

RESOLUTION NUMBER R- 306136  
DATE OF FINAL PASSAGE SEP 14 2010

A RESOLUTION SUMMARILY VACATING TWO SEGMENTS OF A SEWER EASEMENT, UNIVERSITY OF CALIFORNIA SAN DIEGO (UCSD), EASEMENT VACATIONS, PROJECT NO. 190211 WITHIN THE LA JOLLA COMMUNITY PLANNING AREA.

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 portion of the sewer deed recorded July 22, 1953, as Document No. 99032, in Book 4930, Page 454 and that portion of sewer deed recorded on May 8, 1975, as Document No. 75-110272 both of Official Records shown on City Drawing No. 21056-B, attached hereto be vacated; and

WHEREAS, the easements have been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the easements contain public utility facilities and will be relocated as part of this action; 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 that with respect to that portion of the sewer deed recorded July 22, 1953, as Document No. 99032 in Book 4930, Page 454 and that portion of sewer deed recorded on May 8, 1975, as Document No. 75-110272 both of Official Records shown on Drawing No. 21056-B, marked as Exhibit "B" attached hereto, the Council finds the following:

(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 two existing public easements for a sewer main are located on the USCD, Scripps Institution of Oceanography campus parking lot and run between and parallel to La Jolla Shores Drive and Biological Grade as shown on Drawing No. 21056-B. The public easements and the City sewer main have been relocated pursuant to Document No. 2010-0380483, Drawing No. 21029-B and a Building Restricted Easement Document No. 2010-0320482, Drawing No. 21084-B from the private parking lot to an existing private road (Biological Grade) and a new easement for the facilities has been established.

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

The two existing public easements as shown on Drawing No. 21056-B and the City sewer main have been relocated pursuant to Document No. 2010-0380483, Drawing No. 21029-B and a Building Restricted Easement Document No. 2010-0320482, Drawing No. 21084-B from the

private parking lot to an existing private road (Biological Grade). The public would not be impacted by the change in location and the action would allow unrestricted use of the existing parking lot.

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

The proposed public easement vacations would not adversely affect the General Plan in that it calls for providing and maintaining essential facilities and infrastructure to serve existing and future development. Since the easements and the City sewer main have been relocated pursuant to Document No. 2010-0380483, Drawing No. 21029-B and a Building Restricted Easement Document No. 2010-0320482, Drawing No. 21084-B from the private parking lot to an existing private road (Biological Grade) the project will maintain the requirements of the General Plan. The proposed easement vacations would not be inconsistent with the La Jolla Community Plan as the plan does not address construction or sewer main easements.

(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.

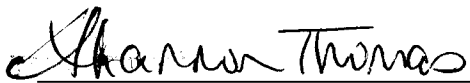
The project is to vacate two existing public sewer easements on the USCD, Scripps Institution of Oceanography campus parking lot. The area of the sewer to be vacated has been diverted and relocated to an existing private road (Biological Grade) pursuant to Document No. 2010-0380483, Drawing No. 21029-B and a Building Restricted Easement Document No. 2010-0320482, Drawing No. 21084-B and a new sewer easement has been established for City access. Since the facilities have been relocated the existing easements will not be required.

BE IT FURTHER RESOLVED, that the sewer easement located within the UCSD campus parking lot and run between and parallel to La Jolla Shores Drive and Biological Grade

as shown on Drawing No. 21056-B, particularly described in the legal description marked as "Exhibit A," and shown on Drawing No. 21056-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:als  
08/24/2010  
Or.Dept:DSD  
R-2011-184  
PL#2010-00683

R-306150

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR SEWER AND CONSTRUCTION EASEMENT VACATION**

A PORTION OF THAT CERTAIN EASEMENT FOR A RIGHT OF WAY FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PUBLIC SEWER AND APPURTENANCES THERETO, RECORDED JULY 22, 1953 IN BOOK 4930, PAGE 454 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY RECORDER TOGETHER WITH A PORTION OF THAT CERTAIN EASEMENT FOR A RIGHT OF WAY TO CONSTRUCT, RECONSTRUCT, MAINTAIN, OPERATE AND REPAIR A PUBLIC SEWER, INCLUDING AND OR ALL APPURTENANCES THERETO, RECORDED MAY 8, 1975, DOCUMENT NUMBER 75-110272, OFFICIAL RECORDS OF SAID SAN DIEGO COUNTY, FURTHER DESCRIBED AS A STRIP OF LAND 5.00 FEET WIDE LYING 2.50 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AND A STRIP OF LAND 20.00 FEET WIDE LYING 10.00 FEET ON SIDE OF THE FOLLOWING DESCRIBED CENTERLINE :

THAT PORTION OF THE 5.00 FOOT WIDE AND 20.00 WIDE EASEMENTS PER DOCUMENT RECORDED JULY 22, 1953 IN BOOK 4930, PAGE 454 OF OFFICIAL RECORDS, VACATED;

SAID PORTION BEING SOUTHERLY OF THE POINT OF TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN FILE/PAGE NO. 136975, RECORDED SEPTEMBER 8, 1967 IN SAID SAN DIEGO COUNTY AS SOUTH 28°32'30" WEST 49.74 FEET, BEING THE CENTERLINE OF THE 15.00 FOOT WIDE EASEMENT AND NORTHERLY OF THE POINT OF TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN THE GRANT OF EASEMENT TO THE CITY OF SAN DIEGO DOCUMENT NUMBER 75-110272 OF SAID SAN DIEGO COUNTY AS NORTH 57°13'15" EAST 174.58 FEET, BEING THE CENTERLINE OF THE 5.00 AND 20.00 FOOT WIDE EASEMENT.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL BE PROLONGED OR SHORTENED SO AS TO TERMINATE IN THE SOUTHERLY TERMINUS OF SAID EASEMENT DOCUMENT FILE/PAGE 136975 AND THE WESTERLY AND EASTERLY SIDELINES OF SAID 5.00 FOOT WIDE EASEMENT PER DOCUMENT 75-110272.

INCLUDING THAT PORTION OF THE 5.00 FOOT WIDE AND 20.00 FOOT WIDE EASEMENTS PER DOCUMENT RECORDED MAY 8, 1975 IN DOCUMENT NUMBER 75-110272 OF OFFICIAL RECORDS, VACATED;

SAID PORTION BEING SOUTHWESTERLY OF THE POINT OF TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN THE GRANT OF EASEMENT TO THE CITY OF SAN DIEGO DOCUMENT NUMBER 75-110272 OF SAID SAN DIEGO COUNTY AS NORTH 57°13'15" EAST 174.58 FEET, SAID POINT BEING ON THE CENTERLINE OF SAID 5.00 FOOT AND 20.00 FOOT WIDE EASEMENT AND NORTHEASTERLY OF THE POINT OF TERMINUS OF THAT CERTAIN COURSE DESCRIBED IN SAID GRANT OF EASEMENT IN DOCUMENT NUMBER 75-110272 AS NORTH 146.00 FEET, SAID POINT BEING THE CENTERLINE OF SAID 5.00 FOOT WIDE EASEMENT.

THE SIDELINES OF THE ABOVE DESCRIBED STRIP OF LAND SHALL TERMINATE AT A LINE THAT IS PERPENDICULAR AND AT RIGHT ANGLES TO THE LINE DESCRIBED IN SAID DEED AS NORTH 57°13'15" EAST 174.58' AT THE SOUTHWESTERLY AND NORTHEASTERLY TERMINUS OF SAID LINE.

ATTACHED HERETO IS DRAWING NO. 20156-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

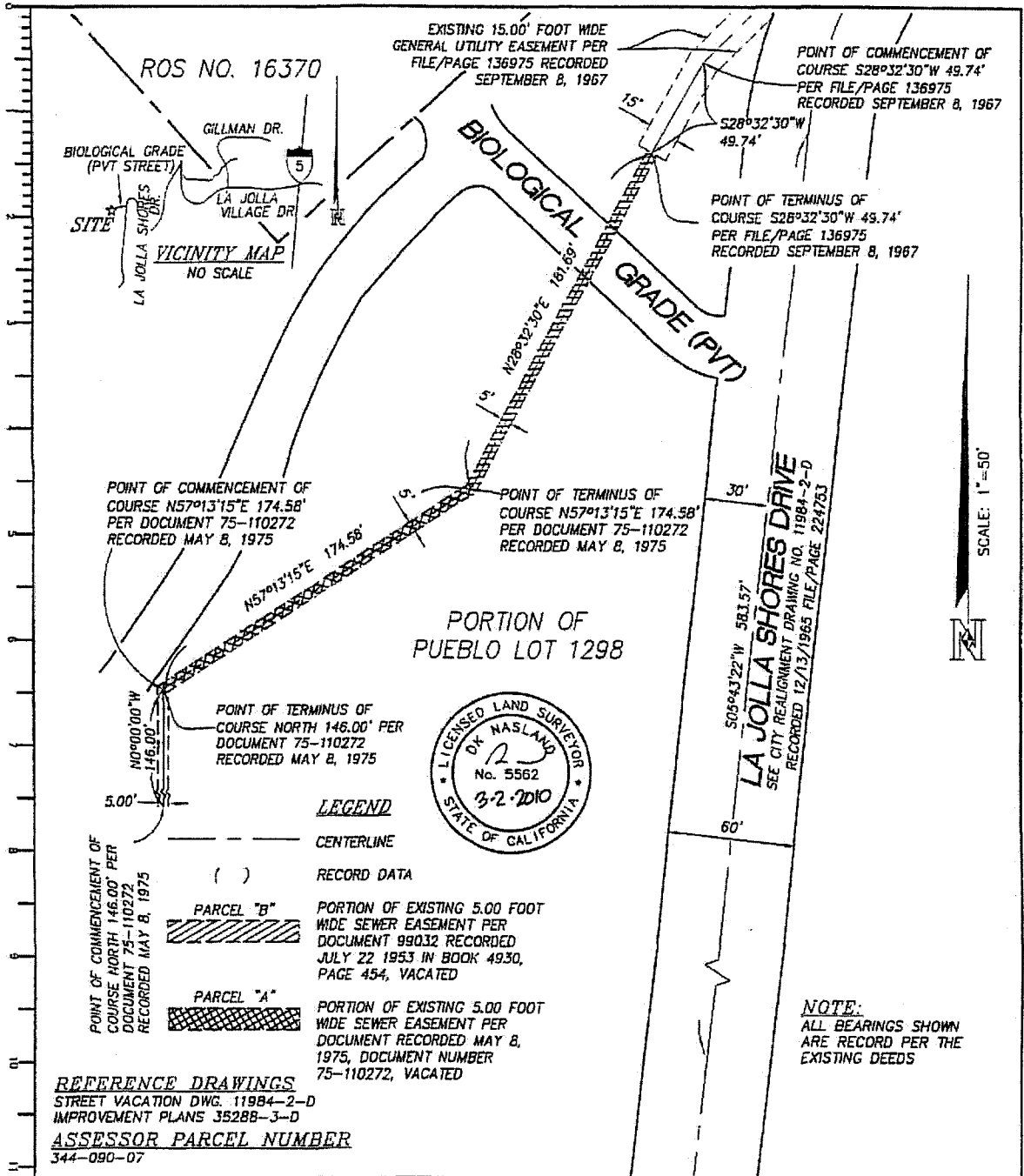
DWG. 21056-B  
PTS 190211

SIGN \_\_\_\_\_  
PRINT \_\_\_\_\_

*RJ*  
DK NASLAND



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**LEGEND**  
 --- CENTERLINE  
 ( ) RECORD DATA



**PARCEL "B"**  
 PORTION OF EXISTING 5.00 FOOT WIDE SEWER EASEMENT PER DOCUMENT 99032 RECORDED JULY 22 1953 IN BOOK 4930, PAGE 454, VACATED

**PARCEL "A"**  
 PORTION OF EXISTING 5.00 FOOT WIDE SEWER EASEMENT PER DOCUMENT RECORDED MAY 8, 1975, DOCUMENT NUMBER 75-110272, VACATED

**REFERENCE DRAWINGS**  
 STREET VACATION DWG. 11984-2-D  
 IMPROVEMENT PLANS 35288-3-D  
**ASSESSOR PARCEL NUMBER**  
 344-090-07

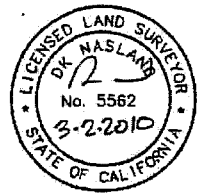
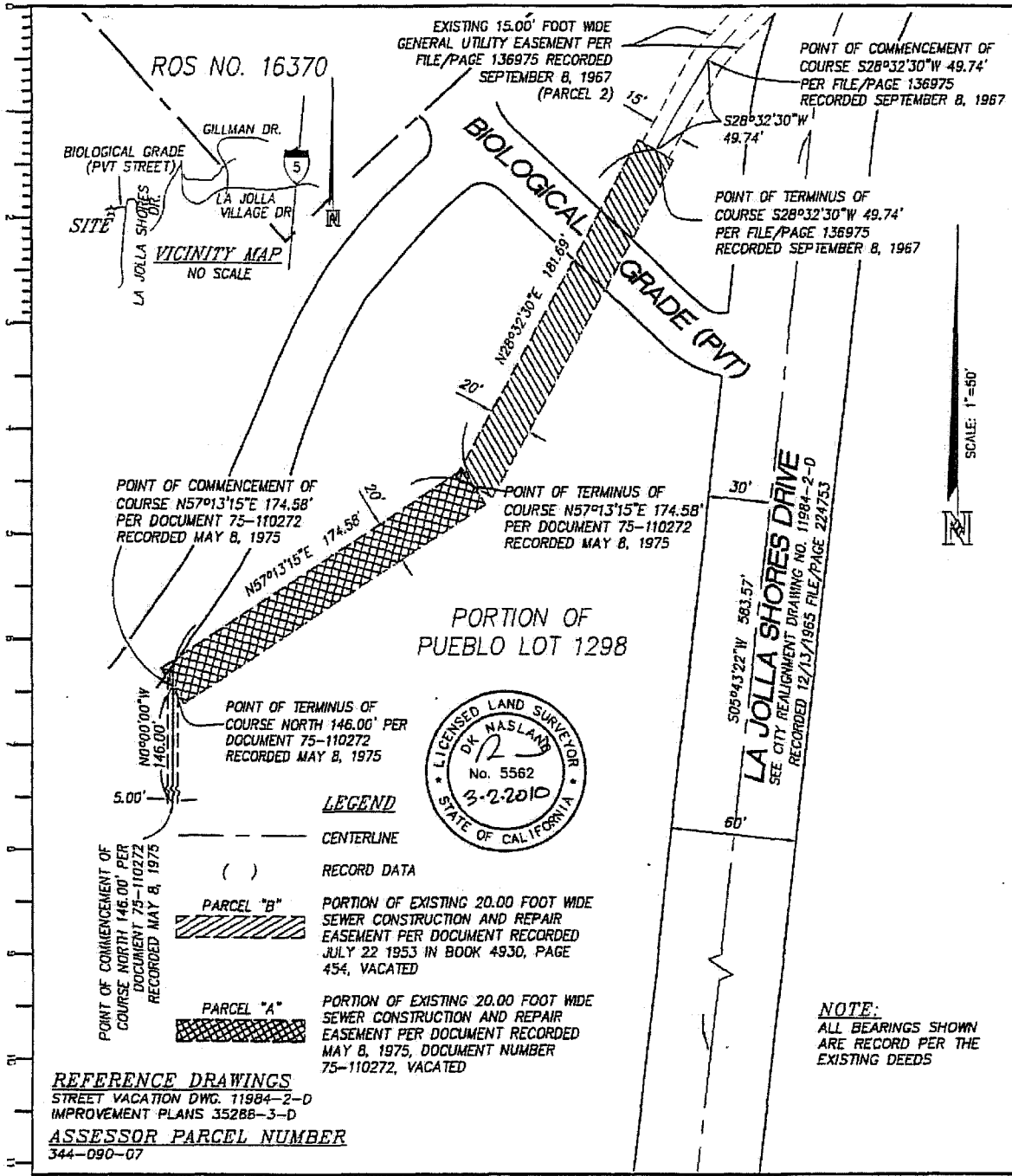
**NOTE:**  
 ALL BEARINGS SHOWN ARE RECORD PER THE EXISTING DEEDS

**NASLAND ENGINEERING**  
 4740 RUFFNER STREET  
 SAN DIEGO, CA 92111  
 PHONE: 858-292-7770  
 FAX: 858-571-3241

*R.* 306136

**SEWER AND CONSTRUCTION EASEMENT VACATIONS - IN A PORTION OF PUEBLO LOT 1298 MISC. MAP 36**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	<i>Dr</i>	<i>v</i>	3/2/10		SHEET 1 OF 2 SHEETS	
					<i>Gregory Markland</i>	1898-6253
					FOR CITY ENGINEER	CCS83 COORDINATES
					3-4-10	258-1693
					DATE	LAMBERT COORDINATES
Complete						21056-1-B



**LEGEND**

- CENTERLINE
- ( ) RECORD DATA
- PARCEL "B" PORTION OF EXISTING 20.00 FOOT WIDE SEWER CONSTRUCTION AND REPAIR EASEMENT PER DOCUMENT RECORDED JULY 22 1953 IN BOOK 4930, PAGE 454, VACATED
- PARCEL "A" PORTION OF EXISTING 20.00 FOOT WIDE SEWER CONSTRUCTION AND REPAIR EASEMENT PER DOCUMENT RECORDED MAY 8, 1975, DOCUMENT NUMBER 75-110272, VACATED

**NOTE:**  
ALL BEARINGS SHOWN ARE RECORD PER THE EXISTING DEEDS

**REFERENCE DRAWINGS**  
STREET VACATION DWG. 11984-2-D  
IMPROVEMENT PLANS 35288-3-D  
**ASSESSOR PARCEL NUMBER**  
344-090-07

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**SEWER AND CONSTRUCTION EASEMENT VACATIONS - IN A PORTION OF PUEBLO LOT 1298 MISC. MAP 36**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	JO
ORIGINAL	<i>DN</i>		3/2/10		SHEET 2 OF 2 SHEETS	PTS 190211
					<i>Gregory Hopkins</i> FOR CITY ENGINEER	1898-6253 CCSBS COORDINATES
					9-4-10 DATE	258-1693 LAMBERT COORDINATES
Complete						21056-2-B

*R-306136*