

333
12/6

RESOLUTION NUMBER R- 307192

DATE OF FINAL PASSAGE DEC 6 2011

A RESOLUTION SUMMARILY VACATING A PORTION OF
A SEWER EASEMENT LOCATED AT 1194 HOLLISTER
STREET WITHIN THE RIVERWALK DEVELOPMENT
(EASEMENT VACATION NO. 842790 – PROJECT NO.
234796)

WHEREAS, California Streets and Highways Code section 8330 *et seq.* and San Diego
Municipal Code section 125.1001 *et seq.* provide a procedure for the summary vacation of public
service easements by City Council resolution; and

WHEREAS, an application has been filed to vacate a portion of a sewer easement located
between two buildings at 1194 Hollister Street and known as the Riverwalk development, being
described as Sewer Easement Vacation No. 842790; and

WHEREAS, the easement has been superseded by relocation and there are no other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 active public utility facilities that would be
affected by the vacation; 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 DEC 6 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. 842790, 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 site is developed with an existing 60-unit affordable housing development located within seven buildings at 1194 Hollister Street within the Otay Mesa Nestor Community Planning area. The portion of the easement to be vacated measures 18 feet in width and approximately 100 feet in length and is located within the center of the site between two of the buildings. The sewer main within the existing easement has been abandoned as it is no longer needed. The portion of the easement to be vacated has been superseded by a new easement identified on Drawing No. 21166-1-B which was granted to the City of San Diego and recorded on March 25, 2011, as Document No. 2011-0157576. Therefore, 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.

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

The site is developed with an existing apartment complex consistent with the underlying RM-3-5 zone and the residential land use designation of the Otay Mesa-Nestor Community Plan. The removal of the easement would allow the property owner to construct improvements in this area, where improvements might not be allowed otherwise. Such improvements could enhance the property's utility and value, thereby improving resident amenities and resultantly provide for

increased property tax revenues. Therefore, the public will benefit from the vacation through improved utilization of the land made available by the vacation.

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

The adopted Otay Mesa Nestor Community Plan designates the site for residential uses. The property is developed with apartment units. Therefore, the vacation is consistent with the applicable land use plan.

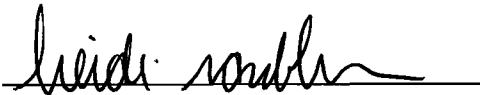
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The site is developed with an existing apartment complex. The existing sewer easement was acquired for the purposes of placing and maintaining a public sewer system to serve the needs of the neighborhood. The existing sewer main within this easement has been abandoned and is no longer in service. The public facility for which the sewer easement was originally acquired will not be detrimentally affected by the vacation, and the purpose for which the easement was acquired no longer exists because the sewer has been relocated elsewhere on the project site.

BE IT FURTHER RESOLVED, that Sewer Easement Vacation No. 842790, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36431-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

HV:hm
11/04/2011
Or.Dept:DSD
Doc. No.: 271542

J-15476C

EXHIBIT "A"

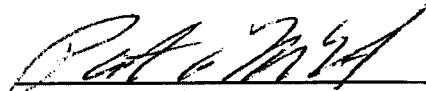
SEWER EASEMENT VACATED

Parcel "A"

A portion of sewer easement granted to Palm City Sanitation District according to deed recorded December 30, 1957 in Book 6886, Page 158 of Official Records, over a portion of Parcel 1 of Parcel Map No. 20764, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County April 20, 2010, Official Records. Described as follows:

Beginning at the Southeast corner of Parcel 2 of said Parcel Map No. 20764; thence along the easterly line of said Parcel 2 North $00^{\circ}26'33''$ East 9.46 feet to the southerly line of an existing Sewer Easement recorded December 30, 1965 as Document No. 694017 of Official Records; thence leaving said easterly line and along said southerly line South $88^{\circ}58'08''$ East 8.57 feet; thence continuing along said southerly line South $81^{\circ}18'08''$ East 9.53 feet; thence South $00^{\circ}26'33''$ West 98.95 feet to the northerly line of an existing Sewer Easement recorded March 25, 2011 as Document No. 2011-0157576 of Official Records; thence North $89^{\circ}24'11''$ West 18.00 feet; thence North $00^{\circ}26'33''$ East 90.89 feet to the **POINT OF BEGINNING.**

Containing 0.041 acre, more or less.


Patrick A. McMichael, L.S. 6187 5-6-2011
Date




DWG NO. 36431-B

PTS NO. 234796

ec/15476c_006

R- 307192

LEGEND

 INDICATES SEWER EASEMENT GRANTED PER DOC. BK 6686, PAGE 158, VACATED PARCEL "A" 0.041 ACRE

P.O.B. INDICATES POINT OF BEGINNING

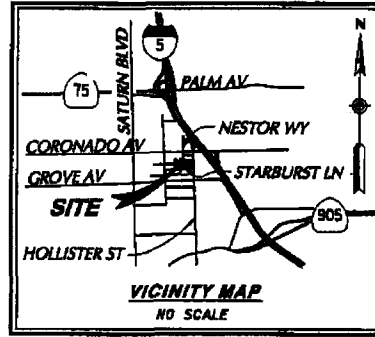
BASIS OF BEARINGS

BASIS OF BEARINGS FOR THIS PLAT IS THE SOUTHERLY LINE OF PARCEL MAP NO. 20764, I.E. N89°24'11"W

REFERENCE DRAWINGS

PARCEL MAPS 20764

EXHIBIT "B"



**PARCEL 2
PM 20764**

**PARCEL 1
PM 20764**

P.O.B.
PARCEL 'A'
SE CORNER
PARCEL 2

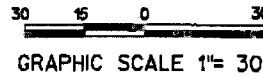
EXISTING PRIVATE SEWER EASEMENT
PER DOC. FILED JULY 31,
1957 IN BOOK 6687, PAGE
173 O.R. TO REMAIN

EXISTING SEWER EASEMENT
PER DOC. NO. 2011-015756
FILED MARCH 25, 2011

EXISTING SEWER EASEMENT PER
DOC. NO. 694017, FILED DECEMBER
30, 1965, AS FILE NO. 235315 O.R.
EXISTING SEWER EASEMENT
PER DOC. NO. 2011-015756
FILED MARCH 25, 2011

EXISTING SEWER EASEMENT PER
DOC. FILED JULY 31, 1957 IN
BOOK 6687, PAGE 173 O.R. AND
DOC. REC. DEC. 30, 1957 IN
BOOK 6886, PAGE 158 O.R.
TO REMAIN

**SUNBURST SOUTH
BAT MAP NO. 11697**



RICK 5620 FRIARS ROAD J. 15478C
ENGINEERING COMPANY SAN DIEGO, CA 92110
619.291.0707
(FAX) 619.291.4165

Patrick A. McMichael 5-6-2011
PATRICK A. McMICHAEL, LS 6187 DATE

**SEWER EASEMENT VACATION
IN PARCEL 1 OF PARCEL MAP 20764**

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	P.T.C. NO.
ORIGINAL	<i>DA</i>	<i>✓</i>	<i>5/12/11</i>		SHEET 1 OF 1 SHEET	234796
					<i>Gregory P. Hawkins</i> FOR CITY ENGINEER	1790-6304
					DATE	CCS NAD 83 COORDINATES
						149-1743
						LANGBERT COORDINATES
						36431-B

307192