

RESOLUTION NUMBER R- 307233

DATE OF FINAL PASSAGE JAN 10 2012

A RESOLUTION SUMMARILY VACATING A PORTION OF A STORM DRAIN EASEMENT LOCATED AT WEST OF 16TH STREET BETWEEN RUSS BOULEVARD AND B STREET (EASEMENT VACATION NO. 705835 - PROJECT NO. 199378).

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 easements by City Council resolution; and

WHEREAS, an application has been filed to vacate a portion of a drainage easement located within a private parking lot under the ownership of the San Diego Community College District west of 16th Street between Russ Boulevard and B Street, being described as Russ Boulevard Storm Drain Easement Vacation No. 705835 (Easement Vacation No. 705835); 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WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and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 January 10, 2012, 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. 705835, , 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 surface parking lot serving the San Diego City College campus. The easement measures 15-feet in width and approximately 436-feet in length and is located within an existing surface parking lot serving the school. The storm drain facilities within the existing easement have been relocated along the 15th Street corridor between Russ Boulevard and B Street as identified on Drawing No. 21142-B. The easement proposed to be abandoned is no longer required and 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 easement is located on the San Diego City College campus of the San Diego Community College District. A Facilities Master Plan for the 20-year build-out of the campus was approved by the District's Board of Directors in 2005. The Master Plan calls for the improvement of the site with two new structures designated as a part of the science education center. Removing and relocating the storm drain easement would facilitate the expansion of the college which would benefit the public with an improved and modernized community college option for continued education. Additionally, removing the easement would eliminate liability to the City of San Diego. Therefore, the public would 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 Downtown Community Plan designates the site for institutional land use and recognizes the site as the permanent home of the San Diego City College. The property has been developed as a college campus. Therefore, the vacation is consistent with the applicable land use plan.

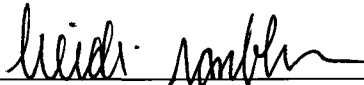
**(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by this vacation or the purpose for which the easement was acquired no longer exists.**

The easement proposed to be abandoned contained a portion of storm drain connected to the City's storm drain system. The storm drain has been relocated elsewhere on the property and reconnected to the system whole. The previous storm drain within the easement proposed to be vacated has been disconnected and is no longer in service. The public facility for which the easement was originally acquired continues to operate in the new location and the old easement is no longer required. Therefore, the public facility and purpose for which the easement was originally acquired will not be detrimentally affected by this vacation, and the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that Easement Vacation No. 705835, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 21096-B, marked as Exhibit "B," which is 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:hm  
12/16/2011  
Or.Dept:DSD  
Document No. 293049

# EXHIBIT A

# EXHIBIT "A"

## LEGAL DESCRIPTION

### DRAINAGE EASEMENT VACATION

A PORTION OF PARCEL 9 (DRAIN EASEMENT) RECORDED OCTOBER 7, 1975 AS DOCUMENT NO. 75-275534 LYING WITHIN PARCEL 1 OF PARCEL MAP NO. 4227 RECORDED NOVEMBER 13, 1975 BOTH OF OFFICIAL RECORDS OF SAN DIEGO COUNTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINES OF 16TH STREET AND 'B' STREET AS SAID STREETS ARE SHOWN ON SAID PARCEL MAP NO. 4227; THENCE NORTH 89°52'22" WEST ALONG THE CENTERLINE OF SAID 'B' STREET A DISTANCE OF 132.25 FEET; THENCE LEAVING SAID CENTERLINE, NORTH 6°49'14" WEST A DISTANCE OF 40.30 TO THE SOUTH LINE OF SAID PARCEL 1 AND THE EASTERLY SIDE LINE OF SAID DRAIN EASEMENT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG SAID EASTERLY SIDELINE THE FOLLOWING THREE COURSES, NORTH 6°49'14" WEST A DISTANCE OF 305.66 FEET; THENCE NORTH 36°59'14" A DISTANCE OF 94.45; THENCE NORTH 42°54'14" WEST A DISTANCE OF 49.71 FEET TO THE EASTERLY SIDELINE OF A 20 FOOT WIDE SEWER AND WATER EASEMENT PER SAID DEED RECORDED OCTOBER 7, 1975 AS INSTRUMENT NO. 75-275534; THENCE ALONG SAID EASTERLY SIDELINE SOUTH 0°07'32" WEST A DISTANCE OF 21.98 TO THE WESTERLY SIDELINE OF SAID DRAIN EASEMENT; THENCE ALONG SAID SIDELINE THE FOLLOWING THREE COURSES, SOUTH 42°54'14" EAST A DISTANCE OF 32.86 FEET; THENCE SOUTH 36°59'14" EAST A DISTANCE OF 89.63 FEET; THENCE SOUTH 6°49'14" EAST A DISTANCE OF 299.79 FEET TO THE SOUTH LINE OF SAID PARCEL 1; THENCE SOUTH 89°52'22" EAST ALONG THE SOUTH LINE OF SAID PARCEL 1 A DISTANCE OF 15.11 TO THE POINT OF BEGINNING.

CONTAINING 6541 SQUARE FEET OR 0.65 ACRES, MORE OR LESS.

ATTACHED HERETO IS DRAWING NO. 21096-B LABELED EXHIBIT "B"  
AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY OR UNDER THE SUPERVISION OF:

\_\_\_\_\_  
STEPHEN K. SMITH, RCE: 29708

\_\_\_\_\_  
DATE

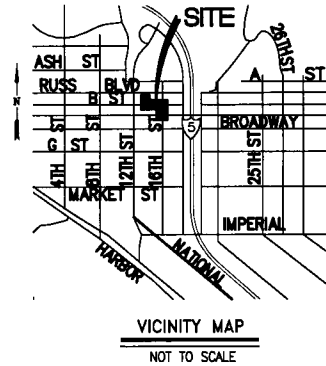


P.T.S NO. 199378

# EXHIBIT B

**EASEMENT NOTES:**

- Ⓐ- 20' WIDE WATER AND SEWER EASEMENT  
PER INSTRUMENT NO. 75-275534  
RECORDED 10-7-1975, O.R.
- Ⓑ- 15' WIDE DRAIN EASEMENT  
PER INSTRUMENT NO. 75-275534  
RECORDED 10-7-1975, O.R.
- Ⓒ- PUBLIC UTILITY EASEMENT  
PER FILE NO. 197283  
RECORDED 10-27-1969, O.R.  
\*EASEMENT DOES NOT AFFECT  
VACATION-NOT PLOTTED
- Ⓓ- PUBLIC UTILITY EASEMENT  
PER FILE NO. 75872  
RECORDED 05-01-1970, O.R.  
\*EASEMENT DOES NOT AFFECT  
VACATION-NOT PLOTTED
- Ⓔ- PUBLIC UTILITY EASEMENT  
PER FILE NO. 74-333025  
RECORDED 12-24-1974, O.R.
- Ⓕ- PUBLIC UTILITY EASEMENT  
PER FILE NO. 75-032209  
RECORDED 02-11-1975, O.R.
- Ⓖ- COMMUNICATION EASEMENT  
PER FILE NO. 2004-0877485  
RECORDED 09-15-2004, O.R.  
\*EASEMENT DOES NOT AFFECT  
VACATION-NOT PLOTTED
- Ⓖ- PUBLIC UTILITIES EASEMENT  
PER FILE NO. 74-225909  
RECORDED 08-20-1974, O.R.  
EASEMENT NOT PLOTTABLE
- Ⓖ- PUBLIC UTILITIES EASEMENT  
PER BOOK 1244, PAGE 73  
RECORDED 07-06-1929, O.R.  
EASEMENT NOT PLOTTABLE



**LEGEND:**



INDICATES A PORTION OF DRAINAGE  
EASEMENT RECORDED 10-07-1975  
FILE# 75-275534, O.R. VACATED  
6541 SQ. FT ± OR 0.65 ACRES

P.O.C. POINT OF COMMENCEMENT  
P.O.B. POINT OF BEGINNING

**BASIS OF BEARING:**

THE CENTERLINE OF B STREET  
AS SHOWN ON PARCEL MAP 4227,  
I.E. N 89°52'22" W

**REFERENCE DRAWINGS:**

35403-D  
21142-B



**Bureau Veritas North America, Inc.**  
11590 West Bernardo Court Suite 100  
San Diego, CA 92127-1624  
Tel: (858) 451-6100 Fax: (858) 451-2846  
www.us.bureauveritas.com

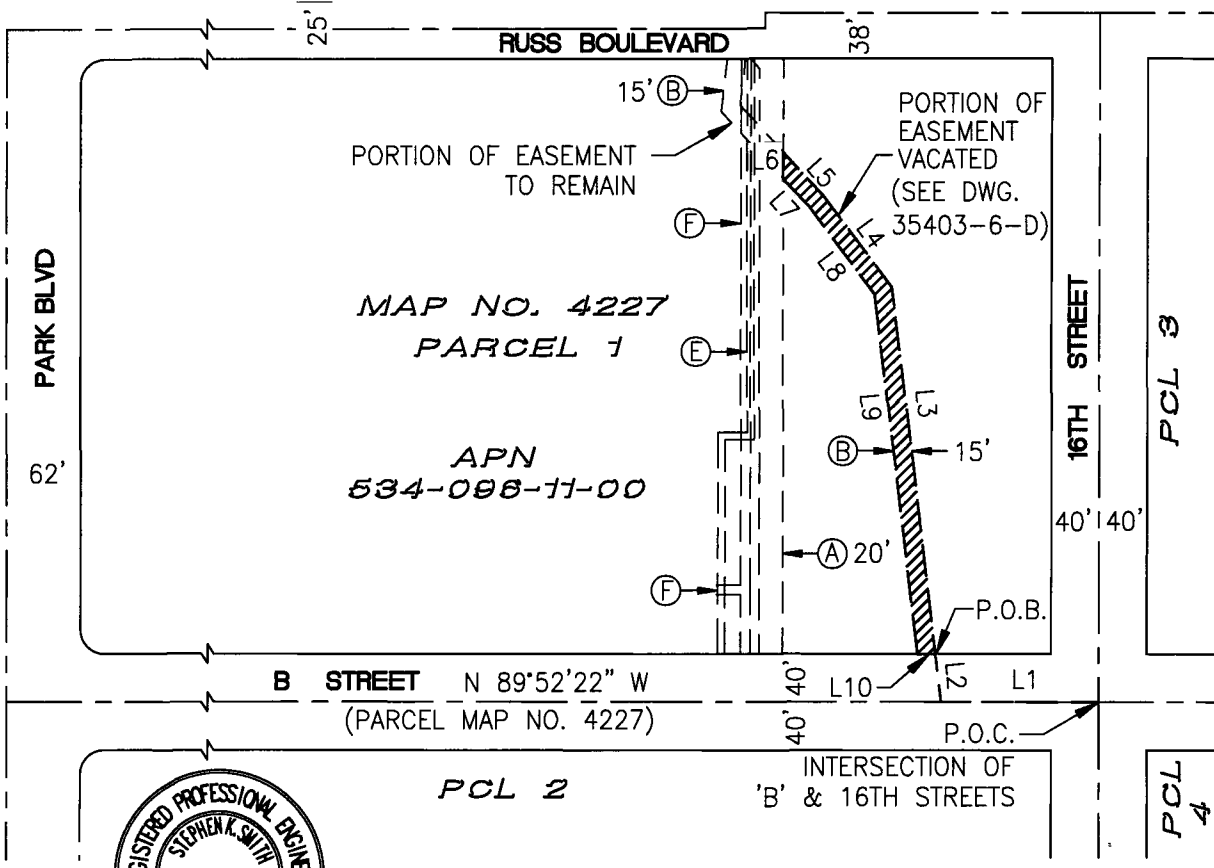
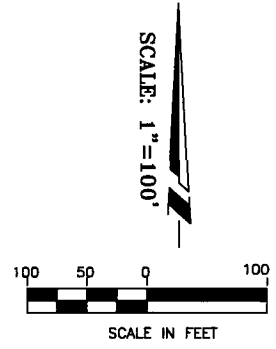
STEPHEN K. SMITH RCE: 29708

**DRAINAGE EASEMENT VACATION**  
OVER A PORTION OF PARCEL 1 OF P.M. 4227

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 2 SHEETS	P.T.S NO. 199378
					FOR CITY ENGINEER _____ DATE _____	1842-6285
						CCS83 COORDINATES
						202-1723
						LAMBERT COORDINATES
						21096-1-B
STATUS						



LINE TABLE		
LINE	BEARING	LENGTH
L1	N 89°52'22" W	132.25'
L2	N 6°49'14" W	40.30'
L3	N 6°49'14" W	305.66'
L4	N 36°59'14" W	94.45'
L5	N 42°54'14" W	49.71'
L6	N 0°07'32" E	21.98'
L7	N 42°54'14" W	32.86'
L8	N 36°59'14" W	89.63'
L9	N 6°49'14" W	299.79'
L10	N 89°52'22" W	15.11'



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**DRAINAGE EASEMENT VACATION**  
 OVER A PORTION OF PARCEL 1 OF P.M. 4227

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 2 SHEETS	P.T.S NO. 199378
					FOR CITY ENGINEER _____ DATE _____	1842-6285 CCS83 COORDINATES
						202-1723 LAMBERT COORDINATES
						21096-2-B
STATUS						