

RESOLUTION NUMBER R- 306316

DATE OF FINAL PASSAGE NOV 09 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO FOR CITY COLLEGE SEWER EASEMENT VACATION PROJECT NO. 206214 LOCATED AT 1508 C STREET, SAN DIEGO, CALIFORNIA.

WHEREAS, California Streets and Highways Code section 8320 et seq. and San Diego Municipal Code section 125.1001 et seq. provide procedures for the formal vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that an existing sewer easement on San Diego City College District property be vacated; 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 NOV 09 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 a sewer easement located at 1508 C Street on San Diego Community College District property, 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.

In that the six inch sewer main will be replaced with a ten inch sewer main within the B Streets public right of way, the easement on San Diego City College District property will have no prospective use. The new ten inch sewer main will serve the needs which necessitated the original improvement and easement. There is no other use of a like nature for this specific easement which can be reasonably anticipated.

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

Presently, the property which has the sewer easement is limited by the existence of the easement in that the property may not redevelop or place new buildings over the area of the existing easement. The adopted Centre City Community Plan designates this site for public and civic uses at recommended intensity greater than the existing development. Without the vacation of the existing easement new classroom buildings may not be placed over the area of the easement and therefore the recommended intensity of the adopted Centre City Community Plan may not be realized or the educational goals of the San Diego Community College District. Without the redevelopment of the property at 1508 C Street the new college facilities would not be available to meet the future enrollment demands of the San Diego City College. The public will benefit by the vacation of the easement through the addition of new educational opportunities, the improved utilization of urban land and the development of new classroom facilities designed and constructed to current state and local code requirements.

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

The Centre City Community Plan identifies the City College site for public - civic uses. The City College site is located in the northeast corner of the East Village neighborhood of the community. The planned land uses surrounding the college are Interstate 5 on the north and east, neighborhood mixed use center and employment/residential mixed use on the south. The public - civic uses designation provides for government, civic, cultural, educational, and other public uses. The proposed easement vacation would not adversely affect the Centre City Community Plan or the goals and policies contained therein.

(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 for the purposes of placing and maintaining a public wastewater system to serve the needs of the neighborhood. With the construction of a new ten inch sewer main within an easement, the present easement across the San Diego Community College District property will no longer be necessary. With the construction of a new ten inch sewer main within an existing easement, 16th and B Streets, between Broadway and Russ Boulevard, the needs of the neighborhood will continue to be served and the purpose for which the sewer easement was acquired will cease its material necessity to meet the sewer needs of the neighborhood.

BE IT FURTHER RESOLVED, that the sewer easement located within 1508 C Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21151-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
Shannon Thomas
Deputy City Attorney

ST:als
10/06/10
Or.Dept:DSD
R-2011-223
PL#2010-01296

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 09 2010.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

SEWER EASEMENT VACATION

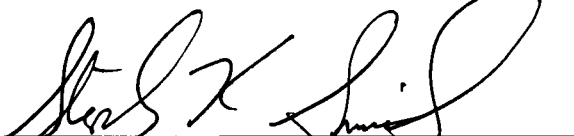
A PORTION OF PARCEL 5 (SEWER OF THE WATER AND SEWER EASEMENT) AND ALL THAT PORTION OF PARCEL 6 (SEWER EASEMENT) RECORDED OCTOBER 7, 1975 AS DOCUMENT NO. 75-275534 LYING WITHIN PARCEL 1 OF PARCEL MAP NO. 4227 RECORDED NOVEMBER 13, 1975 BOTH OF OFFICIAL RECORDS OF SAN DIEGO COUNTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 2 AS SHOWN ON SAID PARCEL MAP NO. 4227; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 2, NORTH 89°51'44" WEST A DISTANCE OF 225.39 FEET TO THE EASTERLY SIDE LINE OF SAID PARCEL 5 SEWER EASEMENT BEING THE POINT OF BEGINNING; THENCE ALONG THE EASTERLY SIDE LINE OF SAID EASEMENT, NORTH 0°07'32" EAST A DISTANCE OF 108.00 FEET TO THE NORTHERLY LINE OF SAID PARCEL 5 SEWER EASEMENT; THENCE ALONG THE NORTHERLY LINE OF SAID EASEMENT, NORTH 89°52'28" WEST A DISTANCE OF 5.00 FEET TO THE EASTERLY SIDE LINE OF SAID PARCEL 6 SEWER EASEMENT; THENCE ALONG THE EASTERLY SIDE LINE OF SAID EASEMENT, NORTH 0°07'32" EAST A DISTANCE OF 192.58 FEET TO THE NORTHERLY LINE OF SAID PARCEL 6 SEWER EASEMENT, SAID LINE ALSO BEING THE NORTHERLY LINE OF SAID PARCEL 2; THENCE ALONG THE NORTHERLY LINE OF SAID EASEMENT AND SAID PARCEL 2, NORTH 89°52'22" WEST A DISTANCE OF 15.00 FEET TO THE WESTERLY SIDE LINE OF SAID PARCEL 6 SEWER EASEMENT; THENCE ALONG THE WESTERLY SIDE LINES OF SAID PARCELS 5 AND 6 EASEMENTS, SOUTH 0°07'32" WEST A DISTANCE OF 300.58 FEET TO THE SOUTHERLY LINE OF SAID PARCEL 5 SEWER EASEMENT, SAID LINE ALSO BEING THE SOUTHERLY LINE OF SAID PARCEL 2; THENCE ALONG THE SOUTHERLY LINE OF SAID EASEMENT AND SAID PARCEL 2, SOUTH 89°51'44" EAST A DISTANCE OF 20.00 TO THE POINT OF BEGINNING.

CONTAINING 5049 SQUARE FEET OR 0.50 ACRES, MORE OR LESS.

ATTACHED HERETO IS DRAWING NO. 21151-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY OR UNDER THE SUPERVISION OF:


STEPHEN K. SMITH, RCE: 29708

7-15-10
DATE

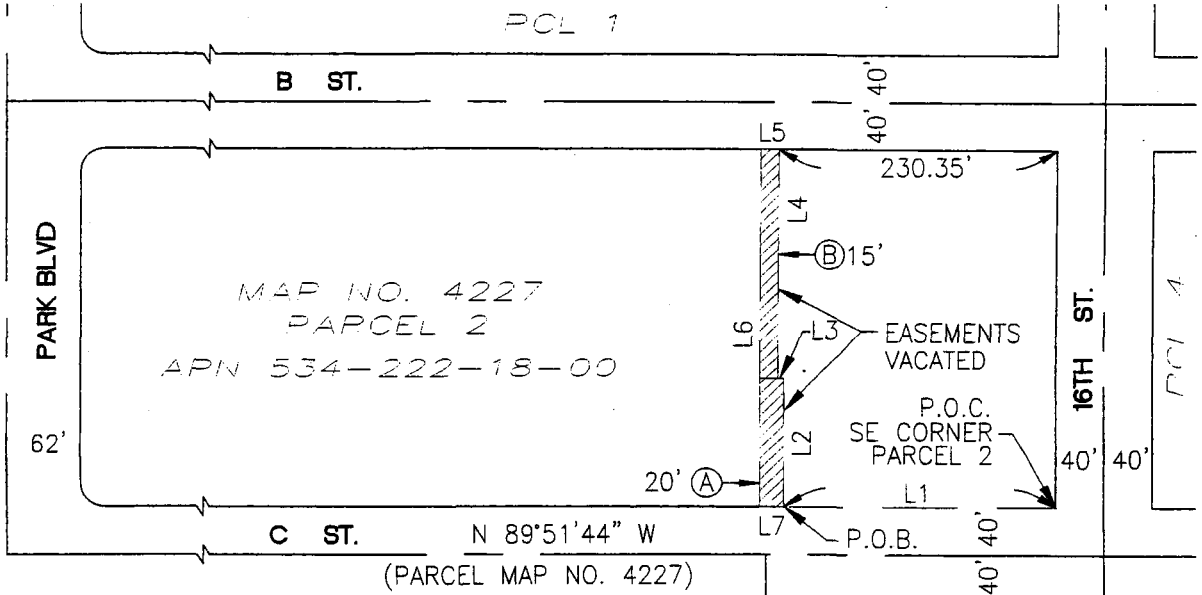
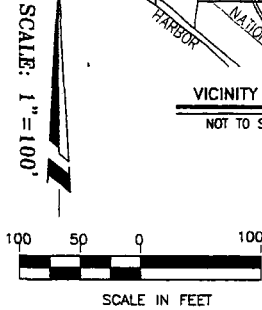
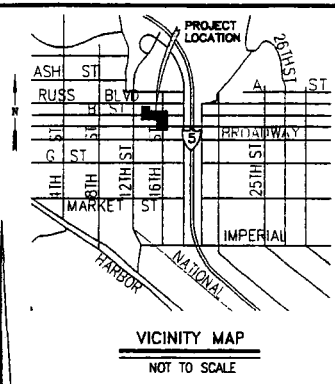


EXHIBIT 'B'

EASEMENT NOTES:

- Ⓐ 20' WIDE WATER AND SEWER EASEMENT
PER FILE NO. 75-275534
RECORDED 10-07-1975, O.R.
- Ⓑ 15' WIDE SEWER EASEMENT
PER FILE NO. 75-275534
RECORDED 10-07-1975, O.R.

LINE	BEARING	LENGTH
L1	N 89°51'44" W	225.39'
L2	N 0°07'32" E	108.00'
L3	N 89°52'28" W	5.00'
L4	N 0°07'32" E	192.58'
L5	N 89°52'22" W	15.00'
L6	N 0°07'32" E	300.58'
L7	N 89°51'44" W	20.00'



LEGEND:

INDICATES A PORTION OF PARCEL 5 (SEWER OF THE WATER & SEWER EASEMENT) AND ALL OF PARCEL 6 (SEWER EASEMENT) RECORDED 10-07-1975 FILE# 75-275534, O.R. VACATED 5049 SQ. FT ± OR 0.50 ACRES

P.O.C. POINT OF COMMENCEMENT
P.O.B. POINT OF BEGINNING

BASIS OF BEARING:
THE CENTERLINE OF "C" STREET AS SHOWN ON PARCEL MAP 4227, I.E. N 89°51'44" W

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STEPHEN K. SMITH RCE: 29708

SEWER EASEMENT VACATION
OVER A PORTION OF PARCEL 2 OF P.M. 4227

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	P.T.S NO. 206214
					FOR CITY ENGINEER _____ DATE _____	1841-6285 CCS83 COORDINATES
						201-1723 LAMBERT COORDINATES
						21151 -B
STATUS						

R-306316