

333  
11/09

RESOLUTION NUMBER R- 306317

DATE OF FINAL PASSAGE NOV 09 2010

A RESOLUTION SUMMARILY VACATING A WATER ACCESS EASEMENT – PROJECT NUMBER 68311.

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 an existing water access easement, Easement Abandonment No. 206767 be vacated; and

WHEREAS, (1)The easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately proceeding the proposed abandonment; and (2) The easement has been superseded by relocation and there are no other public facilities located within the easement; and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 public utility facilities; or 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 October 19, 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 water access easement, 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 water access easement was originally established as a part of Lot 128 of Map No. 14015 to grant vehicle access to the City of San Diego to the Santa Fe Irrigation District flume right-of-way. The Santa Fe Irrigation District and the San Dieguito Water District jointly released all interests to the flume and all rights of access to the flume across Lot 128 via a quitclaim deed recorded on December 21, 2004 (Document No. 2004-1200431). A new 36-inch waterline was installed within the State Route 6 Del Dios Highway right-of-way eliminating the need to access the water flume. Therefore, the water access easement is no longer in use and is no longer required by the City of San Diego.

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

The public would benefit from the abandonment by releasing the City of San Diego from any liability inherent in the ownership interest of the easement and the improved utilization of the land through potential future development.

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

The property on which the easement is located is outside the San Diego city limits and therefore there is no applicable land use plan for this site within the jurisdiction of the City.

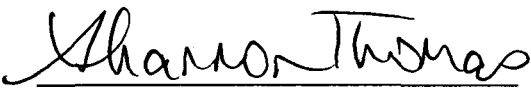
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this abandonment or the purpose for which the easement was acquired no longer exists.

The purpose for which the easement was originally acquired was to establish access rights for City of San Diego vehicles across Lot 128 to the Santa Fe water flume. A new 36-inch waterline was installed within the adjacent State Route 6 (S6) Del Dios Highway right-of-way eliminating the need to access the water flume. Therefore, the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that the water access easement located within the County of San Diego and owned by the City of San Diego, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20356-3-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  
09/28/10  
Or.Dept:DSD  
R-2011-247  
PL#2010-02612

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 Mary Zumaaga  
Deputy City Clerk

EXHIBIT 'A'

LEGAL DESCRIPTION FOR  
ACCESS EASEMENT VACATION

BEING A PORTION OF THE FOLLOWING DESCRIBED EASEMENTS WITHIN LOT 128 OF SECOND AMENDED MAP OF COUNTY OF SAN DIEGO TRACT NO. 4227-2, ACCORDING TO MAP NO. 14015 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, RECORDED AUGUST 4, 2000. SAID PROPERTY BEING DESCRIBED AS PARCEL 'A' IN A CERTIFICATE OF COMPLIANCE RECORDED MAY 10, 2006 AS DOC. NO. 2006-0330444 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

ACCESS ROADS GRANTED TO THE CITY OF SAN DIEGO AS DESCRIBED PER DOCUMENT RECORDED APRIL 9, 1952 AS IN BOOK 4429, PAGE 435 OF OFFICIAL RECORDS.

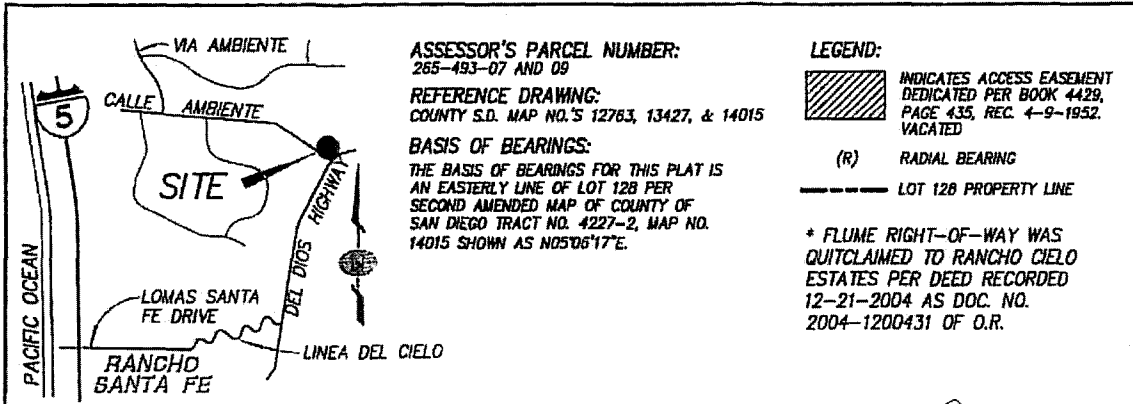
 6/16/10  
\_\_\_\_\_  
C. JOHN EARDENSOHN, L.S. 5278 DATE  
REGISTRATION EXPIRES 12-31-2011



J.O. NO. 424299

P.T.S. NO. 68311

DWG. NO. 20356-B



ASSESSOR'S PARCEL NUMBER:  
265-493-07 AND 09

REFERENCE DRAWING:  
COUNTY S.D. MAP NO.'S 12763, 13427, & 14015

BASIS OF BEARINGS:  
THE BASIS OF BEARINGS FOR THIS PLAT IS AN EASTERLY LINE OF LOT 128 PER SECOND AMENDED MAP OF COUNTY OF SAN DIEGO TRACT NO. 4227-2, MAP NO. 14015 SHOWN AS N05°06'17"E.

LEGEND:

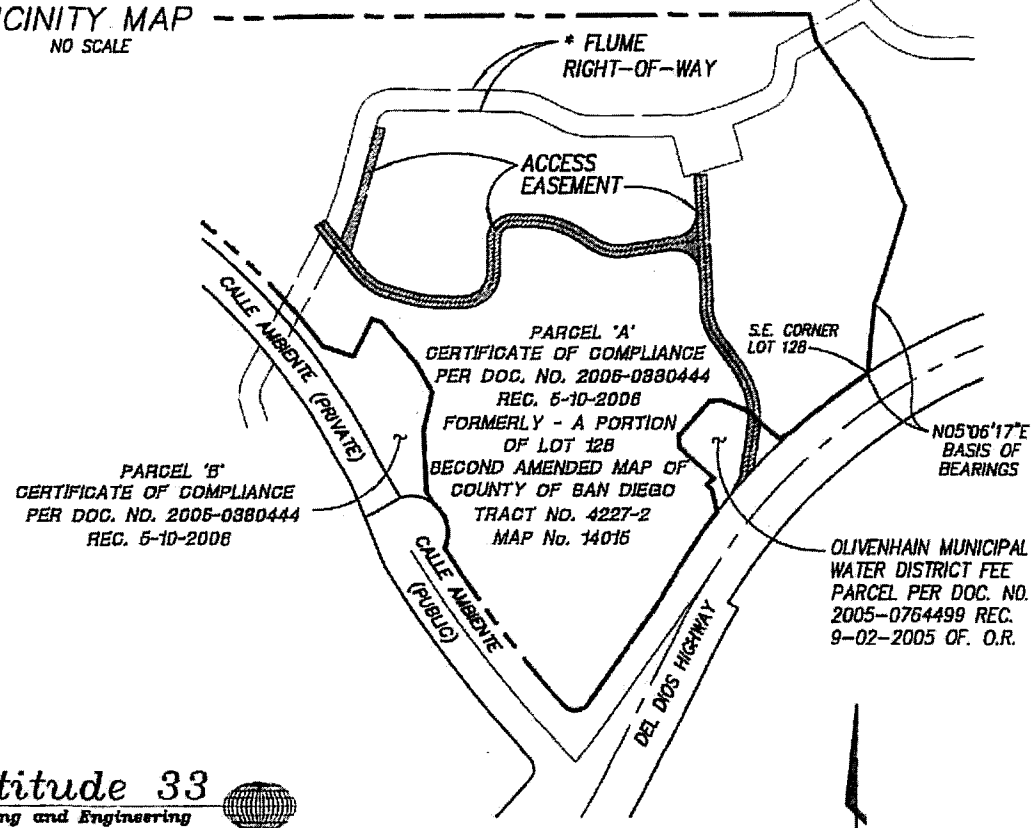
INDICATES ACCESS EASEMENT DEDICATED PER BOOK 4429, PAGE 435, REC. 4-9-1952. VACATED

(R) RADIAL BEARING

--- LOT 128 PROPERTY LINE

\* FLUME RIGHT-OF-WAY WAS QUITCLAIMED TO RANCHO CIELO ESTATES PER DEED RECORDED 12-21-2004 AS DOC. NO. 2004-1200431 OF O.R.

VICINITY MAP  
NO SCALE



**Latitude 33**  
Planning and Engineering

4033 Paramount Dr. 2nd Flr.  
San Diego, Ca. 92123  
Tel 658-761-0633 Fax 658-761-0634



*John Eardensohn* 6/16/10  
CLIFFORD JOHN EARDENSOHN LS 5278 DATE  
REGISTRATION EXPIRES 12-31-2011

SCALE: 1"=200'

**ACCESS EASEMENT FOR WATER UTILITIES VACATION**

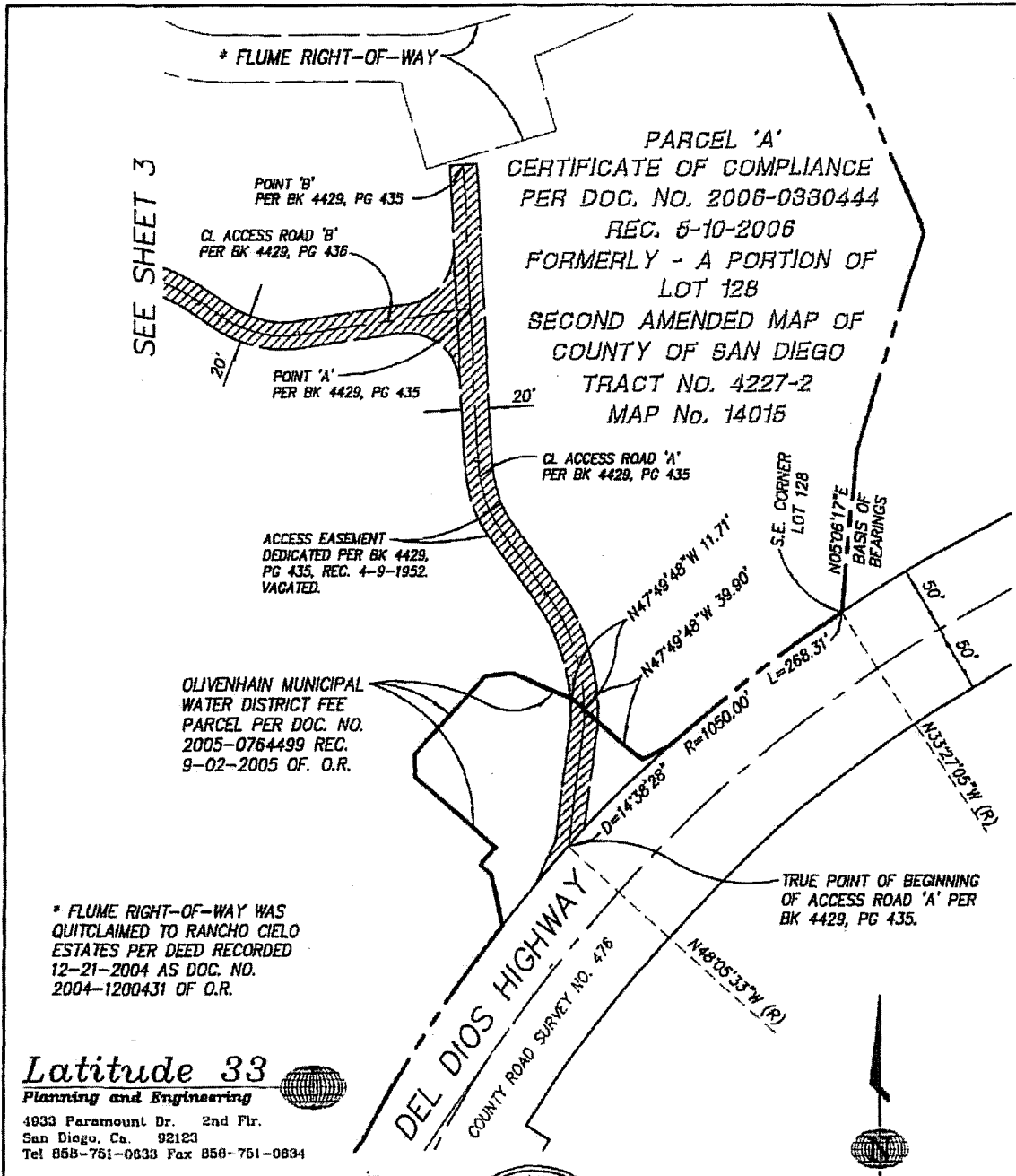
PARCEL 'A'  
CERTIFICATE OF COMPLIANCE PER DOC. NO. 2006-0330444, REC. 5-10-2006, FORMERLY  
A PORTION OF LOT 128 OF SECOND AMENDED MAP OF COUNTY OF SAN DIEGO TRACT NO. 4227-2, MAP NO. 14015

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	LAT33			
	✓	J.M.	7/28/10	

CITY OF SAN DIEGO, CALIFORNIA PLANNING & DEVELOPMENT REVIEW DEPARTMENT SHEET 1 OF 3 SHEET <i>Gregory P. Hopkins</i> 8-11-10 FOR CITY ENGINEER DATE	P.T.S. No. 68311 J.O. No. 424299 1958-6273 NAD '83 COORDINATES 318-1713 LAMBERT COORDINATES 20356-1-B
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" EXHIBIT B "

R-306317



\* FLUME RIGHT-OF-WAY WAS  
 QUITCLAIMED TO RANCHO CIELO  
 ESTATES PER DEED RECORDED  
 12-21-2004 AS DOC. NO.  
 2004-1200431 OF O.R.

**Latitude 33**

Planning and Engineering

4933 Paramount Dr. 2nd Flr.  
 San Diego, Ca. 92123  
 Tel 858-751-0633 Fax 858-751-0834

*John Eardensohn* 6/16/10

C. JOHN EARDENSOHN LS 5278 DATE  
 REGISTRATION EXPIRES 12-31-2011



SCALE: 1"=80'

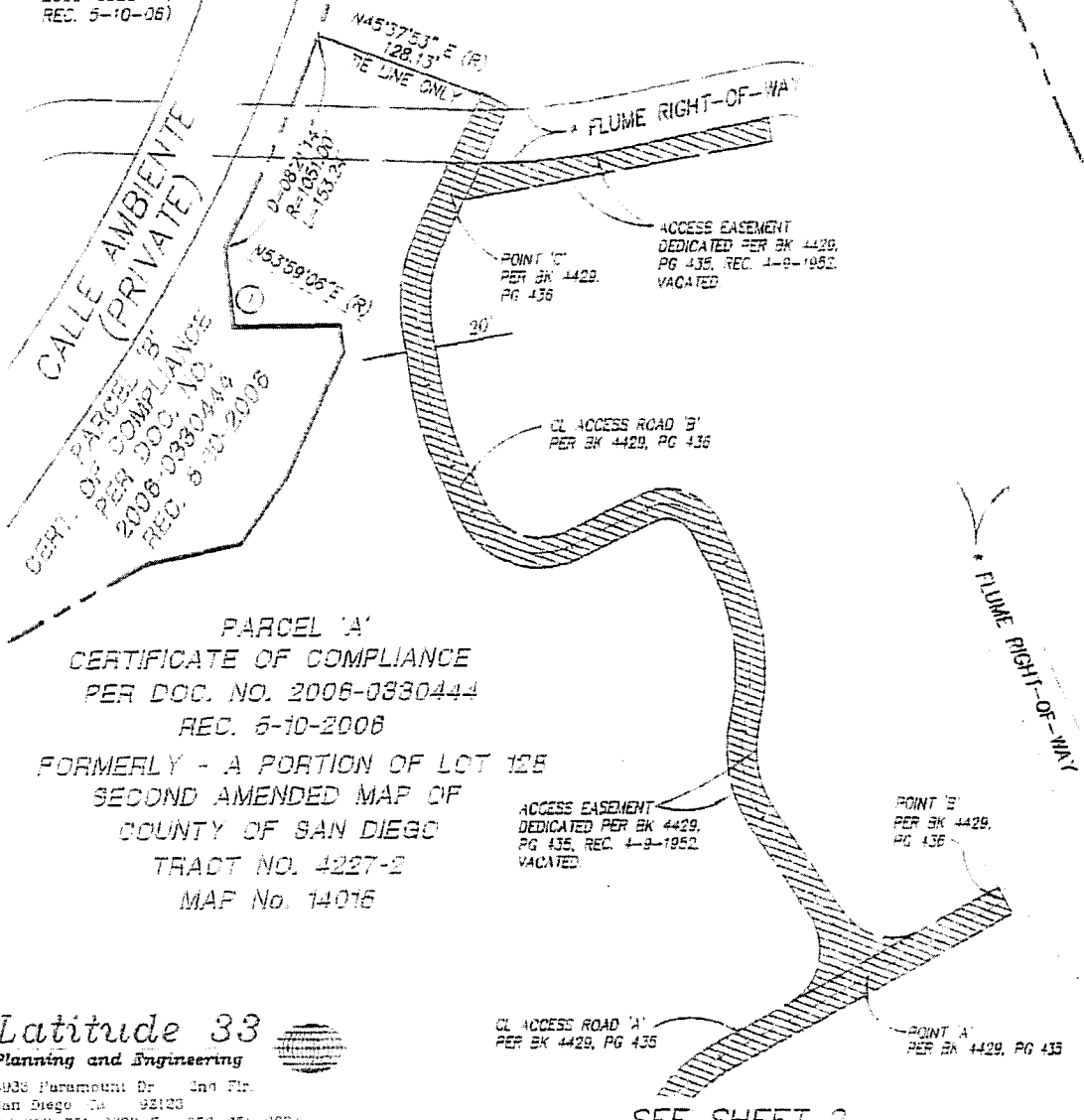
**ACCESS EASEMENT FOR WATER UTILITIES VACATION**  
**PARCEL 'A'**  
 CERTIFICATE OF COMPLIANCE PER DOC. NO. 2006-0330444, REC. 5-10-2006, FORMERLY  
 A PORTION OF LOT 128 OF SECOND AMENDED MAP OF COUNTY OF SAN DIEGO TRACT NO. 4227-2, MAP NO. 14015

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA PLANNING & DEVELOPMENT REVIEW DEPARTMENT SHEET 2 OF 3 SHEET		P.T.S. NO. 68311
ORIGINAL	LAT33	✓ J.M.	7/28/10		<i>Clifford J. Eardensohn</i> FOR CITY ENGINEER		J.O. NO. 424299
							8-11-10 DATE
							318-1713 LAMBERT COORDINATES
							20356-2-B

R-306317

(7) N70°44'50"W 52.39'  
 (PER CERTIFICATE  
 OF COMPLIANCE,  
 DOC. NO.  
 2006-0330444,  
 REC. 5-10-06)

\* FLUME RIGHT-OF-WAY WAS  
 QUITCLAIMED TO RANCHO CIELO ESTATE  
 PER DEED RECORDED 12-21-2004 AS  
 DOC. NO. 2004-1200431 OF D.R.



PARCEL 'A'  
 CERTIFICATE OF COMPLIANCE  
 PER DOC. NO. 2006-0330444  
 REC. 5-10-2006  
 FORMERLY - A PORTION OF LOT 128  
 SECOND AMENDED MAP OF  
 COUNTY OF SAN DIEGO  
 TRACT NO. 4227-2  
 MAP No. 14016

**Latitude 33**  
 Planning and Engineering  
 4936 Paramount Dr. 2nd Fl.  
 San Diego, CA 92123  
 Tel: 658-751-0628 Fax: 658-751-0624



*C. John Eardensohn* 6/16/10  
 C. JOHN EARDENSCHN L.S. 5278 DATE  
 REGISTRATION EXPIRES 12-31-2011

**ACCESS EASEMENT FOR WATER UTILITIES VACATION**

PARCEL 'A'  
 CERTIFICATE OF COMPLIANCE PER DOC. NO. 2006-0330444, REC. 5-10-2006, FORMERLY  
 A PORTION OF LOT 128 OF SECOND AMENDED MAP OF COUNTY OF SAN DIEGO TRACT NO. 4227-2, MAP NO. 14015

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA PLANNING & DEVELOPMENT REVIEW DEPARTMENT SHEET 3 OF 3 SHEET	P.T.S. NO. 68311
ORIGINAL	LAT33	6/16/10			424299
				<i>C. John Eardensohn</i> FOR CITY ENGINEER	1958-6273 NAD '83 COORDINATES
				8-11-10 DATE	318-1713 LAMBERT COORDINATES
					20356-3-B

P-306317