

RESOLUTION NUMBER R- 306765

DATE OF FINAL PASSAGE APR 19 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO FOR THE VACATION OF A WATER EASEMENT LOCATED AT HERBERT HOOVER HIGH SCHOOL WITHIN CHAMOUNE AVENUE (CLOSED), NORTH OF EL CAJON BOULEVARD, SAN DIEGO, CALIFORNIA (WATER EASEMENT VACATION NO. 726109).

WHEREAS, California Streets and Highways Code sections 8320 *et seq.* and San Diego Municipal Code sections 125.1001 *et seq.* provide a procedure for the vacation of public easements by the Council of the City of San Diego (Council) resolution; and

WHEREAS, pursuant to San Diego Municipal Code Chapter 12, Article 5, Division 10, on April 8, 2010, San Diego Unified School District submitted an application requesting the vacation of an approximately 500 square-foot water easement located at Herbert Hoover High School within Chamoune Avenue (closed) north of El Cajon Boulevard, San Diego, California, described as being Water Easement Vacation No. 726109; and

WHEREAS, under Charter Section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the 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 APR 19 2011, testimony having been heard, evidence having been submitted, and the 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 Water Easement Vacation No. 726109, 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 current water easement will be replaced by a private water facility providing fire service to the school, the present easement and improvement will no longer be necessary. The existing water easement will have no prospective use. The water needs of the community will be served by other improvements both public and private in the community. There is no other public use of a similar nature designated in the adopted Mid-City Community Plan or General Plan that can reasonably be anticipated.

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

Presently that portion of property which has the water easement over it is limited by the existence of the water easement in that the properties must comply with the restrictions imposed by the easement and these limitations restrict school development on the property, thus the water easement is effectively a site constraint which limits the amount of the property that may be devoted to public school service. The adopted Mid-City Community Plan designates the site for public high school facilities. Without the vacation of the water easement, new parking facilities would not be allowed over the easement and other portions of the high school site would have to be utilized for parking which may eliminate other vital school functions and programs. Without the continuing development of the high school property, improvements to serve the students attending the high school may not occur for the betterment of the students and society as a whole

and/or positively influence the economic and social development opportunities and life enhancing services within the City. The public will benefit by the vacation of the water easement through the continuing development of the high school property to serve the needs of the students.

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

The adopted Mid-City Community Plan identifies this property for public high school development. The vacation of the water easement will facilitate the continued development of the site at an intensity and density recommended by the adopted Mid-City Community Plan and without the vacation of the water easement, the recommended intensity and density for the high school site as identified by the Mid-City Community Plan would not be as great. For these reasons the proposed vacation of the water easement is consistent with the policies and goals of the adopted Mid-City Community 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.

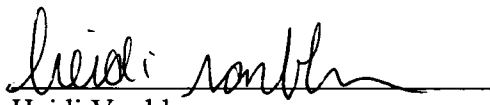
The water easement was acquired for the purposes of providing water service to the high school and maintaining the public health of the students, faculty and administrators as well as visitors and other employees. With the conversion of the water improvement to a private water facility, the existing easement will have no prospective use. There is no other use of a like nature for this specific easement which can be reasonably anticipated and the purpose for which the easement was originally acquired will no longer exist. With the conversion of the water improvement to a private water facility, the water needs of the school will continue to be served

and the purpose for which the easement was acquired will cease its material necessity to meet the water needs of the neighborhood.

BE IT FURTHER RESOLVED, that the water easement located at Herbert Hoover High School within Chamoune Avenue (closed) north of El Cajon Boulevard, described as being Water Easement Vacation No. 726109, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21123-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

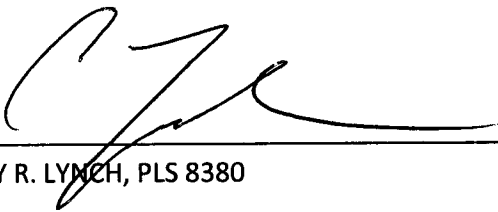
By 
Heidi Vonblum
Deputy City Attorney

HKV:cw
02/11/11
Or.Dept: DSD
PL#2011-05235

**WATER EASEMENT VACATION
LEGAL DESCRIPTION**

A WATER EASEMENT RESERVED TO THE CITY OF SAN DIEGO WITHIN RESOLUTION NO. 213177, ADOPTED MAY 1, 1975 AS SHOWN ON CITY DRAWING NO. 13320-2-B AND AS DESCRIBED IN THE DOCUMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 12, 1975, AS INSTRUMENT NO. 75-113668 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA. VACATED

CONTAINING 500 SQUARE FEET MORE OR LESS.



CASEY R. LYNCH, PLS 8380

12/17/2010
DATE

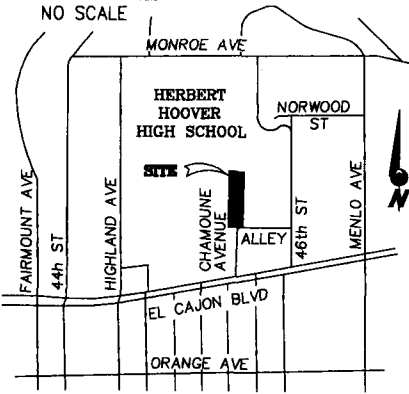


ATTACHED HERETO IS DRAWING NO. 21123-B AND BY THIS REFERENCE MADE A PART HEREOF.

PTS# 203240

R-306765


VICINITY MAP



ASSESSOR'S PARCEL NO.

471-160-16

LEGEND

WATER EASEMENT VACATED 
(500 SQ. FT = 0.01 AC)

REFERENCE

MAP NO. 1294
CITY STD. DWG. NO. 13320-2-B

LOT 3 BLOCK 1
MAP 1294

EDGEMONT
MAP 1294
LOT 17 BLOCK 2

VACATED PER
RESOLUTION NO. 213177,
ADOPTED MAY 1, 1975,
RECORDED MAY 12 1975 AS
DOC NO. 75-113668, O.R.

AVENUE
CLOSED PER
RESOLUTION NO. 106034,
MARCH 25, 1952.

SEWER & WATER ESMT. REC.
JUNE 24, 1952 AS
DOCUMENT NO. 76443, BK.
4505, PG 7, O.R.

THE CITY OF SAN DIEGO
WATER EASEMENT, RECORDED
MAY 12, 1975 AS INSTRUMENT
NO. 75-113668 O.R., VACATED
(CITY DWG. NO. 13320-2-B)

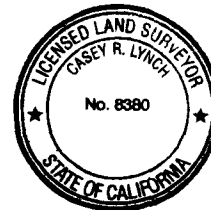
UN-NAMED
ALLEY
CLOSED

CHAMOUNE
DEDICATED PER
MAP NO. 1294

UN-NAMED ALLEY
DEDICATED PER MAP
NO. 1294



SCALE: 1"=20'



burkett & wong
engineers & surveyors
3434 fourth ave. san diego ca.
92103-5704 * (619) 299-5550

R-306765

Casey R. Lynch 12/17/2010
CASEY R. LYNCH LS 8380 DATE

**WATER EASEMENT VACATION
WITHIN CHAMOUNE AVE. CLOSED - NORTH OF EL CAJON BLVD.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	PTS NO. 203240
ORIGINAL	<i>DJ</i>	<i>✓</i>	<i>1-26-11</i>			
					<i>Casey R. Lynch</i> 1-26-11 FOR CITY ENGINEER DATE	1856-6301 CCS-83 COORDINATES
						216-1739 LAMBERT COORDINATES
complete STATUS						21123-B