

RESOLUTION NUMBER R- 306135

DATE OF FINAL PASSAGE SEP 14 2010

A RESOLUTION SUMMARILY VACATING PUBLIC SEWER
EASEMENT NO. 725561 FOR PROJECT NO. 204553

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 Public Sewer Easement No. 725561 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WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and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 SEP 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, with respect to a sewer easement located on the East Campus adjacent to Medical Center Drive at the University of California, San Diego, and depicted on Drawing No. 21121-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.

The easement was acquired specifically for the construction and maintenance of a public sewer main. The main serves only the UCSD property and will not be extended to serve any other property or projects. Therefore, there is no present or prospective use for the general utility easement for its original purpose or any other public use.

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

The vacation will permit UCSD to develop in accordance with its Master Plan, and the city will no longer be required to maintain or repair the private sewer, both of which benefit the public.

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

The abandonment is consistent with the UCSD Master Plan. It remains consistent with the City's General Plan, University Community Plan and any other applicable land use plan.

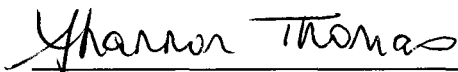
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.

The easement was acquired specifically for the construction and maintenance of a public sewer main. The main serves only the UCSD property and will not be extended to serve any other property or projects. The public sewer operation will not be adversely affected by the abandonment.

BE IT FURTHER RESOLVED, that the a sewer easement located on the East Campus adjacent to Medical Center Drive at the University of California, San Diego, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21121-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
Deputy City Attorney

ST:js
07/15/2010
08/30/2010 Corr. Copy
Or.Dept:DSD
PL#2010-00790
R-2011-82

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 
Deputy City Clerk

EXHIBIT 'A'
GENERAL UTILITY EASEMENT VACATION
LEGAL DESCRIPTION

APN: 345-071-01

ALL THAT PORTION OF GENERAL UTILITY EASEMENT GRANTED PER DOCUMENT NUMBER 2001-0938811, RECORDED DECEMBER 20, 2001 LYING WITHIN THOSE PORTIONS OF PUEBLO LOTS 1309 AND 1310 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MISCELLANEOUS MAP NO. 36 AND 146, RECORDED ON NOVEMBER 12, 1921, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE POINT OF INTERSECTION OF COURSES SOUTH 5°12'29" WEST (SOUTH 5°13'00" WEST PER PARCEL 4 OF DIRECTOR'S DEED RECORDED ON 6/5/1968 AS F/P 94004) 400.0 FEET AND NORTH 4°12'02" WEST (SOUTH 45°13'10" WEST PER PARCEL 4 OF DIRECTOR'S DEED RECORDED ON 6/5/1968 AS F/P 94004) 254.26 FEET; THENCE NORTH 5°12'29" EAST 18.20 FEET ALONG THE EASTERLY LINE OF PARCEL 4 OF DIRECTOR'S DEED RECORDED ON 6/5/1968 AS F/P 94004 TO THE POINT OF BEGINNING, THENCE SOUTH 86°50'51" EAST 510.13 FEET TO THE POINT OF TERMINUS.

THE SIDELINES OF SAID STRIP TERMINATE AS FOLLOWS:

ON THE EAST, AT THEIR INTERSECTION WITH A LINE RUNNING THROUGH THE POINT OF TERMINUS, SAID LINE BEARS NORTH 3°09'09" EAST.

ON THE WEST, AT THEIR INTERSECTION WITH THE EASTERLY LINE OF ABOVE SAID PARCEL 4.

ABOVE DESCRIBED PARCEL CONTAINING 12,650.02 SQUARE FEET, 0.29040 AC.


C. John Eardensohn, PLS 5278



P.T.S. NO. 204553
DWG. NO. 21121-B

R- 006135

Select figure: Figure Name: **GENERAL UTILITY EASEMENT TO BE VACATED**

Course: S 86-50-20 E Distance: 509.68

Course: S 03-09-40 W Distance: 25.00

Course: N 86-50-20 W Distance: 510.58

Course: N 05-13-00 E Distance: 25.00

Perimeter: 1070.28

Area: 12753.25 0.29 acres

Mapcheck Closure - (Uses listed courses & COGO Units)

Error of Closure: 0.005 Course: S 30-13-09 E

Precision 1: 229155.35

R 306133

EXHIBIT B

PUEBLO
LOT 1309
MISC. MAP NO. 36

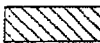
APN
345-071-01
173.171 AC

25' WIDE GENERAL UTILITY
EASEMENT PER D.C. 2001-0938811
RECORDED DECEMBER 20, 2001
(SEE CITY DRAWING 19061-B)
VACATED

PUEBLO
LOT 1310
MISC. MAP NO. 146

APN
345-071-01
173.171 AC

LEGEND:

- INDICATES RIGHT-OF-WAY LINE
-  25.00' WIDE GENERAL UTILITY EASEMENT VACATED
PARCEL 1 = 12,753 SQ. FT.
- P.O.B. INDICATES POINT OF BEGINNING
- P.O.C. INDICATES POINT OF COMMENCEMENT

REFERENCE DRAWING:

CITY OF SAN DIEGO SURVEY FIELD NOTES
BY: RUSSELL, 9-16-96 W.O. 173511
L.C. 254-1695

CITY OF SAN DIEGO DRAWING NO. 19061-B

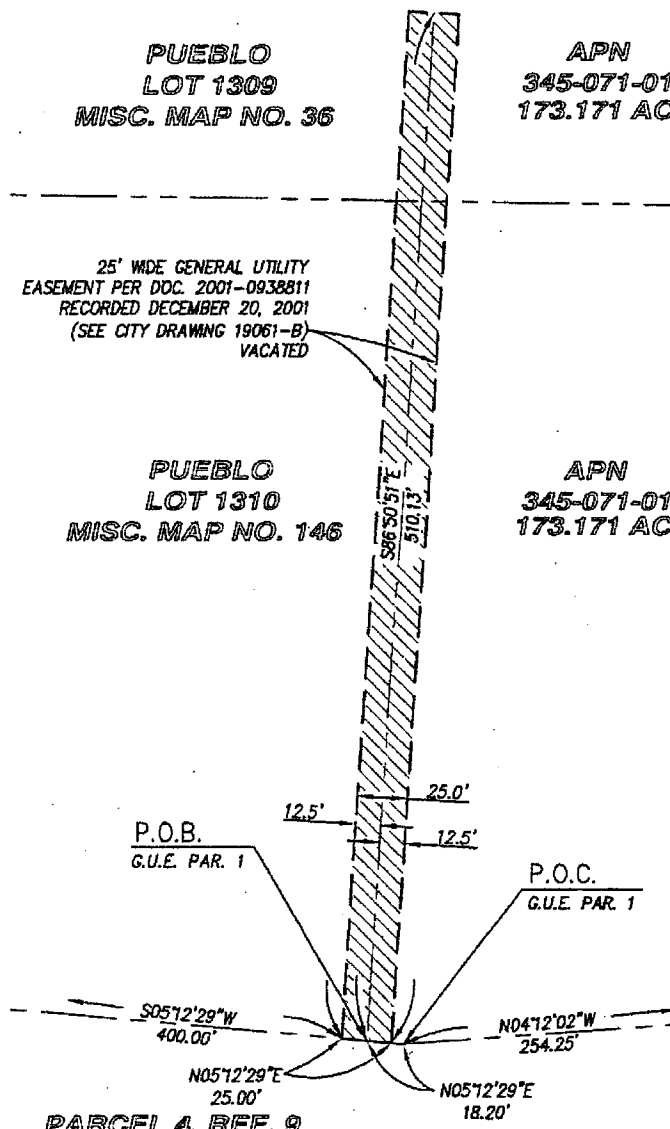
CITY OF SAN DIEGO DRAWING NO. 29164-D

R OF S 14492

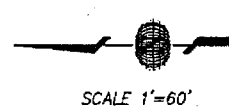
MISCELLANEOUS MAP 36 & 146

BASIS OF BEARINGS:

FOR THIS PROJECT IS THE CALIFORNIA COORDINATE SYSTEM (NAD 83) ZONE 6 DETERMINED LOCALLY AS DEFINED BY THE LINE BETWEEN GPS POINTS 1129 TO 136 AS SHOWN ON RECORD OF SURVEY NO. 14492. AS SHOWN ON DEED RECORDED DECEMBER 20, 2001 DOCUMENT NO. 2001-0938811 ON EXHIBIT 'B' CITY DRAWING 19061-B.



PARCEL 4, REF. 9
DIRECTOR'S DEED
REC. 6-5-1968 AS FILE
PAGE 94004



Latitude 33
Planning and Engineering



4933 Paramount Dr. 2nd Flr.
San Diego, Ca. 92123
Tel 858-751-0833 Fax 858-751-0834

INTERSTATE 5



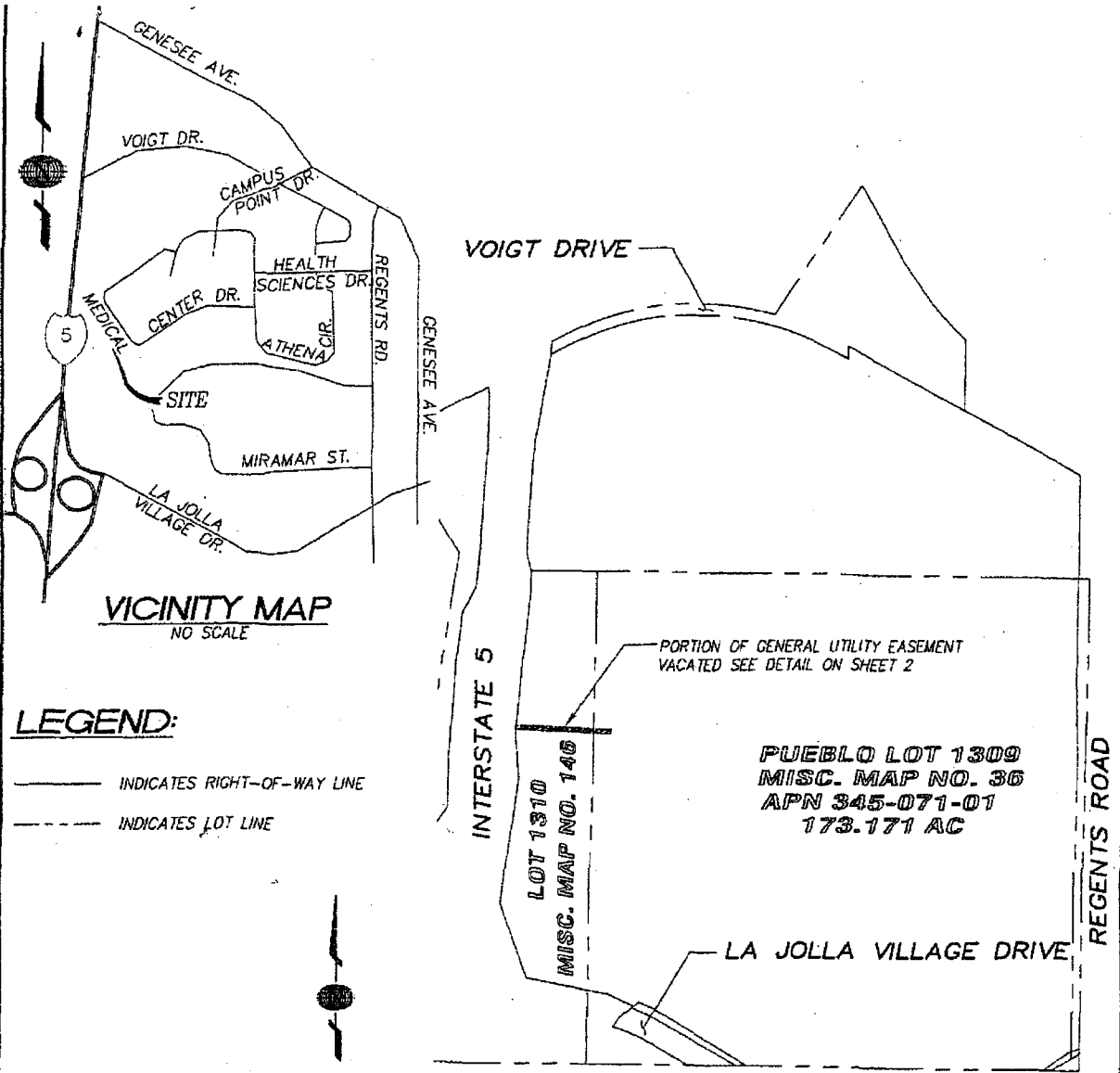
John Eardensohn 7/14/10
C. JOHN EARDENSOHN LS 5278 DATE

GENERAL UTILITY EASEMENT VACATION

PORTION OF PUEBLO LOT 1309 & 1310 OF THE PUEBLO LANDS, MISC MAP NOS. 36 & 146
OWNER: THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, A CORPORATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 2 SHEETS	PTS NO. 204553
ORIGINAL	LAT33	<i>Lat</i>	7/14/10		<i>Gregory P. Hopton</i> FOR CITY ENGINEER	1897-6261 CCS '83 COORDINATES
					7-15-10 DATE	256-1898 LAMBERT COORDINATES
						21121-2-B

8-306153



VICINITY MAP
NO SCALE

LEGEND:

- INDICATES RIGHT-OF-WAY LINE
- - - INDICATES LOT LINE

SCALE 1"=600'

Latitude 33
Planning and Engineering

4933 Paramount Dr. 2nd Fl.
San Diego, Ca. 92123
Tel 858-751-0633 Fax 858-751-0634



John Eardensohn 7/14/10
JOHN EARDENSOHN LS 5278 DATE

GENERAL UTILITY EASEMENT VACATION

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ORIGINAL	LAT33				<i>Gregory P. Harker</i> FOR CITY ENGINEER	1897-6261 CCS '83 COORDINATES
		<i>LAT</i>	<i>7-5-10</i>		<i>7-15-10</i> DATE	256-1698 LAMBERT COORDINATES
						21121-1-B

R-306135