

Item #334

(R-2014-617)

April 22, 2014

RESOLUTION NUMBER R- 308900

DATE OF FINAL PASSAGE APR 22 2014

VACATION OF PORTIONS OF A WATER AND SEWER  
EASEMENT LOCATED AT 12857 EL CAMINO REAL, SAN  
DIEGO, CALIFORNIA (VACATION NO. 1200315 – PROJECT  
NO. 343085).

WHEREAS, California Streets and Highways Code section 8320 *et seq.* San Diego Municipal Code section 125.1001 *et seq.* provide a procedure for the vacation of public easements by City Council resolution; and

WHEREAS, it is proposed that portions of a 24-foot wide water and sewer easement which was recorded and dedicated to the City of San Diego under Parcel Map No. 16379, on February 12, 1991 as File No. 91-66477 Approval No. 1200315, be vacated; 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 April 22, 2014, 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. 1200315, Project 343085, the Council finds that:

(a) **There is no present or prospective use for the easement, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.**

The project proposes an Easement Vacation for portions of a 24-foot wide water and sewer easement located on a property developed with an existing shopping center. The segment of the easement to be vacated is presently utilized for water and sewer purposes, however, as conditioned by this Resolution, prior to recordation of the Vacation, a new easement will be dedicated and a new main constructed to replace the segment of easement that is being vacated and the facilities that would be terminated. As such, upon recordation of the Vacation, there will be no present or prospective use for the easement, either for the facility for which 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 project proposes an Easement Vacation for portions of a 24-foot wide water and sewer easement located on a property developed with an existing shopping center. The segment of the easement to be vacated is presently utilized for water and sewer purposes, however, as conditioned by this Resolution, prior to recordation of the Vacation, a new easement will be dedicated and a new main constructed to replace the segment of easement that is being vacated and the facilities that would be terminated. Future redevelopment of the shopping center would be facilitated by the proposed vacation. Portions of the site are constrained by the existence of the water and sewer easements in that the owner of the property may not develop or place new buildings over the existing easement. The private improvements that would be allowed in the encumbered area after this Vacation could result in increased revenue to the City through

property taxes paid on the improvements. Phasing of the construction work necessary to affect the Vacation includes conversion of a portion of a water line to a private line which will remove the City from obligations and maintenance responsibilities. The public will benefit by the Vacation of the easement through improved utilization of the land made available by the vacation. Therefore, the public will benefit from the action through improved use of the land made available by the vacation.

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

The project proposes an Easement Vacation for portions of a 24-foot wide water and sewer easement located on a property developed with an existing shopping center. The project site is located at 12857 El Camino Real in the Carmel Valley Community Plan, zoned Carmel Valley Planned District – Town Center and within the Carmel Valley Neighborhood Nine, Town Center Precise Plan (Precise Plan). The project site is designated as the Town Center Retail and Commercial Core, of the Town Center Commercial Element of the Precise Plan. The Community Plan and Precise Plan state that properties within this designation should encompass the major commercial development within the community and all commercial uses, except “heavy” commercial uses, should locate within the town center. The zone allows a variety of commercial and retail establishments. The proposed vacation will facilitate the future redevelopment of the site, consistent with the land use designation and the zoning. Therefore, the Vacation is consistent with the applicable land use plans.

**(d) The public facility 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 project proposes an Easement Vacation for portions of a 24-foot wide water and sewer easement located on a property developed with an existing shopping center. The segment of the easement to be vacated is presently utilized for water and sewer purposes however, as conditioned by this Resolution, prior to recordation of the Vacation, a new easement will be dedicated and a new main constructed to replace the segment of easement that is being vacated. As such, upon dedication of the easement, construction of the new facility within the easement, termination of the existing facilities and, recordation of the Vacation, there will be not be a need for the existing easement. Therefore, the public facility for which the easement was originally acquired will not be detrimentally affected by the vacation and the purpose for which the easement was acquired will no longer exist.

BE IT FURTHER RESOLVED, that the water and sewer easement located within property located at 12857 El Camino Real, north of Townsgate Drive, in Parcels 16-20 and 25-27 of Parcel Map No.16379, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No.37814-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 said easement vacation is conditioned upon the following two conditions.

1. Prior to the abandonment of the existing 10-inch diameter water main the Owner/Permittee shall assure, by permit and bond the design and construction of a 12-inch diameter water main connecting the existing 8-inch diameter water main to the existing 10-inch diameter water main within a new dedicated 24-foot wide water easement in a manner satisfactory to the Public Utilities Director and the City Engineer.

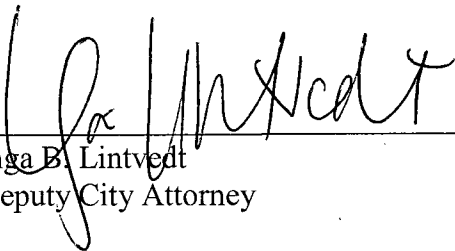
2. Prior to the recordation of the easement vacation, the Owner/Permittee will assure that all public water facilities are abandoned, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

In the event these conditions are not completed within three years following the adoption of this resolution, then 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



Inga B. Lintvedt  
Deputy City Attorney

IBL:mm  
04/04/2014  
Or.Dept:DSD  
PL #760160

EXHIBIT "A"

LEGAL DESCRIPTION  
WATER & SEWER EASEMENT VACATION

PORTIONS OF PARCELS 16,17,18,19,25,26,27 OF PARCEL MAP NO 16379, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 12, 1991, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 'A'

BEGINNING AT THE NORTHEAST CORNER OF SAID PARCEL 17; SAID POINT BEING THE BEGINNING OF A 549.00 FOOT RADIUS CURVE, CONCAVE TO THE SOUTHEAST, A LINE RADIAL TO SAID POINT BEARS N62°48'08"W, SAID LINE ALSO BEING THE WEST LINE OF TOWNSGATE DRIVE DEDICATED PER PARCEL MAP NO 15494, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 14, 1988; THENCE TRAVELING ALONG THE EASTERLY EDGE OF PARCEL 17

1. SOUTHWESTERLY 54.82 FEET THROUGH A CENTRAL ANGLE OF 5°43'18" TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID PARCEL LINE
2. NORTH 68°50'12" WEST 121.19 FEET TO THE WEST LINE OF PARCEL 17; THENCE ALONG THE WEST SIDE OF SAID PARCEL
3. SOUTH 20°03'17" WEST 212.57 FEET; THENCE LEAVING SAID PARCEL LINE
4. NORTH 69°56'43" WEST 11.84 FEET; THENCE
5. SOUTH 20°03'17" WEST 10.00 FEET; THENCE
6. SOUTH 69°56'43" EAST 11.84 FEET TO THE WEST LINE OF PARCEL 17; THENCE
7. SOUTH 20°03'17" WEST 16.15 FEET ALONG THE WEST LINE OF SAID PARCEL; THENCE LEAVING SAID PARCEL LINE
8. NORTH 69°56'43" WEST 15.00 FEET; THENCE
9. SOUTH 20°03'17" WEST 10.00 FEET; THENCE
10. SOUTH 69°56'43" EAST 15.00 FEET TO THE WEST LINE OF PARCEL 17; THENCE
11. SOUTH 20°03'17" WEST 72.90 FEET ALONG THE WEST LINE OF SAID PARCEL; THENCE LEAVING SAID PARCEL LINE ALONG THE WEST LINE OF PARCEL 18

12. SOUTH 20°03'17" WEST 137.34 FEET; THENCE LEAVING SAID PARCEL
13. NORTH 69°56'43" WEST 15.00 FEET; THENCE
14. SOUTH 20°03'17" WEST 10.00 FEET; THENCE
15. SOUTH 69°56'43" EAST 15.00 FEET TO THE WEST LINE OF PARCEL 18; THENCE
16. SOUTH 20°03'17" WEST 73.21 FEET ALONG THE WEST LINE OF SAID PARCEL;  
THENCE LEAVING SAID PARCEL LINE
17. NORTH 69°56'43" WEST 19.34 FEET; THENCE
18. SOUTH 20°03'17" WEST 10.00 FEET; THENCE
19. SOUTH 69°56'43" EAST 19.34 FEET TO THE WEST LINE OF PARCEL 18; THENCE
20. SOUTH 20°03'17" WEST 28.01 FEET ALONG THE WEST LINE OF SAID PARCEL;  
THENCE LEAVING SAID PARCEL LINE
21. NORTH 69°56'43" WEST 16.04 FEET; THENCE
22. SOUTH 20°03'17" WEST 10.00 FEET; THENCE
23. SOUTH 69°56'43" EAST 16.04 FEET TO THE WEST LINE OF PARCEL 18; THENCE
24. SOUTH 20°03'17" WEST 21.20 FEET ALONG THE WEST LINE OF SAID PARCEL;  
THENCE LEAVING SAID PARCEL LINE
25. SOUTH 30°03'17" WEST 209.23 FEET; THENCE
26. NORTH 59°56'43" WEST 25.84 FEET; THENCE
27. SOUTH 30°03'17" WEST 10.00 FEET; THENCE
28. SOUTH 59°56'43" EAST 25.84 FEET; THENCE
29. SOUTH 30°03'17" WEST 14.09 FEET; THENCE
30. SOUTH 75°03'17" WEST 14.53 FEET; THENCE
31. NORTH 69°56'43" WEST 125.45 FEET; THENCE
32. NORTH 14°56'43" WEST 15.81 FEET; THENCE
33. NORTH 30°03'17" EAST 120.97 FEET; THENCE
34. NORTH 32°25'57" EAST 142.43 FEET; THENCE


35. NORTH 20°03'17" EAST 94.29 FEET; THENCE
36. NORTH 69°56'43 WEST 23.92 FEET TO THE WEST LINE OF PARCEL 19; THENCE
37. SOUTH 20°03'17" WEST 91.71 FEET ALONG THE WEST LINE OF PARCEL 19; THENCE
38. SOUTH 32°25'57" WEST 130.56 FEET; THENCE LEAVING THE WEST LINE PARCEL 19 AND TRAVELING ALONG THE WEST LINE OF PARCEL 26
39. SOUTH 32°25'57" WEST 9.76 FEET; THENCE
40. SOUTH 30°03'17" WEST 44.76 FEET; THENCE LEAVING THE WEST LINE OF PARCEL 26
41. NORTH 59°56'43" WEST 14.58 FEET; THENCE
42. SOUTH 30°03'17" WEST 10.00 FEET; THENCE
43. SOUTH 59°56'43" EAST 14.50 FEET TO THE WEST LINE OF PARCEL 26; THENCE
44. SOUTH 30°03'17" WEST 50.74 FEET ALONG THE WEST LINE OF SAID PARCEL 26; THENCE LEAVING THE WEST LINE OF SAID PARCEL
45. SOUTH 30°03'17" WEST 25.91 FEET; THENCE
46. SOUTH 14°56'43" EAST 38.25 FEET; THENCE
47. SOUTH 69°56'43" EAST 145.51 FEET; THENCE
48. NORTH 75°03'17" EAST 22.04 FEET; THENCE
49. SOUTH 14°56'43" EAST 5.00 FEET; THENCE
50. NORTH 75°03'17" EAST 10.00 FEET; THENCE
51. NORTH 14°56'43" WEST 5.00 FEET; THENCE
52. NORTH 30°03'17" EAST 184.79 FEET; THENCE
53. SOUTH 59°56'43" EAST 23.36 FEET; THENCE
54. NORTH 30°03'17" EAST 10.00 FEET; THENCE
55. NORTH 59°56'43" WEST 23.36 FEET; THENCE



- |     |                      |              |  |
|-----|----------------------|--------------|--|
| 56. | NORTH 30°03'17" EAST | 50.58 FEET;  | THENCE   |
| 57. | NORTH 20°03'17" EAST | 440.71 FEET; | THENCE   |
| 58. | SOUTH 69°56'43" EAST | 14.32 FEET;  | THENCE   |
| 59. | NORTH 20°03'17" EAST | 10.00 FEET;  | THENCE   |
| 60. | NORTH 69°56'43" WEST | 14.32 FEET;  | THENCE   |
| 61. | NORTH 20°03'17" EAST | 44.40 FEET;  | THENCE   |
| 62. | SOUTH 69°56'43" EAST | 11.30 FEET;  | THENCE   |
| 63. | NORTH 20°03'17" EAST | 10.00 FEET;  | THENCE   |
| 64. | NORTH 69°56'43" WEST | 11.30 FEET;  | THENCE   |
| 65. | NORTH 20°03'17" EAST | 83.89 FEET;  | THENCE   |
| 66. | SOUTH 68°50'12" EAST | 97.12 FEET   | TO THE EAST SIDE OF PARCEL 17; SAID<br>POINT ALSO BEING ON THE WEST LINE OF<br>TOWNSGATE MAP DEDICATED PER <i>PARCEL MAP</i><br>NO 15494. A 549.00 FOOT RADIUS CURVE,<br>CONCAVE TO THE SOUTHEAST, A LINE<br>RADIAL TO SAID POINT BEARS<br>N71°03'16"W; THENCE |
| 67. | NORTHEASTERLY        | 24.01 FEET   | ALONG SAID CURVE THROUGH A CENTRAL<br>ANGLE OF 02°30'19" TO THE TRUE POINT<br>OF BEGINNING.  |

ATTACHED HERETO IS A DRAWING NO. 37814-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

SAID EASEMENT CONTAINS AN AREA OF 37,577.11 S.F.

 3/27/14  
 C. JOHN EARDENSOHN, L.S. 5278 EXP 12-31-15



I.O. NO. 24004137  
 PTS NO. 343085  
 DWG NO. 37814-B

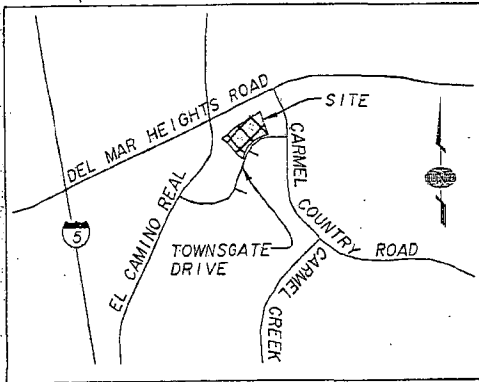
# EXHIBIT "B"

## LEGEND:

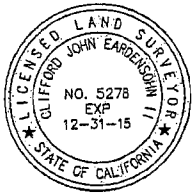
-  INDICATES PARCEL LINE
-  INDICATES RIGHT-OF-WAY LINE
-  INDICATES EASEMENT LINE



PORTION OF A 24' WIDE WATER & SEWER EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP NO. 16379. WATER & SEWER EASEMENT TO BE VACATED HEREON.  
 PARCEL A = 37,577.11 SQ. FT.  
 = 0.863 AC.



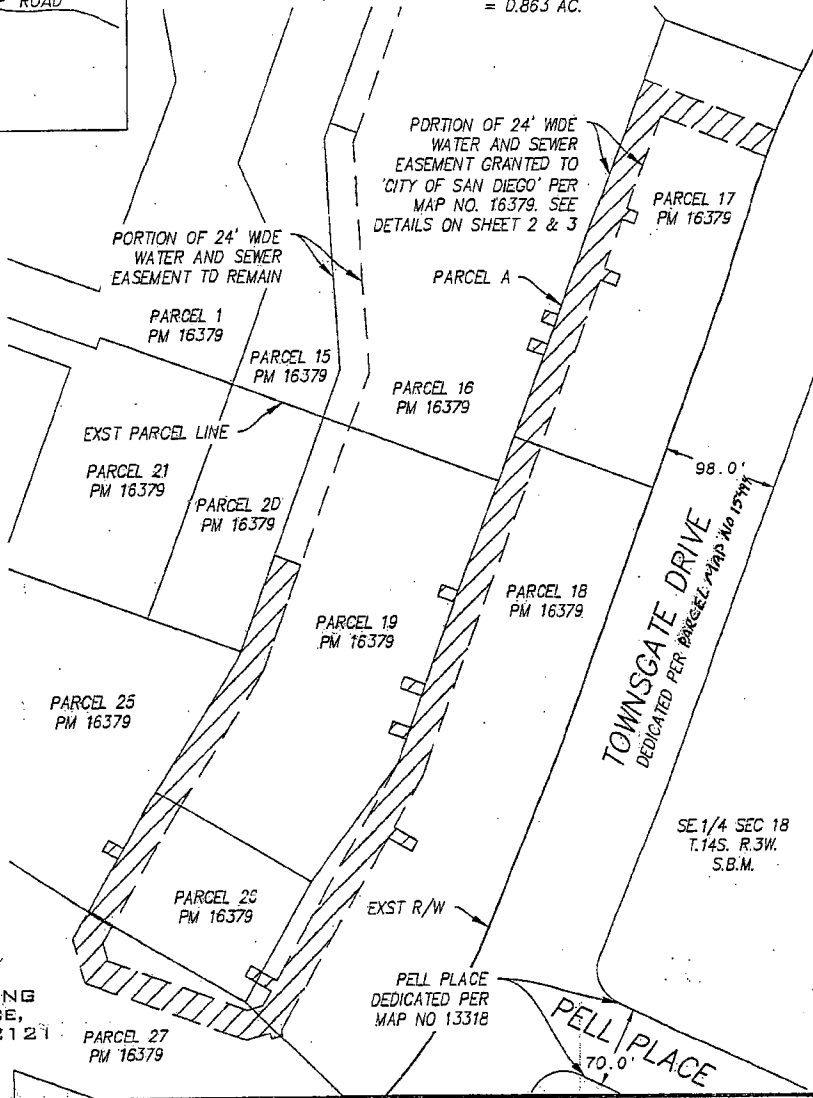
**VICINITY MAP**  
NO SCALE



SCALE 1"=100'



**LATITUDE 33**  
 PLANNING AND ENGINEERING  
 5355 MIRA SORRENTO PLAZA,  
 SUITE 650 SAN DIEGO, CA 92121  
 TEL. 858.751.0633  
 FAX. 858.751.0634



*John Eardensohn* 3/27/14  
 C. JOHN EARDENSOHN LS 5278 DATE

## WATER & SEWER EASEMENT VACATION IN PORTIONS OF PARCELS 16, 17, 18, 19, 25, 26, & 27 OF MAP 16379

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	LAT33	MOB	✓	3/27/14

CITY OF SAN DIEGO, CALIFORNIA  
 DEVELOPMENT SERVICES DEPARTMENT  
 SHEET 1 OF 3 SHEETS








*Frederick R. ...*  
 FOR CITY ENGINEER

3/27/14  
 DATE

PTS NO. 343085  
 I.O. NO. 24004137  
 1926-6257  
 CCS '83 COORDINATES  
 286 - 1697  
 LAMBERT COORDINATES  
 37814-1-B

# EXHIBIT "B"

## LEGEND:

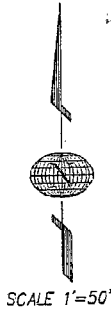
-  INDICATES PARCEL LINE
-  INDICATES RIGHT-OF-WAY LINE
-  INDICATES EASEMENT LINE
-  EXISTING WATER EASEMENT TO BE VACATED  
PARCEL A = 37,577.11 SQ.FT. = 0.863 AC.
-  P.O.B. INDICATES POINT OF BEGINNING
-  T.P.O.B. INDICATES TRUE POINT OF BEGINNING
-  (R) RADIAL BEARING

## REFERENCE DRAWING:

MAP NO. 15494  
MAP NO. 16379

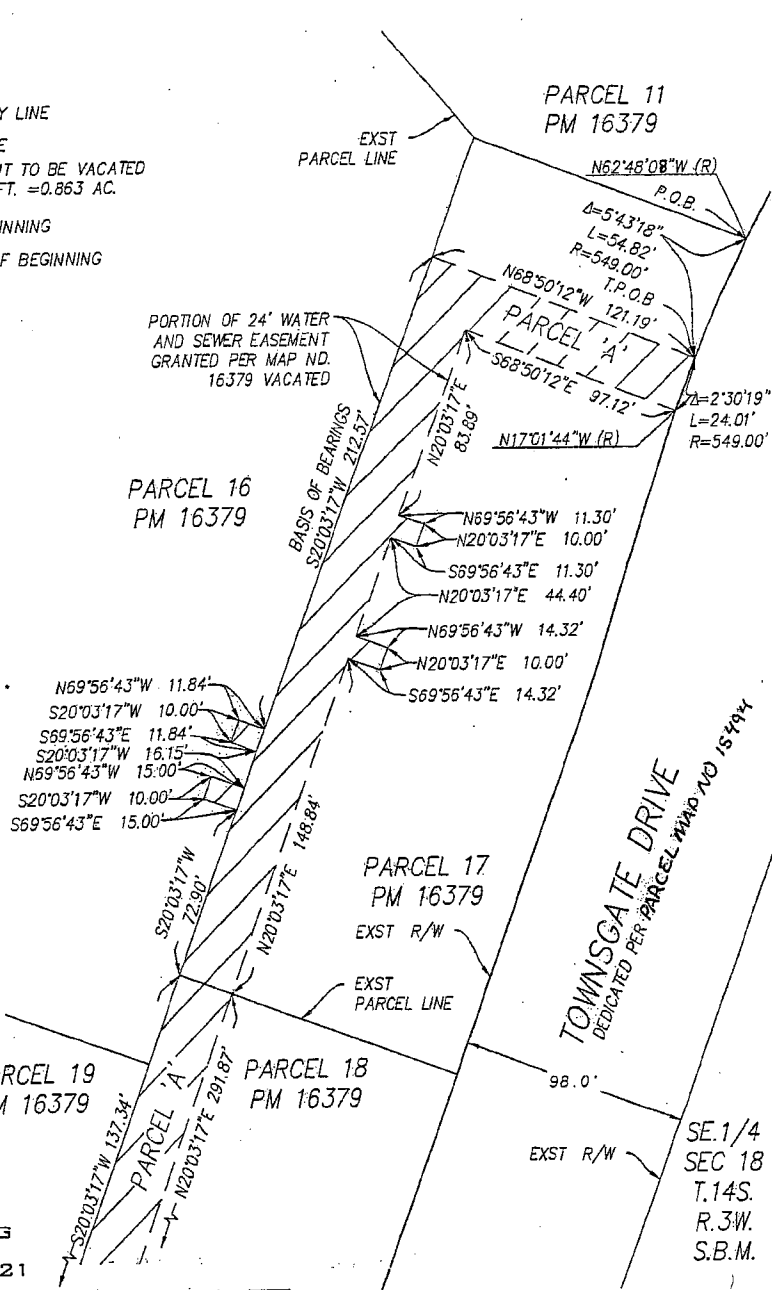
## BASIS OF BEARINGS:

IS THE EAST LINE OF PARCEL 16 OF  
PARCEL MAP 16379 RECORDED  
FEBRUARY 8, 1991, I.E. S20°03'17"W



**PLANNING AND ENGINEERING**  
5355 MIRA SORRENTO PLACE,  
SUITE 650 SAN DIEGO, CA 92121  
TEL. 858.751.0633  
FAX. 858.751.0634

SEE SHEET 3



10  
11  
12  
13  
14  
15

*John Eardensohn* 3/27/14  
OF JOHN EARDENSOHN LS 5278 DATE


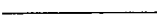
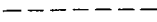

## WATER & SEWER EASEMENT VACATION IN PORTIONS OF PARCELS 16, 17, 18, 19, 25, 26, & 27 OF MAP 16379

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 2 OF 3 SHEETS	PTS NO. 343085
ORIGINAL	LAT33					I.O. NO. 24004137
	MDS	✓	3/27/14		<i>Frederick R. LaPey</i> FOR CITY ENGINEER	1926-6257
					3/27/14 DATE	CCS '83 COORDINATES
						286-1697
						LAMBERT COORDINATES
						37814-2-B

11/17/00\1522010\ENR\05\16379\Water Line\Easement Vacation 02-06-2011

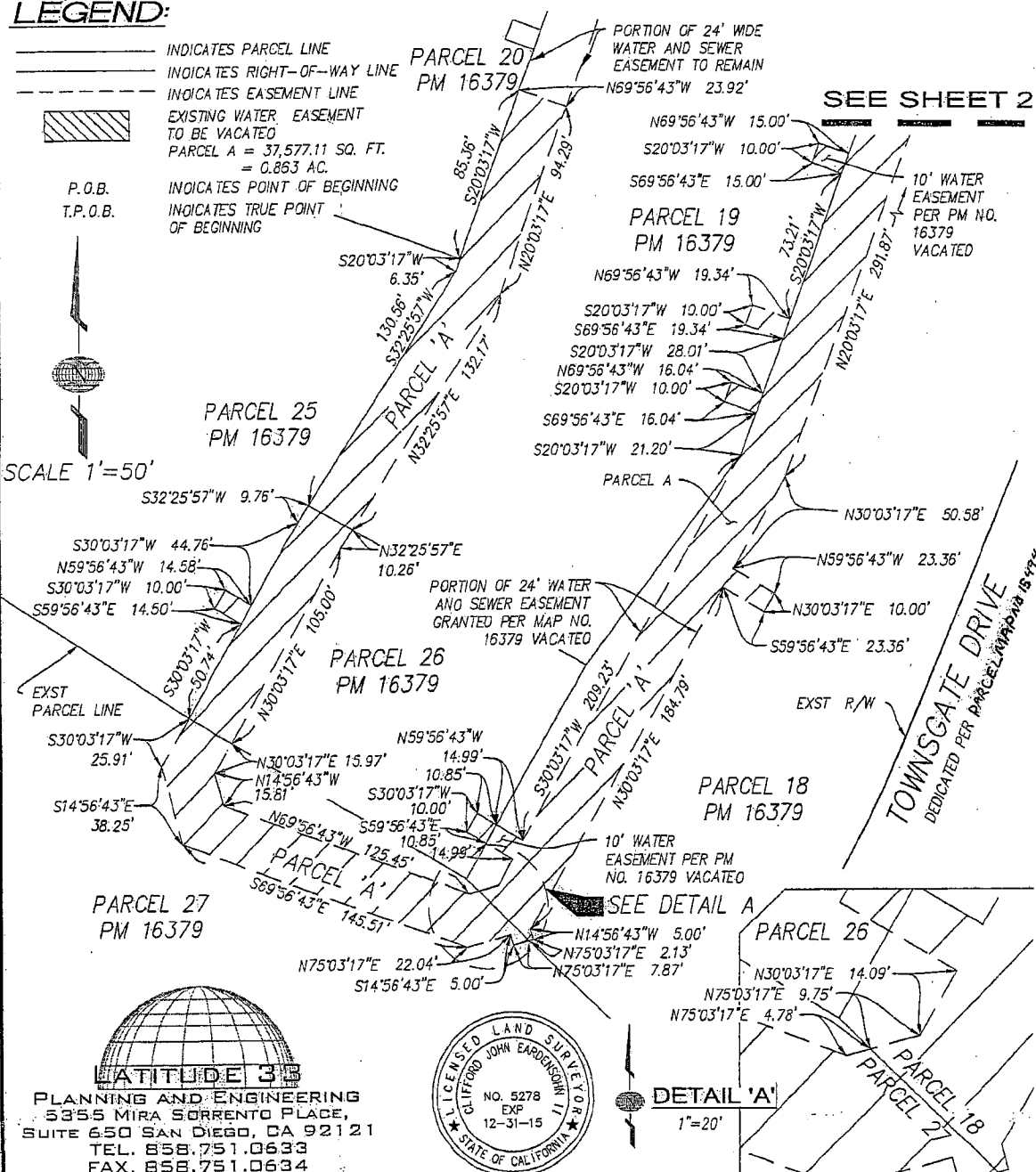
# EXHIBIT "B"

## LEGEND:

-  INDICATES PARCEL LINE
-  INDICATES RIGHT-OF-WAY LINE
-  INDICATES EASEMENT LINE
-  EXISTING WATER EASEMENT TO BE VACATED
- PARCEL A = 37,577.11 SQ. FT. = 0.853 AC.
- P.O.B. INDICATES POINT OF BEGINNING
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING



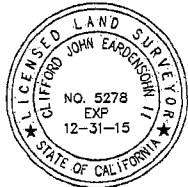
SCALE 1"=50'



SEE SHEET 2

**LATITUDE 38**

PLANNING AND ENGINEERING  
5355 MIRA SORRENTO PLACE,  
SUITE 650 SAN DIEGO, CA 92121  
TEL. 858.751.0633  
FAX. 858.751.0634



DETAIL 'A'

1"=20'

*John Eardensohn* 3/27/14  
C. JOHN EARDENSOHN LS 5278 DATE

## WATER & SEWER EASEMENT VACATION IN PORTIONS OF PARCELS 16, 17, 18, 19, 25, 26, & 27 OF MAP 16379

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	LAT33			
	MDB	✓	3/27/14	

**CITY OF SAN DIEGO, CALIFORNIA**  
DEVELOPMENT SERVICES DEPARTMENT  
SHEET 3 OF 3 SHEETS

*Frederick R. Lopez* 3/27/14  
FOR CITY ENGINEER DATE

PTS NO. 343085  
I.O. NO. 24004137  
1926-6257  
CCS '83 COORDINATES  
286-1697  
LAMBERT COORDINATES  
**37814-3-B**

Passed by the Council of The City of San Diego on APR 22 2014, 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"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 22 2014

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

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

(Seal)

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

By  Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308900