

RESOLUTION NUMBER R- 307754  
DATE OF FINAL PASSAGE OCT 16 2012

A RESOLUTION VACATING WATER AND  
DRAINAGE EASEMENT AT 6010 ROCK STREET  
(VACATION NO. 968431 - PROJECT NO. 267163)

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, San Diego Habitat For Humanity, filed an application with the City of San Diego proposing a water and drainage easement, described as all of that portion of the water and drainage easement granted per document recorded in the Office of the County Recorder of San Diego County, January 5, 1955 as Documents No 1927 in Book 5486, Page 83 of official records, lying within that real property described in Deed recorded May 13, 2005 as Document No. 2005-0406783 of official records, be formally vacated (Water and Drainage Easement Vacation No. 968431); and

WHEREAS, after the relocation of the drainage pipe, the easement will not be used for the purpose for which it was originally dedicated or acquired or for any other public use of a like nature that can be anticipated; and

WHEREAS, after the relocation of the drainage pipe, the easement will not contain public utility facilities; 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 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, that with respect to Water and Drainage Easement Vacation No. 968431, 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 property contains a 20-foot wide water and drainage easement that covers approximately 75-percent of the lot. This easement currently contains an active Public Utilities Department's 16-inch drainage pipe, which is used as a reservoir overflow and drain pipe for the water tank located south of the development. The proposed development would relocate the existing 16-inch drainage pipe within public right-of-way along 60<sup>th</sup> Street; therefore, there will be no 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 action through improved utilization of the land made available by the vacation.

The vacation of the easement would allow for the construction of a two-story, 1,369square-foot, three bedroom, single-family dwelling unit with an attached 376 square-foot two car garage, which will sold to low-income persons in accordance with Agreement No. 7007.

This agreement was approved by and between the Board of Supervisors of the County of San Diego and San Diego Habitat for Humanity for the purchase of the property for the construction and sale of a single family dwelling unit to low-income persons or to preserve as open space. The improved utilization of the land would be in harmony with the surround development, provide for a single family dwelling unit to low-income persons, and produce additional property taxes.

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

The vacant site is located at 6010 Rock Street in the RS-1-7 Zone within the Eastern Area Neighborhood of the Mid-City Communities Plan. The community plan designates the site for Residential use at 6-10 dwelling unit per acre. The 0.06-acre site could accommodate one dwelling unit based on the underlying zone and one dwelling unit based on the community plan; therefore, the vacation to allow the proposed development does not adversely affect any 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 property contains a 20-foot wide water and drainage easement that covers approximately 75-percent of the lot. This easement currently contains an active Public Utilities Department's 16-inch drainage pipe, which is used as a reservoir overflow and drain pipe for the water tank located south of the development. The proposed development would relocate the existing 16-inch drainage pipe within public right-of-way along 60<sup>th</sup> Street; therefore, the purpose for which the easement was originally acquired will not be detrimentally affected by this vacation.


BE IT FURTHER RESOLVED, that all of that portion of the water and drainage easement granted per document recorded in the Office of the County Recorder of San Diego County, January 5, 1955 as Documents No 1927 in Book 5486, Page 83 of official records, lying within that real property described in Deed recorded May 13, 2005 as Document No. 2005-0406783 of official records, Water and Drainage Easement Vacation No. 968431, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 36933-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered formally vacated.

BE IT FURTHER RESOLVED, that said vacation is conditioned upon the completion of the relocating of the drainage pipe to the satisfaction of the Public Utilities Department. In the event this condition is not completed within two 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 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

CLN:jls  
September 28, 2012  
Or.Dept: DSD  
Doc. No. 446798

EXHIBIT "A"  
LEGAL DESCRIPTION  
(WATER AND DRAINAGE EASEMENT VACATION)

ALL OF THAT PORTION OF THE WATER AND DRAINAGE EASEMENT GRANTED PER DOCUMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JANUARY 5, 1955 AS DOCUMENT NO. 1927 IN BOOK 5486, PAGE 83 OF OFFICIAL RECORDS, LYING WITHIN THAT REAL PROPERTY DESCRIBED IN DEED RECORDED MAY 13, 2005 AS DOCUMENT NO. 2005-0406783 OF OFFICIAL RECORDS.

CONTAINING 1,913 SQUARE FEET (0.044 ACRE), MORE OR LESS.

ATTACHED HERETO IS DRAWING NO. 36933-B, LABELED EXHIBIT "B", AND BY REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED  
BY ME OR UNDER MY DIRECTION.

  
06/29/2012  
LAWRENCE H. MOORE, PLS 5486



I.O.: 24002415  
PTS: 267163  
DWG: 36933-B

**EXHIBIT "B"**  
**EASEMENT VACATION**

**LEGEND:**

INDICATES PORTION OF WATER AND DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO REC. 01-05-1955, BOOK 5486, PAGE 83 O.R., VACATED



**ASSESSOR'S PARCEL NO.:**

473-291-14

**AREA:**

1,913 SQ. FT (0.044 AC.)

**REFERENCE DRAWINGS**

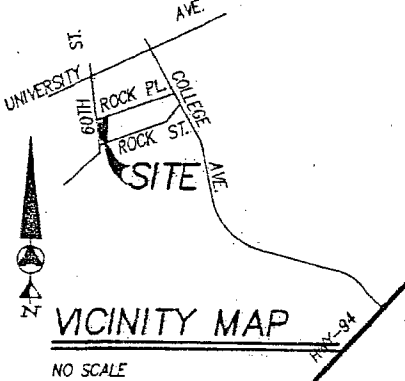
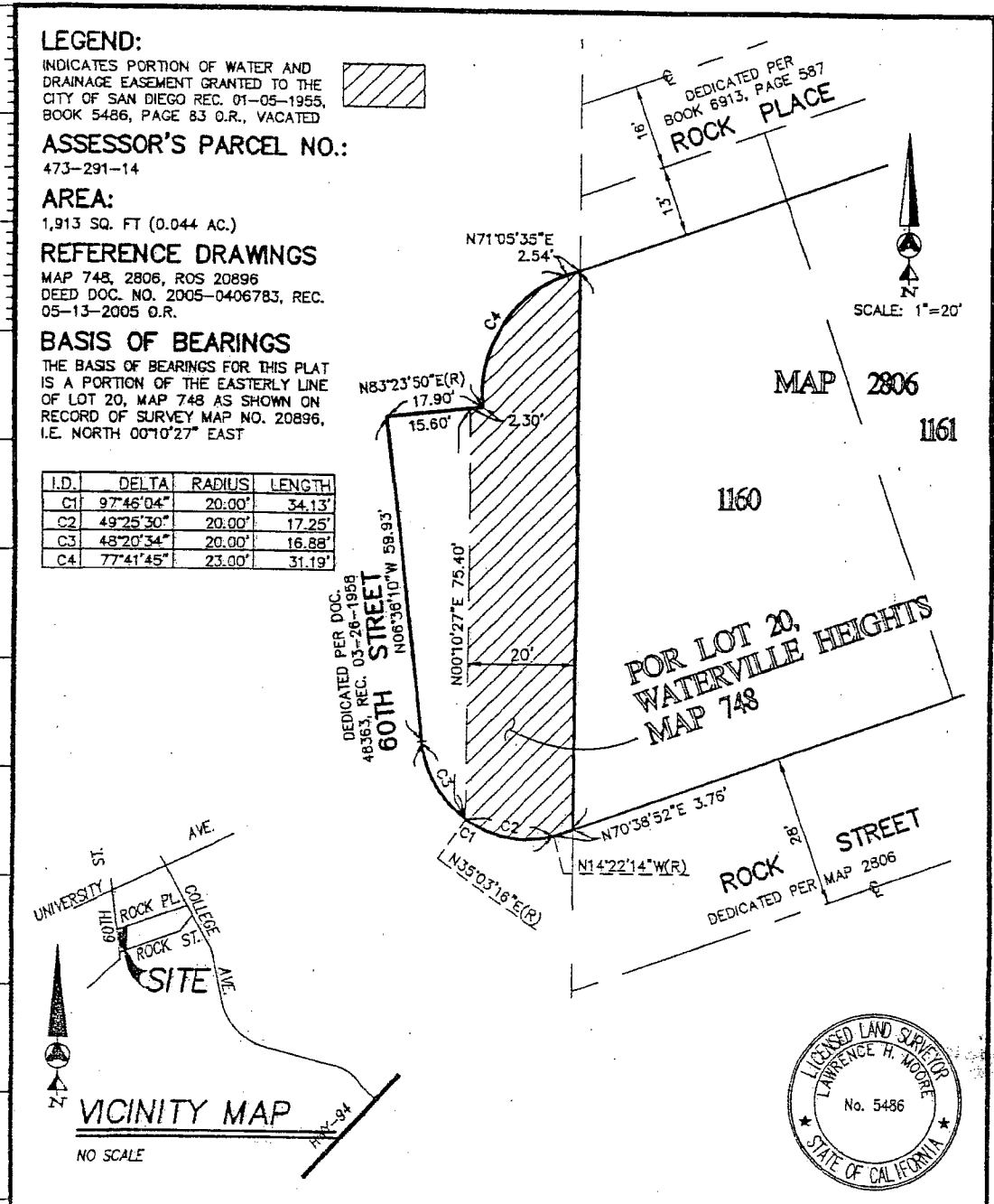
MAP 748, 2806, ROS 20896  
DEED DOC. NO. 2005-0406783, REC. 05-13-2005 O.R.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS PLAT IS A PORTION OF THE EASTERLY LINE OF LOT 20, MAP 748 AS SHOWN ON RECORD OF SURVEY MAP NO. 20896, I.E. NORTH 00°10'27" EAST

I.D.	DELTA	RADIUS	LENGTH
C1	97°46'04"	20.00'	34.13'
C2	49°25'30"	20.00'	17.25'
C3	48°20'34"	20.00'	16.88'
C4	77°41'45"	23.00'	31.19'

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11



PREPARED BY:			
 LAWRENCE H. MOORE, PLS 5486 DATE 06/29/2012			
WATER AND DRAINAGE EASEMENT VACATION IN THAT PORTION OF LOT 20 OF WATERVILLE HEIGHTS, MAP 748 DESCRIBED IN DEED RECORDED MAY 13, 2005 AS DOC. NO. 2005-0406783 OF O.R.			
DESCRIPTION	APPROVED	DATE	FILED
ORIGINAL		7-11-12	
		CITY OF SAN DIEGO, CALIFORNIA	
		SHEET 1 OF 1 SHEETS	
		 FOR CITY ENGINEER DATE 7-11-2012	
		PTS NO. 267163	
		L.C. NO. 24002415	
		1852-6309	
		CCS(MAD 83) COORDINATES	
		212-1749	
		LAMBERT COORDINATES	
STATUS		36933-B	