

RESOLUTION NUMBER R- 306766
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. 726110).

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 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 280 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. 726110; 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. 726110, 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 current water easement is no longer needed as it will be abandoned and is not needed to provide water service to the high school and the existing water meters on Chamoune will be removed. As such, the present easement and improvement will no longer be necessary. The existing water easement will have no prospective use. The water needs of the high school and 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.

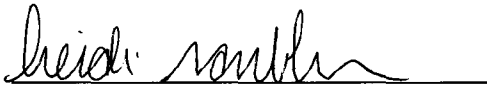
The water easement was acquired for the purposes of providing water service to the high school and maintaining the public health of the students, faculty and administrators as well as visitors and other employees. With the conversion of the water improvement to a private water facility, the existing 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. 726110, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21125-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 MAIN EASEMENT GRANTED TO THE CITY OF SAN DIEGO AS SHOWN ON CITY DRAWING NO. 13404-2-B AND AS DESCRIBED IN THAT CERTAIN DOCUMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO ON JULY 26, 1976 AS FILE/PAGE NO. 76-236514 OF OFFICIAL RECORDS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

WATER MAIN

LYING WITHIN CHAMOUNE AVENUE DEDICATED PER MAP OF EDMONT, ACCORDING TO MAP THEREOF NO. 1294, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 7, 1910, CLOSED PER RESOLUTION NO. 106034 ADOPTED MARCH 25, 1952 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 1

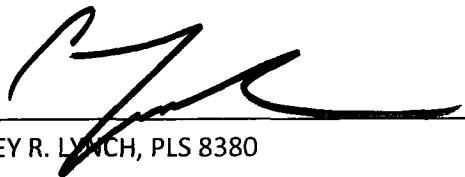
A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 17 OF BLOCK 2 OF SAID MAP NO. 1294; THENCE WESTERLY ALONG THE WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT 17, 35.00 FEET; THENCE NORTHERLY ON A LINE PARALLEL AND 35.00 FEET WESTERLY OF LOTS 15, 16 AND SAID LOT 17 IN SAID BLOCK 2, A DISTANCE OF 295.00 FEET TO THE **TRUE POINT OF BEGINNING** AND THE CENTERLINE OF PAREL 1 OF SAID WATER EASEMENT, SAID POINT HEREIN SET OUT AS *POINT "A"* FOR PURPOSES OF THIS DESCRIPTION; THENCE WESTERLY AT A RIGHT ANGLE 10.00 FEET.

PARCEL 2

A STRIP OF LAND 10.00 FEET WIDE LYING 5.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

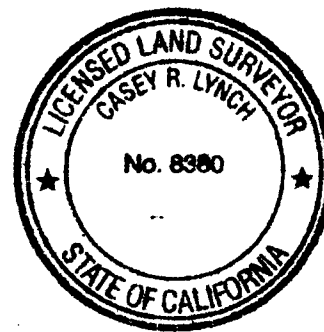
COMMENCING AT *POINT "A"* AS SET OUT IN THE ABOVE DESCRIBED PARCEL 1, THENCE CONTINUING NORTHERLY ALONG SAID PARALLEL LINE LYING 35.00 FEET WESTERLY OF LOTS 13, 14, 15, 16 AND 17 IN BLOCK 2, SAID MAP NO. 1294, 125.00 FEET TO THE **TRUE POINT OF BEGINNING** AND THE CENTERLINE OF PARCEL 2 OF SAID WATER EASEMENT; THENCE WESTERLY AT A RIGHT ANGLE 18.00 FEET.



1/3/2011

CASEY R. LYNCH, PLS 8380

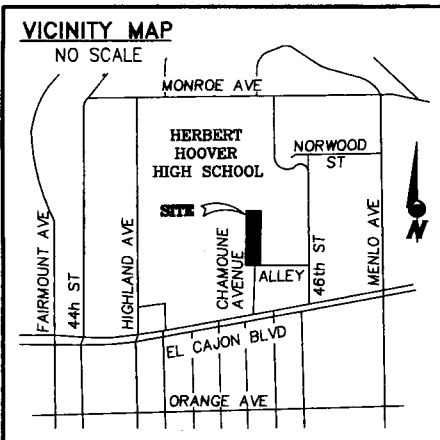
DATE



ATTACHED HERETO ARE DRAWINGS NO. 21125-1-B AND 21125-2-B AND BY THIS REFERENCE MADE A PART HEREOF.

PTS#203240

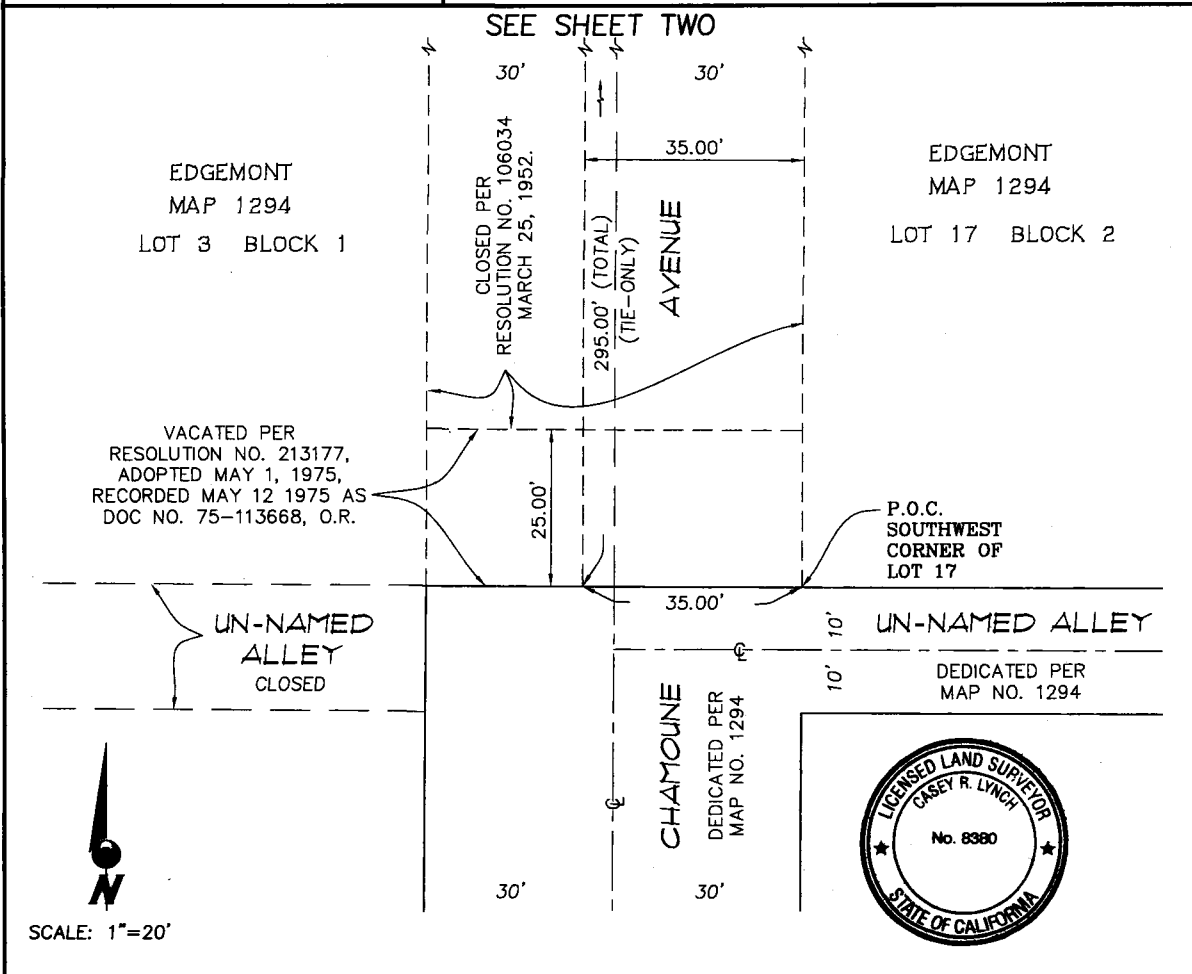
R 306766



ASSESSOR'S PARCEL NO.
471-160-16

LEGEND
 WATERMAIN EASEMENT VACATED (280 SQ. FT = 0.01 AC)
 POINT OF COMMENCEMENT P.O.C.
 TRUE POINT OF BEGINNING T.P.O.B.

REFERENCE
MAP NO. 1294



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

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

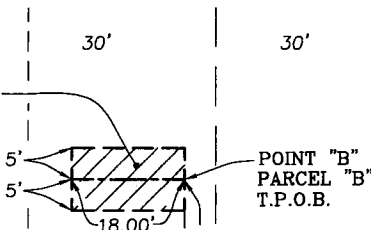
**WATER MAIN EASEMENT VACATION
WITHIN CHAMOUNE AVE. CLOSED - NORTH OF EL CAJON BLVD.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEETS	PTS NO. 203240
ORIGINAL	Dt	v	1-26-11		 FOR CITY ENGINEER DATE	1856-6301
						CCS83 COORDINATES
						216-1739
						LAMBERT COORDINATES
complete STATUS						21125-1-B

306766

THE CITY OF SAN DIEGO
WATER MAIN EASEMENT
PARCEL 2 AS DESCRIBED
IN DOCUMENT RECORDED
JULY 26, 1976 AS
INSTRUMENT NO.
76-236514 OF O.R.
VACATED (CITY DWG.
NO. 13404-2-B)

LOT 7



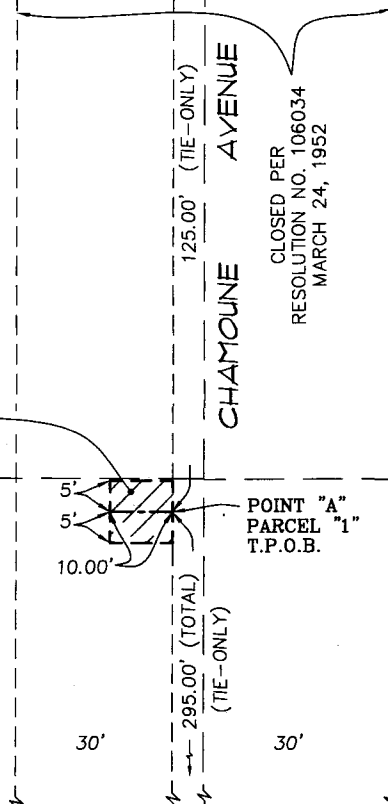
LOT 13

EDGEMONT
MAP 1294
LOT 6 BLK. 1

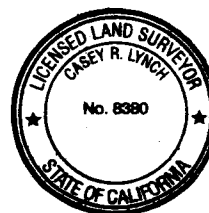
EDGEMONT
MAP 1294
LOT 14 BLK. 2

THE CITY OF SAN DIEGO
WATER MAIN EASEMENT
PARCEL 1 AS DESCRIBED
IN DOCUMENT RECORDED
JULY 26, 1976 AS
INSTRUMENT NO.
76-236514 OF O.R.
VACATED (CITY DWG.
NO. 13404-2-B)

LOT 5



LOT 15



SEE SHEET ONE

SCALE: 1"=20'

burkett & wong
engineers & surveyors
3434 fourth ave. san diego ca.
92103-5704 * (619) 299-5550
Casey R. Lynch 12/22/2010
CASEY R. LYNCH LS 8380 DATE

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

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 2 SHEETS	PTS NO. 203240
ORIGINAL						
					<i>Casey R. Lynch</i> 1-26-11 FOR CITY ENGINEER DATE	1856-6301 CCS83 COORDINATES
						216-1739 LAMBERT COORDINATES
					STATUS	21125-2-B

306766