

RESOLUTION NUMBER R- 306768

DATE OF FINAL PASSAGE APR 19 2011

A RESOLUTION SUMMARILY ABANDONING A SEWER EASEMENT LOCATED AT THE MISSION BREWERY SITE, 1815 HANCOCK STREET, SAN DIEGO, CALIFORNIA (SEWER EASEMENT ABANDONMENT NO. 466834 – PROJECT NO. 226013).

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 abandonment of public service easements by City Council resolution; and

WHEREAS, Mission Brewery Plaza Two, LP (now AMCAL Mission Fund LP) submitted an application requesting the abandonment of an approximately 236 square-foot sewer easement located at the Mission Brewery site at 1815 Hancock Street, described as being Easement Abandonment No. 466834; and

WHEREAS, the sewer easement does not contain active public utility facilities that would be affected by the abandonment; and

WHEREAS, the sewer easement has been superseded by relocation and there are no other public facilities located within the easement; and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 April 19, 2011, 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 Easement Abandonment No. 466834, the Council finds that:

(a) There is no present or prospective public 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.

There is no current or anticipated future use for the sewer easement because the sewer line is no longer in use as its use was previously abandoned in association with the Mission Brewery restoration project in 1988, and other existing facilities currently provide service to the properties. The remnant easement does not contain any active sewer facilities and due to anticipated development over the site, no future use of the easement can be anticipated.

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

The public will benefit from the abandonment in that it will allow for the development of the site with 85 affordable housing units. New sewer facilities would be provided with that development. The proposed abandonment would not adversely affect any existing easements to surrounding properties.

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

The proposed sewer easement abandonment would not adversely affect the Midway/Pacific Highway Corridor Community Plan and the General Plan in that those plans call for providing and

maintaining essential facilities and infrastructure to serve existing and future development. This project would abandon a portion of an existing sewer easement that does not contain any sewer lines.

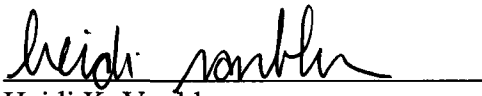
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the abandonment or the purpose for which the easement was acquired no longer exists.

There is no current or anticipated future use for the sewer easement as there are no active facilities currently within the sewer easement. This abandonment will allow for the development of the site which would include new sewer facilities. The purpose for which the sewer easement was acquired no longer exists as the sewer lines that are located within the sewer easement are no longer in use.

BE IT FURTHER RESOLVED, that the sewer easement located on the northeast portion of the property at 1815 Hancock Street, as more particularly described in the legal description marked as Exhibit A, and shown on Drawing No. 36279-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 K. Vonblum
Deputy City Attorney

HKV:cw
03/28/11
Or.Dept:DSD
PL#2011-06175

EXHIBIT "A"
LEGAL DESCRIPTION
SEWER EASEMENT VACATION

ALL THAT PORTION OF SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO RECORDED OCTOBER 7, 1971 AS INSTRUMENT NO. 230886 OF OFFICIAL RECORDS, LYING WITHIN PARCEL A OF PARCEL MAP NO. 640, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY OCTOBER 6, 1971, AS FILE NO. 229816 OF OFFICIAL RECORDS.

Norman S. Kasubuchi 2/10/2011
NORMAN S. KASUBUCHI DATE
RCE NO. 31829



PTS NO. 226013
DWG. NO. 36279-B

LEGEND

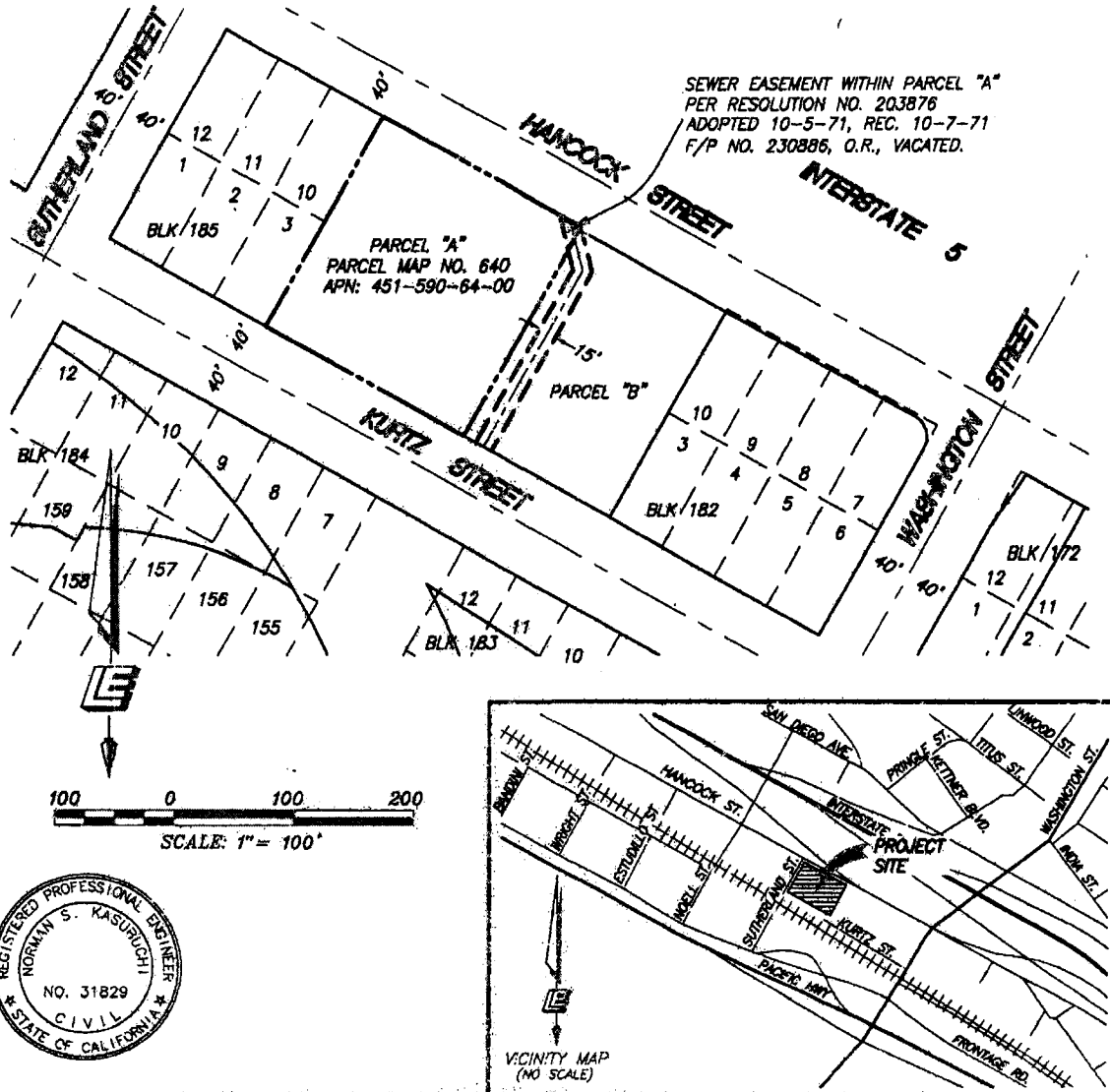
PROPERTY BOUNDARY

SEWER EASEMENT WITHIN PARCEL "A"
AREA = 235.7 SF 0.005 AC VACATED



REFERENCES

PM NO. 640
CITY COUNCIL RESOLUTION 203876



PREPARED BY:
LEPPERT ENGINEERING CORPORATION
5190 GOVERNOR DRIVE, SUITE 205
SAN DIEGO, CA 92122

Norman S. Kasubuchi
NORMAN S. KASUBUCHI, RCE 31829

2/10/2011
DATE

SEWER EASEMENT VACATION WITHIN PARCEL "A" OF PARCEL MAP NO. 640

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	P.T.S. NO. 226013
ORIGINAL	LEC					1851-6274
					FOR CITY ENGINEER _____ DATE _____	CCS NAD 83 COORDINATES
						210-1713
						LAMBERT COORDINATES
						36279 -B
STATUS						