.

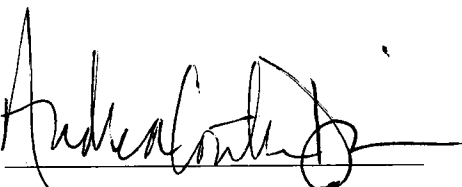
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.

Water service will not be affected by the easement vacation as proposed. A portion of the existing easement will not be needed as private water service will adequately water the existing and proposed development.

BE IT FURTHER RESOLVED, that a portion of the water easement located within 12855 Black Mountain Road in connection with Planned Development Permit No. 447402 and Site Development Permit No. 447403, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20719-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:   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw  
01/27/10  
Or.Dept:DSD  
JO: 42-7821  
Drawing No. 20719-B  
R-2010-526  
MMS: #11411

EXHIBIT "A"

LEGAL DESCRIPTION  
WATER MAIN EASEMENT VACATION

THAT PORTION OF AN EXISTING WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 89-257063, RECORDED MAY 16, 1989 OFFICIAL RECORDS WITHIN PARCEL 2 OF PARCEL MAP NO 14569 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF PARCEL 1 OF SAID PARCEL MAP, SAID POINT BEING ALSO THE EASTERLY TERMINUS OF A COURSE NORTH 68°32'24" EAST, 80.93 FEET ON THE NORTHERLY LINE OF SAID PARCEL 1; THENCE CONTINUING ALONG SAID COURSE NORTH 68°32'24" EAST, 44.52 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTHERLY AT RIGHT ANGLE FROM SAID LAST COURSE NORTH 21°27'36" WEST, 24.00 FEET TO THE NORTHERLY LINE OF SAID WATER EASEMENT AND POINT OF TERMINUS.

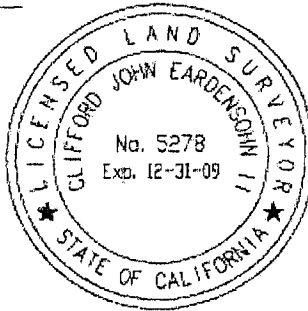


C. JOHN EARDENSOHN LS 5278  
My Registration Expires 12-31-09

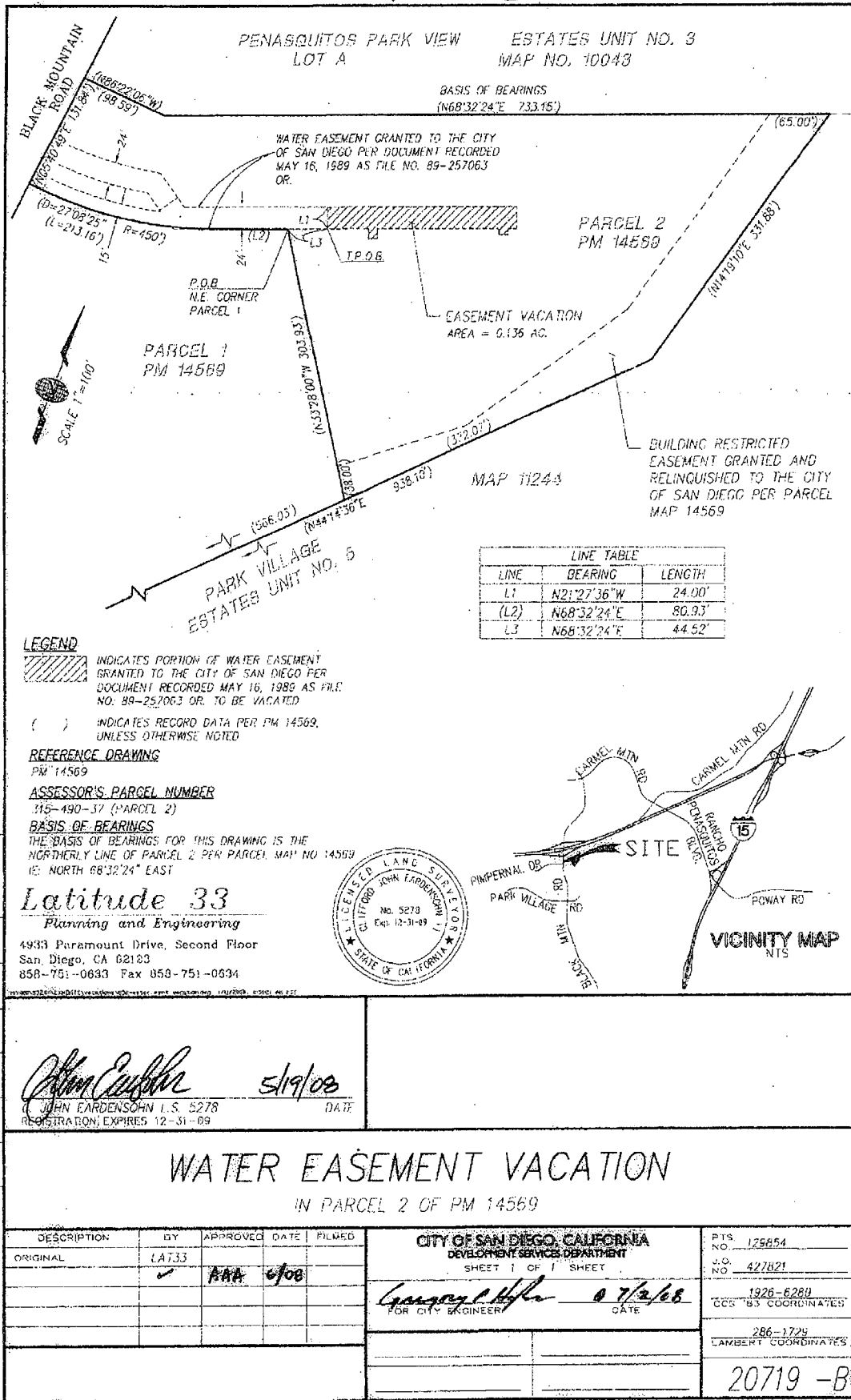
5/19/08

DATE

FILE: PTS 129854  
JO 427821  
DRAWING 20719-B



# Exhibit "B"



10  
11  
12  
13

*John Eardensohn* 5/19/08  
 JOHN EARDENSOHN L.S. 5278 DATE  
 REGISTRATION EXPIRES 12-31-09

## WATER EASEMENT VACATION IN PARCEL 2 OF PM 14569

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT	PTS. NO. 125854
ORIGINAL	LAT33	AAA	6/08		SHEET 1 OF 1 SHEET	J.O. NO. 427821
					<i>Gregory C. Hahn</i> 6/7/08 FOR CITY ENGINEER DATE	1926-6289 CCS '83 COORDINATES
						286-1724 LAMBERT COORDINATES
						20719 -B

R-305631