

RESOLUTION NUMBER R- 308644

ITEM # 334

DATE OF FINAL PASSAGE DEC 10 2013

12/10/13

A RESOLUTION SUMMARILY VACATING PORTIONS OF A
15-FOOT WIDE STORM WATER EASEMENT – PROJECT
NO. 317637.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* 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, the San Diego County Regional Airport Authority, property owner, has applied for the vacation of portions of a 15-foot wide storm drain (Easement Abandonment No. 1109852); 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WHEREAS, the easement has been superseded by relocation and there are no other public facilities located within the easement; and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 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 December 10, 2013, 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 storm drain easement, 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 project proposes the partial vacation of a 15-foot wide storm drain easement in order to develop the underlying airport property with a new rental car center serving the San Diego International Airport. The storm drain facilities within the portion of the easement to be vacated have been removed and the easement is no longer required for the purpose for which it was acquired. A new storm drain has been relocated elsewhere on the property and the facility has been accepted by the City of San Diego. Because there is a new storm drain facility within a new easement serving the site, there is no present or prospective use for that portion of the easement proposed to be vacated. The use for which the easement was originally acquired has been replaced and no additional easement is needed. All other public utilities including water and sewer facilities serving the property are within separate easements so there is no other public use that can be anticipated for the portion of easement proposed to be vacated.

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

The public would benefit from the proposed vacation both through the improved utilization of the land; and by relinquishing the liability associated with having the easement granted in favor of the City of San Diego. The improved utilization of the land would be realized with the concurrent development of the new rental car center serving the San Diego International Airport. The new rental car center will improve customer access to rental car providers closer to

the terminals and easier drop-off facilities for rental car returns. And, by vacating the easement, the City forgoes any liability associated with the easement.

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

The proposed vacation is necessary to unencumber and develop the site with a new rental car center. The rental car center is a San Diego Regional Airport Authority project that would be consistent with the San Diego International Airport (SDIA) Master Plan that calls for consolidating ground transportation facilities in close proximity to the airport terminals. The proposed vacation and subsequent use of the site would also be consistent with the SDIA Airport Land Use Compatibility (ALUC) Plan in that the rental car services have been determined to be a use consistent with the land use recommendation at the proposed location.

(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 public facility for which the easement was originally acquired was for a 42-inch diameter storm drain pipe. The original facility has been removed and relocated elsewhere on the property. The new facility has been installed and accepted by the City of San Diego and is currently operational. Therefore, there is no longer a need for the easement where the facilities have been removed. The new facilities are in a separate location and will not be detrimentally affected by this vacation.

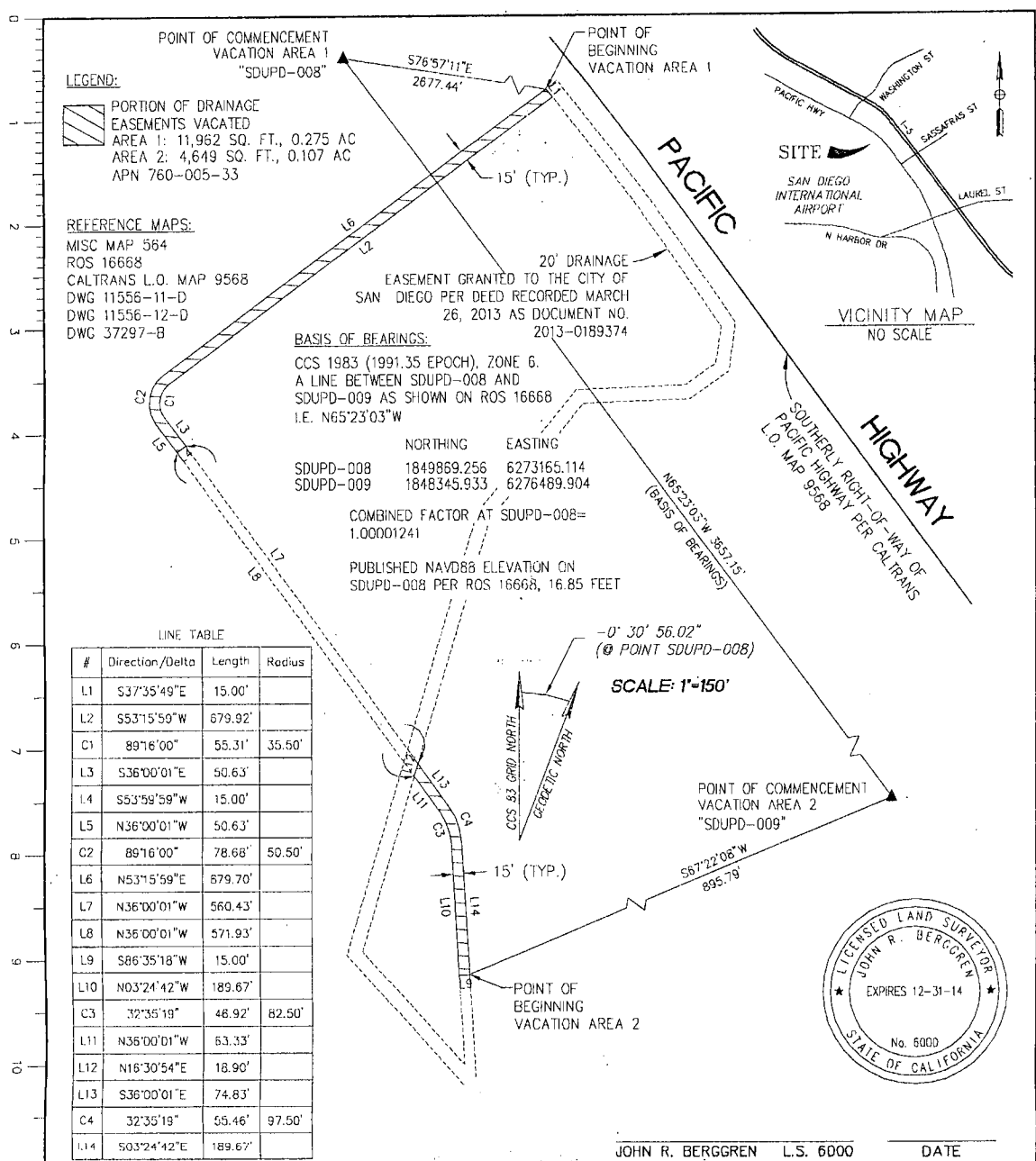
BE IT FURTHER RESOLVED, that the storm drain easement located within the San Diego County Regional Airport Authority property, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37941-B, marked as Exhibit "B," which are by this reference incorporated 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 Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
11/01/13
Or.Dept:DSD
Doc. No.: 654144



**PORTION OF DRAINAGE EASEMENTS VACATED
 IN A PORTION OF THE TIDELANDS OF SAN DIEGO BAY AS SHOWN
 ON MISCELLANEOUS MAP NO. 564**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	I.O. 24003719
ORIGINAL	PB				SHEET 1 OF 1 SHEET	PTS 317637
					FOR CITY ENGINEER	DATE
						1848 - 6273
						NAD 83 COORDINATES
						208 - 1713
						LAMBERT COORDINATES
						37491-B

Passed by the Council of The City of San Diego on DEC 10 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 10 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Zumaeta*, Deputy

Office of the City Clerk, San Diego, California

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