

RESOLUTION NUMBER R- 306771

DATE OF FINAL PASSAGE APR 19 2011

A RESOLUTION VACATING WATER EASEMENT  
NO. 826905 FOR THE FLOWER HILL PROMENADE  
PROJECT NO. 172026.

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

WHEREAS, the affected property owner has requested that 15-foot wide water easement located within Parcel 1 and 2 of Parcel Map No. 20470, north of Via De La Valle, east of Interstate 5, and west of San Andres Drive as dedicated to the City of San Diego, recorded October 23, 1975 as Document No. 75-293687, as shown on Parcel Map No. 20470, recorded in The Office of County Recorder, San Diego County, on April 17, 2008, together with a 15-foot wide water easement acquired per the easement exchange pursuant to City Council Resolution No. 219240, adopted September 7, 1977, and as shown on City Drawing No. 16259-D, be vacated as Easement Vacation No. 826905; and

WHEREAS, prior to the City Council hearing on Easement Vacation No. 826905, the City Council approved Resolution of Intention No. 306770 in accordance with San Diego Municipal Code section 125.1030(b); 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 Vacation No. 826905, Council finds that:

(a) There is no present or prospective use for the easements, either for the facility or purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated.

The public water line within the existing easements currently services a building that will be removed as part of the Flower Hill Promenade Project in connection with Coastal Development Permit No. 619980. Once the existing building is demolished there will no longer be any use for the water line and the corresponding easement.

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

The will no longer be any use for the easements; therefore, the abandonment of the easements and removal of the water services removes any physical and legal restraints for future improvements.

(c) The abandonments are consistent with any applicable land use plan.

The project site, zoned CC-1-3, is located within the City of San Diego General Plan area and is designated for commercial use. The site is currently developed with an existing shopping

center. The proposed project would expand and reconfigure the commercial shopping center to include the demolition of an existing theatre, the construction of a new commercial and office building, and a new parking structure. Once the existing theatre building is demolished, there will no longer be use for the corresponding easements. The proposed reconfiguration of the commercial development will remain consistent with the applicable land use plan.

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

The purpose for which the water easements were acquired no longer exists. The building that the public water line serves is being removed as part of the Flower Hill Promenade Project in connection with Coastal Development Permit No. 619980 .

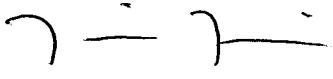
BE IT FURTHER RESOLVED, that the water easements located within Parcel 1 and 2 of Parcel Map No. 20470, north of Via De La Valle, east of Interstate 5, and west of San Andres Drive as dedicated to the City of San Diego, recorded October 23, 1975 as Document No. 75-293687, as shown on Parcel Map No. 20470, recorded in The Office of County Recorder, San Diego County, on April 17, 2008, together with a 15-foot wide water easement acquired per the easement exchange pursuant to City Council Resolution No. 219240, adopted September 7, 1977, and as shown on City Drawing No. 16259-D, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36393-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, are ordered vacated as Easement Vacation No. 826905.

BE IT FURTHER RESOLVED, that Easement Vacation No. 826905 is conditioned such that prior to the recordation of the Easement Vacation, the applicant or property owner shall

complete installation and ensure operation of the new water utility services serving the project site and remove all existing water utility services to be vacated, to the satisfaction of the Director of Public Utilities and the City Engineer. If this condition is not completed within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that after the property owner or applicant has fulfilled any and all conditions of this Easement Vacation, 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.

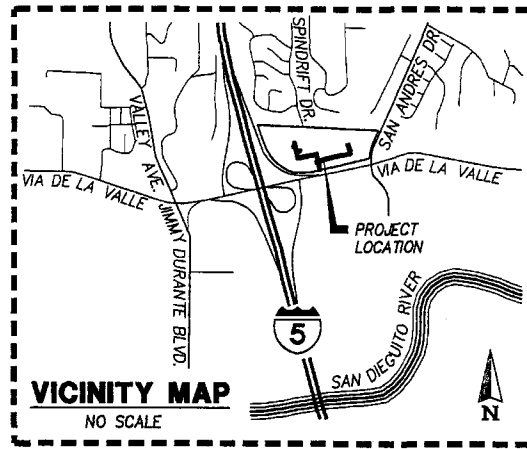
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
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Nina Fain  
Deputy City Attorney

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**ASSESSOR'S PARCEL NO.'S:**

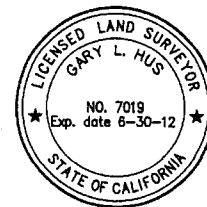
298-490-43 & 44

**REFERENCE DRAWINGS:**

- PARCEL MAP NO. 20470
- DWG. NO. 16259-D

**LEGEND:**

 INDICATES 15' WIDE WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED OCTOBER 23, 1975 AS FILE NO. 75-293687, O.R. AND AS SHOWN ON PARCEL MAP NO. 20470, TOGETHER WITH 15' WIDE WATER EASEMENT ACQUIRED PER THE EASEMENT EXCHANGE PURSUANT TO CITY COUNCIL RESOLUTION NO. 219240 ADOPTED SEPTEMBER 7, 1977 AND AS SHOWN ON CITY DRAWING NO. 16259-D; VACATED.  
AREA = 0.370 ACRE



GARY L. HUS, L.S. 7019 DATE



**PROJECT DESIGN CONSULTANTS**  
Planning | Landscape Architecture | Engineering | Surveying  
701 B Street, Suite 800 San Diego, CA 92101  
619.235.8471 Tel 619.234.0349 Fax

**WATER EASEMENT VACATION**  
IN PARCEL 1 AND 2 OF PARCEL MAP NO. 20470

DESCRIPTION	BY	APPRVD.	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 2 SHEETS	P.T.S. NO. 172026
ORIGINAL	PDC					FOR CITY ENGINEER
					DATE	CCS83 COORDINATES
						296-1691
						LAMBERT COORDINATE
						-1-B

R- 306771

