

RESOLUTION NUMBER R- 306134

DATE OF FINAL PASSAGE SEP 14 2010

A RESOLUTION SUMMARILY VACATING SANFORD
CONSORTIUM FOR REGENERATIVE MEDICINE
RECLAIMED WATER EASEMENT, PROJECT NUMBER
180468.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* 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 the Sanford Consortium for Regenerative Medicine
(SCRM) Reclaimed Water Easement Vacation No. 652923 is to 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WHEREAS, the easement has been superseded by relocation and there are no other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 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 September 14, 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 the SCRM Reclaimed Water Easement granted per Easement Deed recorded August 2, 1996 as document number 1996-0391497 and located on Lot 1323 of the Pueblo Lands of San Diego Miscellaneous Map Number 36, 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.
- (b) The existing public easement recorded August 2, 1996, as document number 1996-0391497 only included reclaimed water line with no other easements. The easement is located on Lot 1323 of the Pueblo Lands of San Diego Miscellaneous Map Number 36, and is no longer required as the reclaimed water facilities have been relocated pursuant to Reclaimed Water Easement document number 2009-0555497, recorded October 6, 2009, City drawing number 21012-B. Therefore the relocated facilities will continue the intended purpose within the new public easement.
- (c) The public will benefit from the abandonment through improved utilization of the land made available by the abandonment.
- (d) The relocation of the facilities pursuant to Reclaimed Water Easement document number 2009-0555497, recorded October 6, 2009 and the abandonment of the easement described within document number 1996-0391497 will allow the property to be developed for a medical research building without the encumbrance of the easement while the relocation will allow continued service for public utilities.

- (e) The abandonment is consistent with any applicable land use plan.
- (f) The project site is located within the University Community Planning area and within in the State Coastal Jurisdiction. The easement vacation would not adversely affect the General Plan, in that the plan calls for providing and maintaining essential facilities and infrastructure to serve existing and future development. Since the reclaimed water easement facilities have been relocated the facilities may continue to operate and therefore will maintain the essential facilities and infrastructure requirements pursuant to the General Plan, University Community Plan and the Local Coastal Program.
- (g) 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.
- (h) The abandonment of the easement described within document number 1996-0391497 would not affect the original purpose of the easement as the facilities have been relocated pursuant to Reclaimed Water Easement document number 2009-0555497, recorded October 6, 2009.

BE IT FURTHER RESOLVED, that the reclaimed water easement located within Lot 1323 of the Pueblo Lands of San Diego Miscellaneous Map Number 36, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21014-1-B, 21014-2-B, 21014-3-B and marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

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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:js:mm
08/09/2010
08/30/2010 Corr. Copy
Or.Dept:DSD
PL#2010-01295
R-2011-103

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 14 2010.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

EXHIBIT 'A

LEGAL DESCRIPTION

RECLAIMED WATER EASEMENT VACATED

BEING A PORTION OF A RECLAIMED WATER EASEMENT DEED RECORDED AUGUST 2, 1996 AS DOCUMENT NO. 1996-0391497, OF OFFICIAL RECORDS, WITHIN PUEBLO LOT 1323 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH MAP WAS FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER NOVEMBER 14, 1921 AS MISCELLANEOUS MAP NO. 36, SAID DEED BEING A 20.00 FOOT WIDE STRIP OF LAND LYING 10.00 FEET ON EACH SIDE OF THE CENTERLINE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWESTERLY CORNER OF PUEBLO LOT 1323; THENCE ALONG THE COMMON BOUNDARY LINE BETWEEN PUEBLO LOTS 1323 AND 1324, NORTH 00°51'35" EAST, 1659.21 FEET (NORTH 00°51'31" EAST, 1658.97 FEET, RECORD PER PARCEL MAP NO. 9813, FILED IN THE OFFICE OF THE COUNTY RECORDER MARCH 14, 1980) TO A POINT WHICH BEARS SOUTH 78°05'34" WEST, 26.73 FEET (SOUTH 78°03'47" WEST, 26.79 FEET, RECORD PER SAID PARCEL MAP NO. 9813) FROM A FOUND 2" IRON PIPE WITH DISC STAMPED "L.S. 5292" MARKING THE NORTHWEST CORNER OF PARCEL 1 OF SAID PARCEL MAP; THENCE NORTH 78°05'34" EAST, 26.73 FEET TO SAID NORTHWEST CORNER OF PARCEL 1, SAID POINT ALSO SHOWN ON SAID EASEMENT DEED; THENCE LEAVING SAID NORTHWEST CORNER OF PARCEL 1, ALONG A LINE SHOWN ON SAID EASEMENT DEED LINE, SOUTH 82°34'04" WEST, 38.43 FEET (SOUTH 82°32'17" WEST, 38.43 FEET, RECORD PER SAID DEED); THENCE CONTINUING ALONG SAID DEED THE FOLLOWING COURSES, SOUTH 06°13'32" EAST, 209.68 FEET (SOUTH 06°15'19" EAST, 210.93 FEET RECORD PER SAID DEED) TO A POINT ON THE NORTHERLY LINE OF REGENTS OF THE UNIVERSITY OF CALIFORNIA GRANT DEED RECORDED MARCH 19, 1964 AS FILE NO. 50153 OF OFFICIAL RECORDS, SAID POINT ALSO THE BEGINNING OF THE CENTERLINE OF SAID RECLAIMED WATER EASEMENT, A 20.00 FOOT WIDE STRIP OF LAND LYING 10.00 FEET ON EACH SIDE AS DESCRIBED IN SAID EASEMENT DEED (SEE CITY DWG. NO. 18318-B); THENCE ALONG SAID CENTERLINE, SOUTH 06°13'32" EAST, 50.92 FEET (SOUTH 06°15'19" EAST, RECORD PER SAID DEED) TO THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 06°13'32" EAST, 37.98 FEET; THENCE NORTH 83°46'28" EAST, 32.69 FEET (NORTH 83°44'41" EAST RECORD PER SAID DEED).

THE SIDELINES OF SAID 20.00 FOOT OF STRIP OF VACATED EASEMENT TO BE LENGTHENED OR SHORTENED TO TERMINATE ON THE NORTH AT A LINE BEARING NORTH 88°24'28" EAST AND TERMINATE ON THE SOUTHEAST AT A LINE BEARING NORTH 00°31'18" EAST

ATTACHED HERETO IS A PLAT LABELED 21014-B AND BY THIS REFERENCE MADE A PART HEREOF.

SAID PARCEL CONTAINS 1,414 SQUARE FEET OR 0.032 ACRE, MORE OR LESS.



Gary L. Hus 5/3/2010
GARY L. HUS DATE
LS 7019

P.T.S. NO. 180468

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EXHIBIT 'B'

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS PLAT IS THE CALIFORNIA COORDINATE SYSTEM, CCS '83, ZONE 6, EPOCH 1991.35 AND IS DETERMINED BY G.P.S. MEASUREMENTS TAKEN ON 02/19/2008 AT POINTS 'A' AND 'B' AS SHOWN HEREON. POINTS "A" AND "B" WERE ESTABLISHED FROM G.P.S. STATION 628 AND G.P.S. STATION 631 PER ROS 14482. THE BEARING FROM POINT "A" TO POINT "B" IS N00°51'35"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 0.9999723.

GRID DISTANCE, GROUND DISTANCE X COMBINED GRID FACTOR.

ASSESSOR'S PARCEL NO.:

342-010-18

REFERENCE DRAWINGS:

PM 9813, PM 14013, ROS 17039 & MM 36

26645-D (RECLAIMED WATER)

34861-D (IMPROVEMENT PLAN)

18318-B (RECLAIMED WATER EASEMENT)

21012-B (RECLAIMED WATER EASEMENT)

LEGEND:



INDICATES RECLAIMED WATER EASEMENT GRANTED PER EASEMENT DEED RECORDED AUGUST 2, 1996 AS DOCUMENT NO. 1996-0391497, VACATED AREA = 1,414 SQ. FT. OR 0.032 ACRE

P.O.C. INDICATES POINT OF COMMENCEMENT

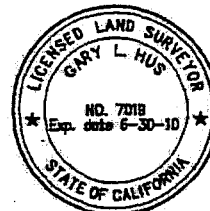
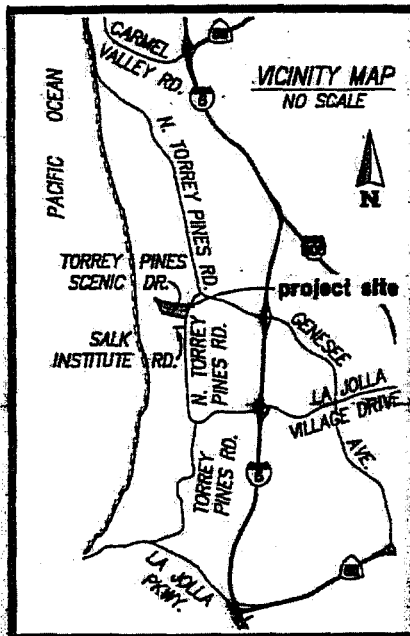
T.P.O.B. INDICATES TRUE POINT OF BEGINNING

() INDICATES RECORD DATA PER PM 14013

[] INDICATES RECORD DATA PER GRANT DEED RECORDED MARCH 19, 1964 AS FILE/PAGE NO. 50153, O.R.

(()) INDICATES RECORD DATA PER PM 9813

[] INDICATES RECORD DATA PER EASEMENT DEED RECORDED AUGUST 02, 1996 AS DOCUMENT NO. 1996-0391497



Gary L. Hus
GARY L. HUS, PLS 7019

5-03-2010
DATE



PROJECT DESIGN CONSULTANTS

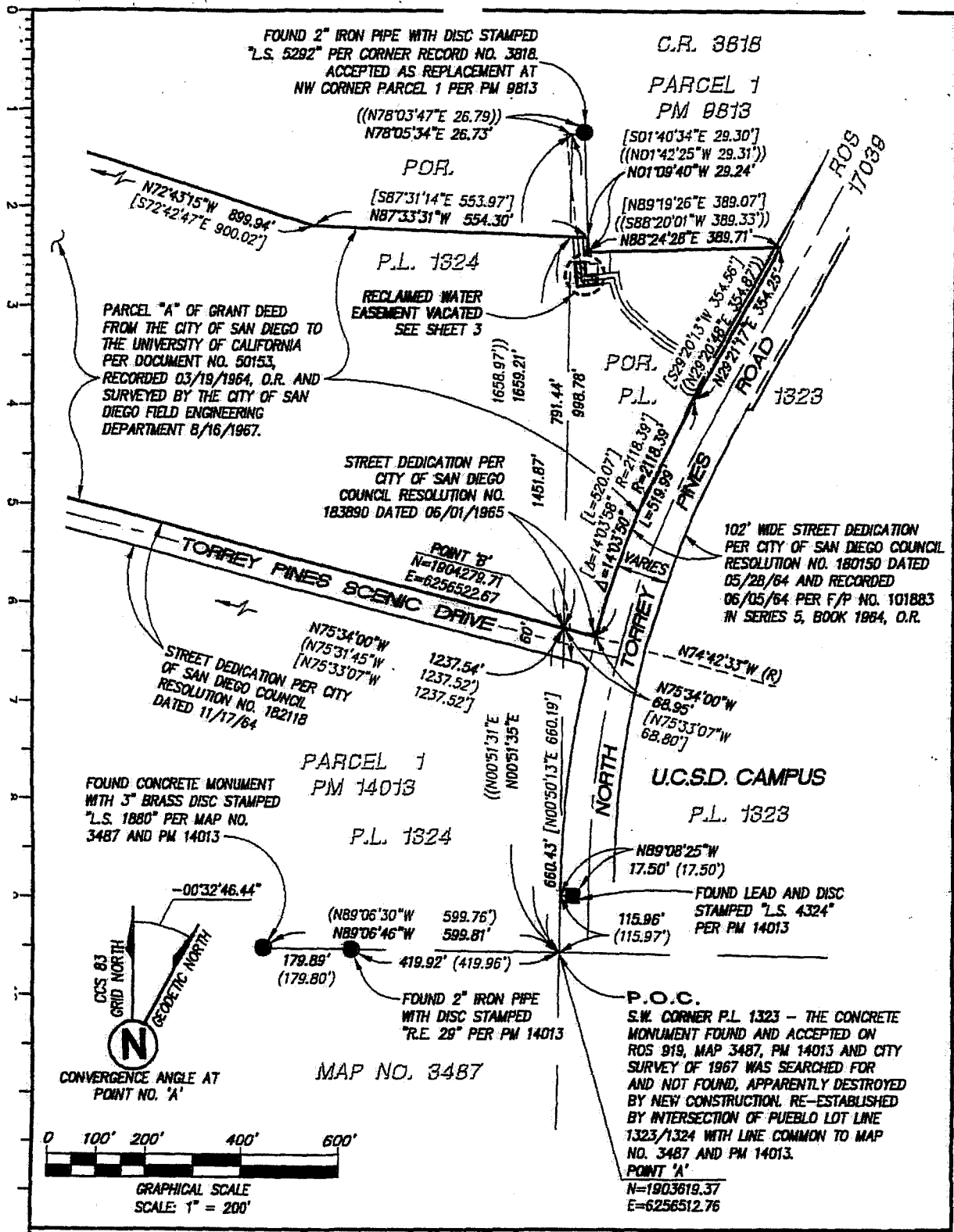
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800 San Diego, CA 92101
619.235.8471 Tel 619.234.0349 Fax

RECLAIMED WATER EASEMENT VACATED

IN A PORTION OF PUEBLO LOT 1323 OF MISCELLANEOUS MAP NO. 36

DESCRIPTION	BY	APPRVD.	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	PDC				SHEET 1 OF 3 SHEETS	180468
	<i>DL</i>	✓	5/4/10		<i>Gregory P. Hurd</i> 5-5-2010 FOR CITY ENGINEER DATE	1904-6255
						CCS83 COORDINATES
						264-1695
						LAMBERT COORDINATE
						21014-1-B

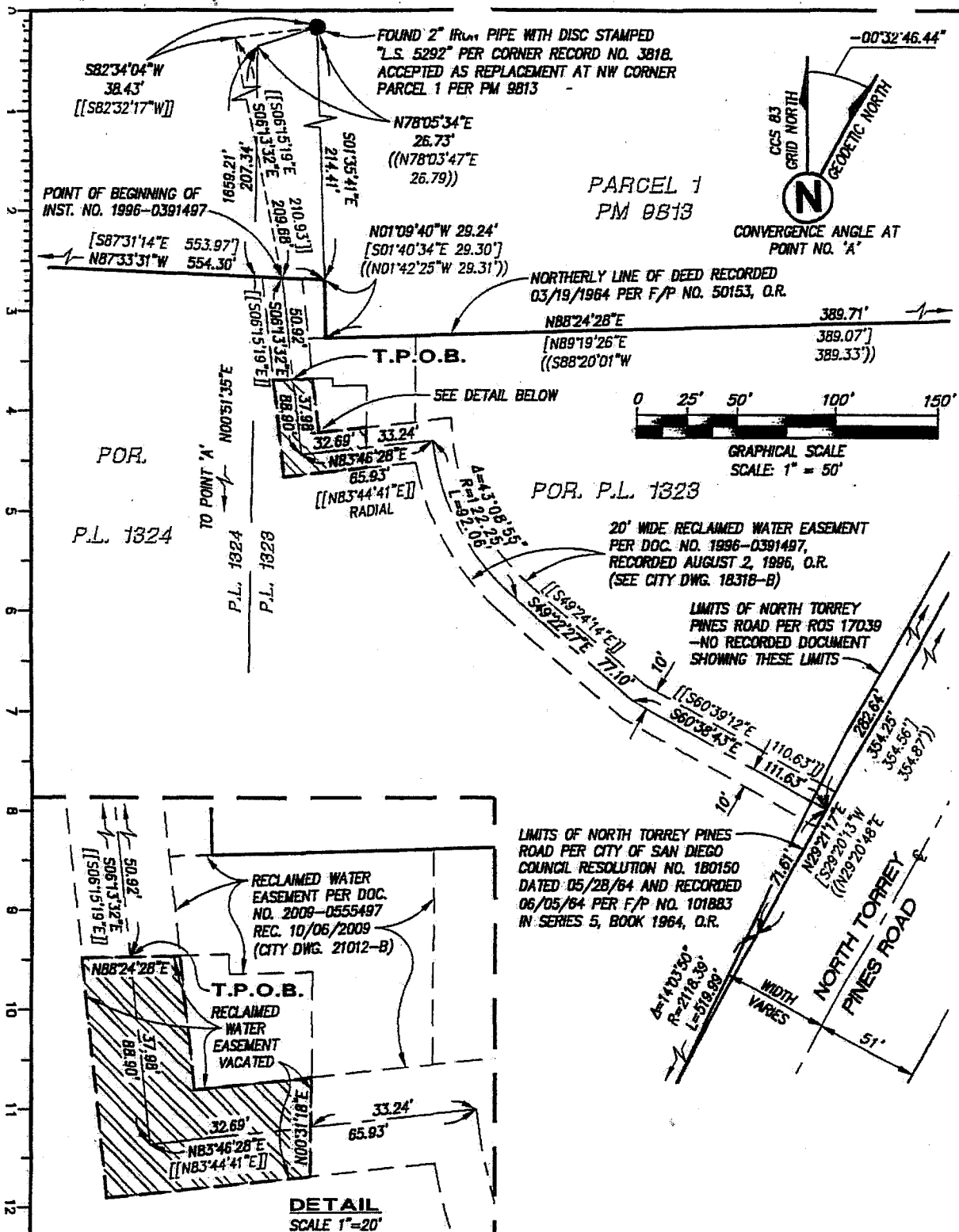
306134



RECLAIMED WATER EASEMENT VACATED
IN A PORTION OF PUEBLO LOT 1323 OF MISCELLANEOUS MAP NO. 36

DESCRIPTION	BY	APPRVD.	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 3 SHEETS <i>Gregory P. Hookins</i> 5-5-2010 FOR CITY ENGINEER DATE	P.T.S. 180468 NO.
ORIGINAL	PDC					1904-6255 CCS83 COORDINATES 264-1895 LAMBERT COORDINATE
						21014-2-B

30613



RECLAIMED WATER EASEMENT VACATED
 IN A PORTION OF PUEBLO LOT 1323 OF MISCELLANEOUS MAP NO. 36

DESCRIPTION	BY	APPRVD.	DATE	FILMED
ORIGINAL	PDC			

CITY OF SAN DIEGO, CALIFORNIA
 SHEET 3 OF 3 SHEETS
Gary P. Hopkins 5.5.2010
 FOR CITY ENGINEER DATE

P.T.S. 180468
 NO. 180468
 1904-6255
 CCS83 COORDINATES
 264-1695
 LAMBERT COORDINATE
 21014-3-B

[Handwritten Signature] 306134