

RESOLUTION NUMBER R- 307653

DATE OF FINAL PASSAGE JUL 31 2012

A RESOLUTION OF THE COUNCIL OF SAN DIEGO  
SUMMARILY VACATING A WATER UTILITY EASEMENT  
LOCATED AT 15<sup>TH</sup> STREET AND C STREET – (VACATION  
NO. 951171 - 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 utility easement located within a private parking lot under the ownership of the San Diego Community College District at 15<sup>th</sup> Street and C Street east of Park Boulevard, being described as 15<sup>th</sup> Street Utility Easement Vacation No. 951171 (Easement Vacation No. 951171); and

WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the vacated portion of 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 July 31, 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. 951171, 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.**

The site was developed with a surface parking lot that served the San Diego City College campus. The parking lot was removed as part of a current demolition activity clearing the site for construction. The easement measures 20-feet in width and 108-feet in length and is located in an area designated for the new Business Technology Building. The new water facilities serving the property will be private. The easement proposed to be abandoned is no longer required and 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.

**(b) The public will benefit from the action 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 a new structure designated as the Business Technology Building. Removing and relocating the utility easement would facilitate the expansion of the College,

which would benefit the public by providing an improved and modernized community college option for continued education. Additionally, removing the easement would eliminate any continued 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 will be 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 a waterline serving the campus. The waterline has been relocated elsewhere on the property. The previous waterline within the proposed easement vacation has been disconnected and is no longer in service. The public facility for which the easement was originally acquired is in a new location and the 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 the water utility easement located at 15<sup>th</sup> Street and C Street east of Park Boulevard, as more particularly described in the legal description marked as

Exhibit "A," and shown on Drawing No. 36614-B, marked as Exhibit "B," which is by this reference incorporated herein and made 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   
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Corrine L. Neuffer  
Deputy City Attorney

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