

RESOLUTION NUMBER R- 307753

DATE OF FINAL PASSAGE OCT 16 2012

A RESOLUTION SUMMARILY VACATING PUBLIC SEWER
EASEMENT NO. 976378 LOCATED IN LOT A OF CARMEL
VALLEY NEIGHBORHOOD 10 NORTH, UNITS 13 & 14 -
PROJECT NO. 277611

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, it is proposed that Public Sewer Easement No. 976378 located in Lot A of Carmel Valley Neighborhood 10 North, Units 13 & 14 be vacated; and

WHEREAS, the easement has not been used for the purpose for which it was dedicated or acquired for 5 consecutive years immediately preceding the proposed abandonment; and the easement has been superseded by relocation and there are no other public facilities located within the easement; and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 abandonment; 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

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WHEREAS, the matter was set for public hearing on October 16, 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, with respect to a sewer easement located in Lot A of Carmel Valley Neighborhood 10 North, Units 13 & 14, according to Map No. 13506, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36942-B, marked as Exhibit "B," 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 easement was acquired specifically for the construction and maintenance of a public sewer line. The easement was required as part of the public improvements for Carmel Valley Neighborhood 10. However, during the actual construction of the residential units, the location of the public sewer was changed and a new easement granted therein. Therefore, there is no present or prospective use for the sewer easement for its original purpose or any other public use.

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

The vacation will remove an unutilized easement and the City will no longer be required to maintain the easement, which is a benefit the public. The vacation will allow the property owner to maintain the Homeowners Association Open Space lot and the City will no longer be required to maintain the easement area.

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

The abandonment is consistent with the Carmel Valley Neighborhood 10 Precise Plan, which requires public utility services for its residents. The sewer line with easement has been relocated to a more desirable location and this easement is no longer needed. The vacation of a sewer easement is consistent with the City's General Plan and Carmel Valley Community Plan.

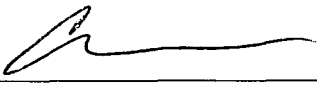
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

The easement was acquired specifically for the construction and maintenance of public sewer services. The sewer line was relocated to another location during actual construction and this easement is no longer necessary. The public sewer operation will not be adversely affected by the vacation.

BE IT FURTHER RESOLVED, that the sewer easement located in Lot A of Carmel Valley Neighborhood 10 North, Units 13 & 14, according to Map No. 13506, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36942-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 

Corrine L. Neuffer
Deputy City Attorney

CLN:js
09/12/2012
Or.Dept:DSD
IO No. 24002605
Drawing No. 36942-B
Doc. No. 437083

**EXHIBIT 'A
LEGAL DESCRIPTION
SEWER EASEMENT VACATION**

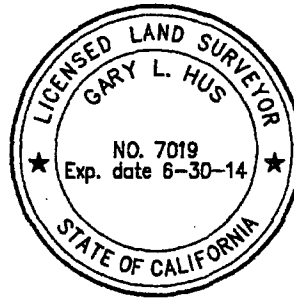
THAT CERTAIN SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO BY DOCUMENT NO. 2004-1156492, RECORDED DECEMBER 8, 2004 AND CORRECTED BY CORRECTION DEED DOCUMENT NO. 2007-0759870 RECORDED DECEMBER 7, 2007, ALL OF OFFICIAL RECORDS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, VACATED.

ATTACHED HERETO IS A PLAT LABELED 36942-B AND BY THIS REFERENCE MADE A PART HEREOF.

SAID PARCEL CONTAINS 5,128 SQUARE FEET OR 0.118 ACRE, MORE OR LESS.

GARY L. HUS
LS 7019

DATE



**PTS NO. 277611
I.O. 24002605**


ASSESSOR'S PARCEL NO.

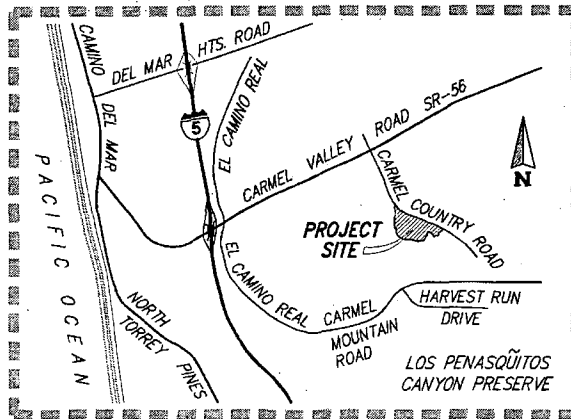
307-480-35

REFERENCE DRAWING(S)

MAP NO. 13506, 20240-B, 20514-B, 20541-B, 32914-D

LEGEND

 INDICATES SEWER EASEMENT GRANTED PER DOCUMENT NO. 2004-1156492 RECORDED DECEMBER 8, 2004 AND CORRECTED PER DOCUMENT NO. 2007-0759870 RECORDED DECEMBER 7, 2007, ALL OF OFFICIAL RECORDS; VACATED.
AREA = 5,128 SQUARE FEET OR 0.118 ACRES



VICINITY MAP

NO SCALE



Gary L. Hus
GARY L. HUS, L.S. 7019

8-31-2012
DATE



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Engineering | Survey
701 B Street, Suite 800 San Diego, CA 92101
619.235.6471 Tel 619.234.0349 Fax

SEWER EASEMENT VACATION

IN LOT A OF CARMEL VALLEY NEIGHBORHOOD 10 NORTH
UNIT NO.'S 13 & 14 - MAP NO. 13506

DESCRIPTION	BY	APPRVD.	DATE	FILMED
ORIGINAL	PDC	<i>JB</i>	9/12/12	

CITY OF SAN DIEGO, CALIFORNIA
SHEET 1 OF 2 SHEETS.

Gregory P. Hopkins 9-12-12
FOR CITY ENGINEER DATE

P.T.S. NO. 277611

I.O. NO. 24002605

1920-6265

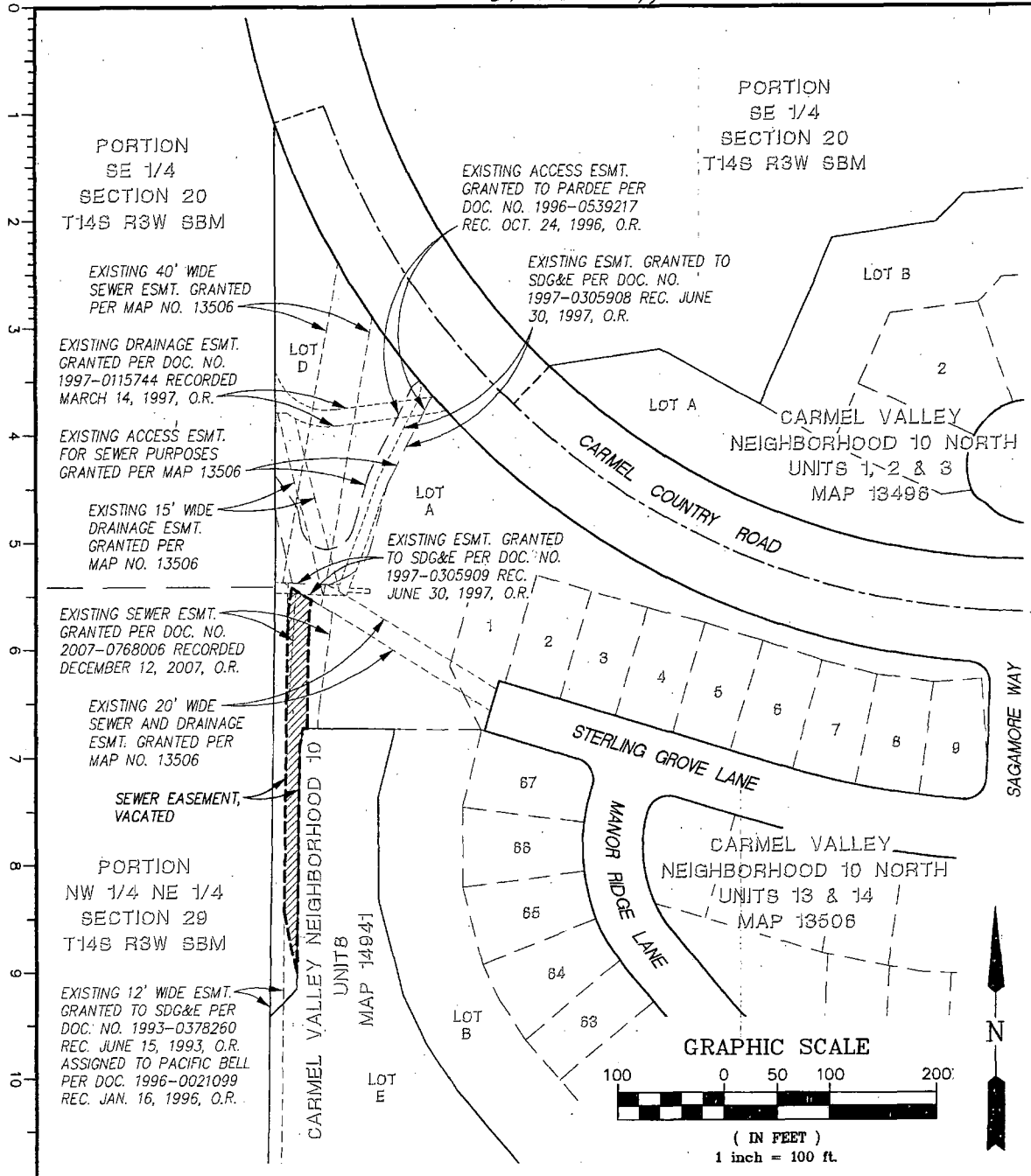
CCS83 COORDINATES

280-1705

LAMBERT COORDINATE

36942-1-B

EXHIBIT "B"



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SEWER EASEMENT VACATION

IN LOT A OF CARMEL VALLEY NEIGHBORHOOD 10 NORTH
 UNIT NO.'S 13 & 14 - MAP NO. 13506

DESCRIPTION	BY	APPRVD.	DATE	FILMED
ORIGINAL	PDC	JB	9/12/12	

CITY OF SAN DIEGO, CALIFORNIA
 SHEET 2 OF 2 SHEETS
Gregory P. Hopkins 9-12-12
 FOR CITY ENGINEER DATE

P.T.S. NO. 277611
 I.O. NO. 24002605
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 CCS83 COORDINATES
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 LAMBERT COORDINATE
 36942-2-B