

RESOLUTION NUMBER R- 305690

DATE OF FINAL PASSAGE MAR 22 2010

A RESOLUTION AUTHORIZING EXECUTION OF AN ENCROACHMENT MAINTENANCE AND REMOVAL AGREEMENT FOR THE TROLLEY RESIDENTIAL PROJECT NO. 179950 WHICH, IN THE OPINION OF THE CITY MANAGER, IS OF SUFFICIENT PUBLIC INTEREST TO WARRANT CITY COUNCIL APPROVAL

WHEREAS, Westside Creek, LLC and Market Creek Partners, LLC, Owners, and Jacobs Center for Neighborhood Innovation, Permittee, desire to enter into an Encroachment Maintenance and Removal Agreement for an encroachment into a public utility easement resulting from development of a 52-unit affordable housing development known as the Trolley Residential Project No. 179950; and

WHEREAS, San Diego Municipal Code section 129.0710(c) provides a procedure for City Council authorization of the execution of an Encroachment Maintenance and Removal Agreement for encroachments which, in the opinion of the City Manager, are of sufficient public interest to warrant City Council approval; and

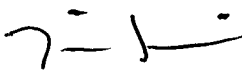
WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body, a public hearing is required by law implicating due process rights of individuals affected by the decision, and the Council is required 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 MAR 22 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 FURTHER RESOLVED, that the private sewer line encroachment located within the rear, southerly section of the property within a 10-foot wide area, in connection with Planned Development Permit No. 648152, and Site Development Permit No. 649661 (Amendment to PDP No. 582176 and SDP No. 619562), as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21117-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is hereby authorized upon completion of the conditions of this resolution.

BE IT FURTHER RESOLVED, that authorization of said encroachment is conditioned upon the recordation in the office of the County Recorder of an Encroachment Maintenance and Removal Agreement against the applicable properties for the provision and maintenance of the sewer facilities in accordance with San Diego Municipal Code section 129.0715 to the satisfaction of the City Engineer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:js
03/08/2010
Or.Dept: DSD
R-2010-628

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~MAR 22 2010~~.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

J-13284JJ

EXHIBIT "A"

ENCROACHMENT MAINTENANCE REMOVAL AGREEMENT

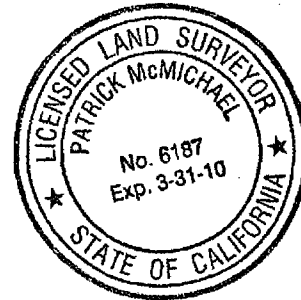
Parcel "A"

That certain sewer easement granted to the City of San Diego, over the Southerly 10.00 feet of Lot 1 of Brooks Subdivision, Map No. 6506, in the City of San Diego, County of San Diego, State of California, according to Map thereof, filed in the Office of the County Recorder of San Diego County October 15, 1969, Official Records.

Containing 0.070 acre, more or less.


Patrick A. McMichael, L.S. 6187

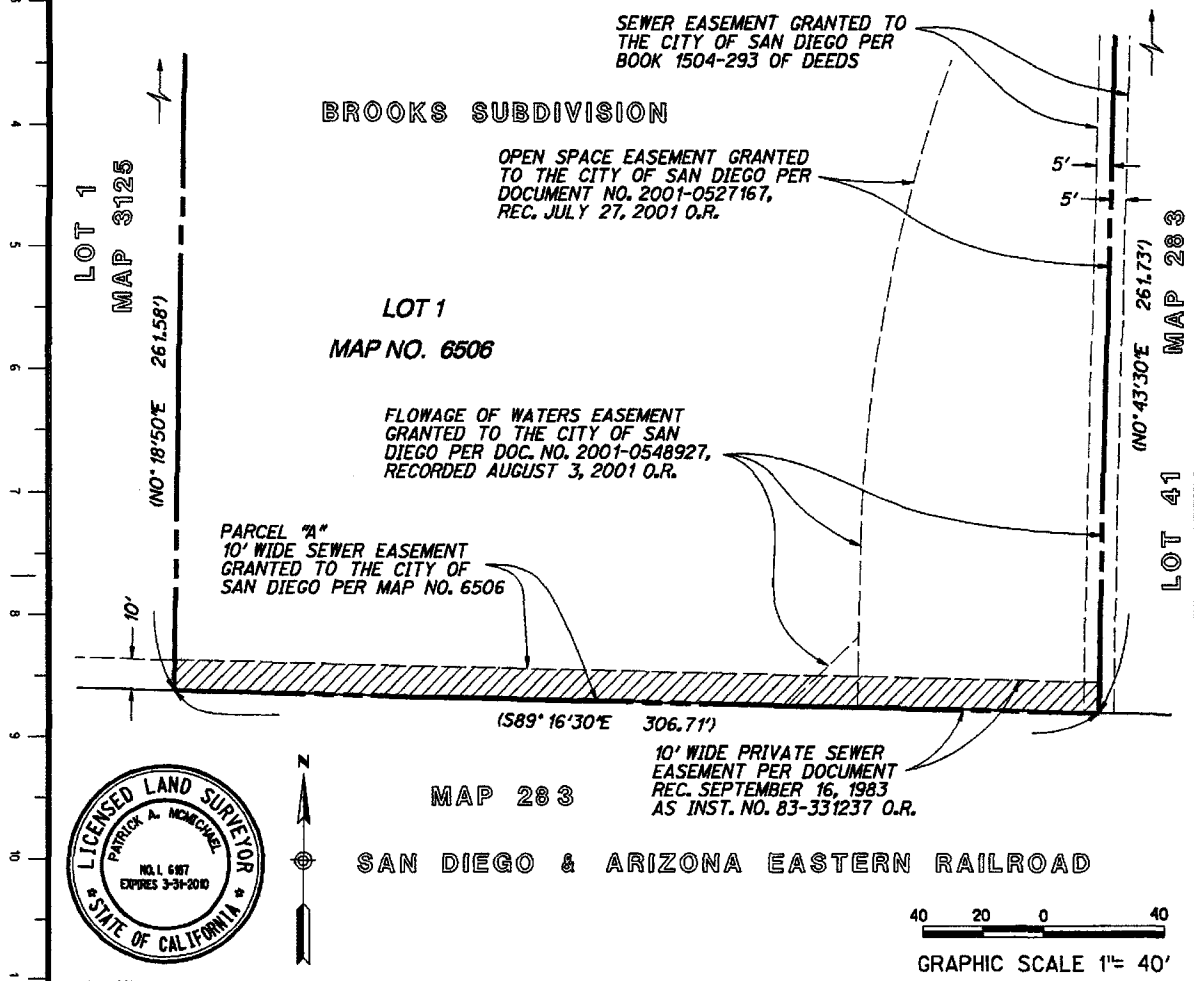
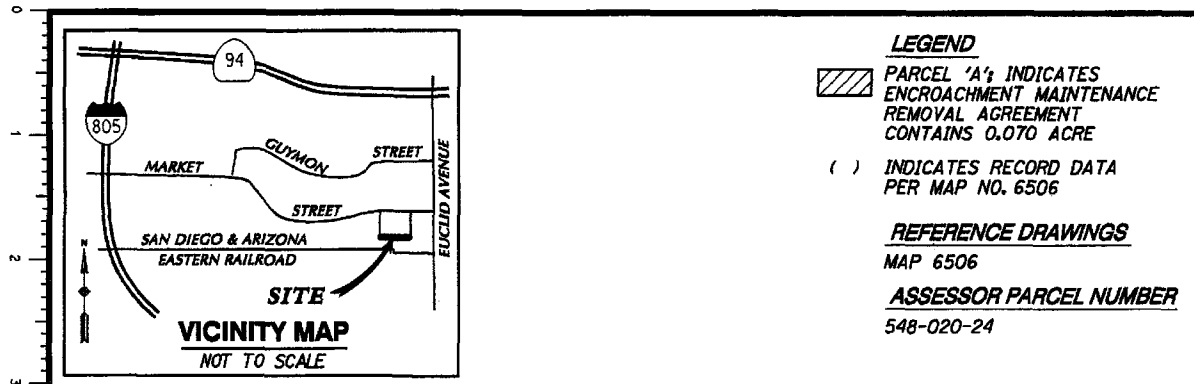
3-8-2010
Date



P.T.S. No.: 179950
J.O. No.: 432378
Dwg. No.: 21117-B

Jb/13284jj_003

R-305690



RICK ENGINEERING COMPANY
 5620 FRIARS ROAD J. 13284j
 SAN DIEGO, CA 92110
 619.291.0707
 (FAX) 619.291.4165

Patrick A. McMichael
 PATRICK A. McMICHAEL, LS 6187 DATE 3-8-2010

**ENCROACHMENT MAINTENANCE REMOVAL AGREEMENT
 IN LOT 1 OF MAP 6506**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	J.O. NO.
ORIGINAL					SHEET 1 OF 1 SHEET	432378
					FOR CITY ENGINEER	P.T.S. 179950
					DATE	1838-6303
						CCS NAD 83 COORDINATES
						198-1743
						LAMBERT COORDINATES
						21117-B
STATUS						

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