

RESOLUTION NUMBER R- 309956

DATE OF FINAL PASSAGE AUG 04 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO VACATING A WATER AND SEWER  
EASEMENT, VACATION NO. 1295509, FOR THE  
UNIVERSITY TERRACE EAST PROJECT, PROJECT NO.  
334934.

WHEREAS, California Streets and Highways Code section 8330 *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, University Terrace East, a California Limited Partnership, Owner/Permittee  
filed an application with the City of San Diego for a permit to amend Planned Residential  
Development Permit No. 84-0314 to construct 18 additional residential apartments on a site  
containing 75 apartments for a total of 93 apartments (Planned Development Permit  
No. 1175450), as well as to vacate water and sewer easements (Vacation No. 1295509) and  
vacate a public right-of-way (Vacation No. 1293418), on portions of a 3.76 acre site (Project);  
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WHEREAS, the easement has been superseded by relocation and there are no other  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, Owner/Permittee has requested the vacation of the public right-of-way  
easement at 5210-5245 Genesee Cove to unencumber this property and facilitate development of  
the site (Vacation No. 1295509); and

WHEREAS, on June 11, 2015, the Planning Commission of the City of San Diego considered Sewer and Water Easement Vacation No. 1295509, and pursuant to Resolution No. PC-4700 voted 7:0:0 to recommend approval of Sewer and Water Easement Vacation No. 1295509; 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 AUG 04 2015, 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. 1295509, 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.**

Public water and sewer services are provided throughout the community and the property located at 5210-5245 Genesee Cove in the RM-2-5 Zone of the University Community Plan area is not needed to provide water or sewer services. The owner will cause the sewer and water lines to be relocated within the public right-of-way of Genesee Avenue at his sole expense to the satisfaction of the Director of Public Utilities and the City Engineer. The easement has no other utility or public use of a like nature. There is therefore no present or prospective public use for the easement, 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.**

In that public water and sewer services are provided throughout the community and the property located at 5210-5245 Genesee Cove in the RM-2-5 Zone of the University Community Plan area is not needed to provide water or sewer services and the owner will cause the sewer

and water lines to be relocated within the public right-of-way of Genesee Avenue at his sole expense to the satisfaction of the Director of Public Utilities and the City Engineer, the easement has no other utility or public use of a like nature. With the relocation of the sewer and water lines to the public right-of-way of Genesee Avenue, the land area of the present easement has no public benefit and the public will benefit from the vacation by the development of the site in association with Planned Development Permit No. 1175450. The public will benefit from the action through improved utilization of the land made available by the vacation.

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

The adopted University Community Plan identifies the land area of this public utility easement for residential development. The vacation of the public utility easement will facilitate the fullest and highest use of the property as designated by the community plan. For these reasons the proposed vacation of the public utility easement is consistent with the policies and goals of the adopted within the University Community Plan and will not adversely affect the University 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.**

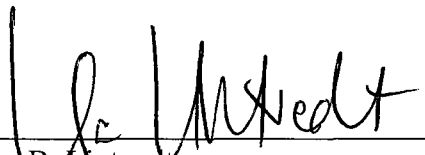
In that the sewer and water lines will be relocated within the public right-of-way of Genesee Avenue in association with Planned Development Permit No. 1175450, the land area of the present easement becomes of no public benefit and the public will benefit from the vacation. Further, with the relocation of the sewer and water lines the purpose for which the easement was originally acquired will cease to exist.

BE IT FURTHER RESOLVED, that the sewer and water easement located within property located at 5210-5245 Genesee Cove in connection with Planned Development Permit No. 1175450, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 38048-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 this easement vacation is conditioned upon the relocation of certain sewer and water lines in connection with Planned Development Permit No. 1175450 to the satisfaction of the Director of Public Utilities and the City Engineer. In the event this condition is 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  
7/17/2015  
Or.Dept: DSD  
Doc. No.: 1064996

**EXHIBIT 'A'**  
**LEGAL DESCRIPTION**  
**SEWER AND WATER EASEMENT VACATION**  
 APN: 348-010-76

THAT PORTION OF A SEWER AND WATER EASEMENT AS GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NUMBER 85-265701 RECORDED JULY 25, 1985 LYING WITHIN PARCEL 1 OF PARCEL MAP 13877, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHERLY CORNER OF SAID PARCEL 1, A RADIAL LINE TO SAID POINT BEARS N72°27'22"E; THENCE

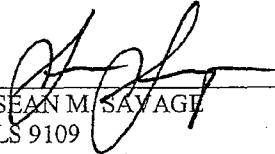
- |     |                      |              |  |
|-----|----------------------|--------------|--|
| 1.  | SOUTHERLY            | 65.91 FEET   | ALONG THE ARC OF A 1051.00 FOOT RADIUS CURVE ALSO BEING THE EASTERLY RIGHT OF WAY OF GENESEE AVENUE DEDICATED PER DOCUMENT NUMBER 187536 DATED OCTOBER 14, 1965 THROUGH A CENTRAL ANGLE OF 03°35'35", TO A POINT ON SAID WATER AND SEWER EASEMENT HEREON REFERED TO AS THE <b>TRUE POINT OF BEGINNING</b> ; THENCE ALONG SAID EASEMENT |
| 2.  | SOUTH 56°41'49" EAST | 86.24 FEET;  | THENCE ALONG SAID EASEMENT   |
| 3.  | SOUTH 13°29'48" EAST | 161.18 FEET; | THENCE ALONG SAID EASEMENT   |
| 4.  | NORTH 76°30'12" EAST | 7.00 FEET;   | THENCE ALONG SAID EASEMENT   |
| 5.  | SOUTH 13°29'48" EAST | 10.00 FEET;  | THENCE ALONG SAID EASEMENT   |
| 6.  | SOUTH 76°30'12" WEST | 7.00 FEET;   | THENCE ALONG SAID EASEMENT   |
| 7.  | SOUTH 13°29'48" EAST | 161.00 FEET; | TO THE NORTHERLY RIGHT OF WAY OF GENESEE COVE DEDICATED PER DOCUMENT NUMBER 85-265701 DATED JULY 25, 1985 THENCE ALONG SAID RIGHT OF WAY   |
| 8.  | SOUTH 76°30'12" WEST | 24.00 FEET;  | THENCE LEAVING SAID RIGHT OF WAY   |
| 9.  | NORTH 13°29'48" WEST | 335.83 FEET; | THENCE ALONG SAID EASEMENT   |
| 10. | NORTH 56°41'49" WEST | 51.14 FEET;  | THENCE ALONG SAID EASEMENT   |
| 11. | NORTH 13°29'48" WEST | 13.61 FEET   | TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY; THENCE ALONG SAID EASEMENT  |
| 12. | NORTHWESTERLY        | 8.33 FEET    | ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°27'15 TO THE <b>TRUE POINT OF BEGINNING</b>  |

TOTAL EASEMENT VACATION AREA: 9,115.96 SF = 0.209 ACRES

ATTACHED HERETO IS A DRAWING NO. 38048-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED BY:

OMEGA ENGINEERING CONSULTANTS

  
SEAN M. SAVAGE      DATE 8/26/14  
LS 9109  
LIC. EXP. 09-30-14



CITY OF SAN DIEGO REFERENCES:

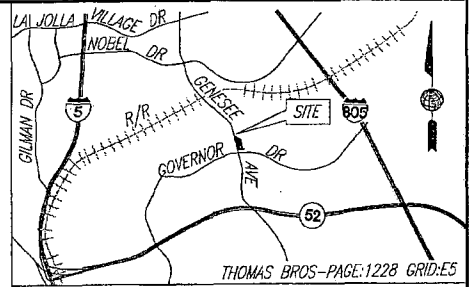
IO 24004006

PTS 334934

DWG 38048-B

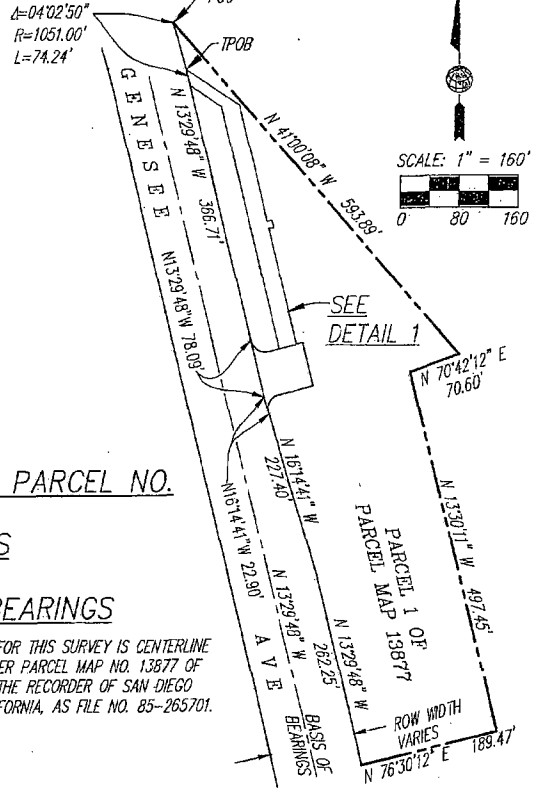
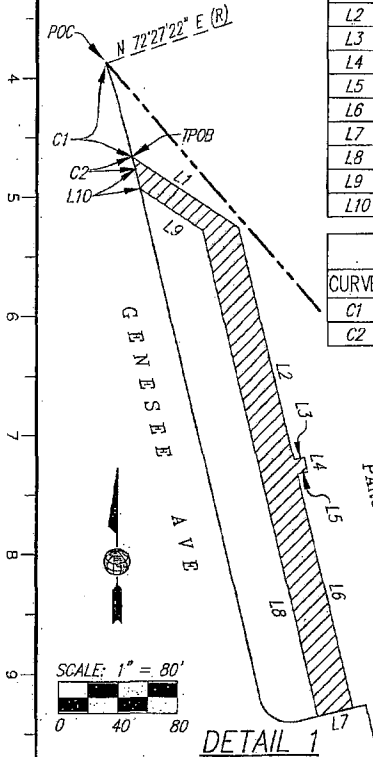
**LEGEND:**

- PROPERTY LINE
- STREET CENTERLINE
- RIGHT-OF-WAY
- INDICATES WATER AND SEWER EASEMENT VACATED. DEDICATED PER PARCEL MAP 13877 FILE NO. 85-265701 DATED 7-28-1985 VACATION AREA: 9,115.96 SF (0.209 AC)
- POC** POINT OF COMMENCEMENT
- TPOB** TRUE POINT OF BEGINNING



LINE TABLE		
LINE	LENGTH	BEARING
L1	86.24'	S56°41'49"E
L2	161.18'	S13°29'48"E
L3	7.00'	N76°30'12"E
L4	10.00'	S13°29'48"E
L5	7.00'	S76°30'12"W
L6	161.00'	S13°29'48"E
L7	24.00'	S76°30'12"W
L8	335.83'	N13°29'48"W
L9	51.14'	N56°41'49"W
L10	13.61'	N13°29'48"W

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	03°35'35"	1051.00'	65.91'
C2	00°27'15"	1051.00'	8.33'

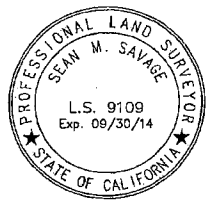


**ASSESSORS PARCEL NO.**  
348-010-076

**REFERENCES**  
PARCEL MAP 13877

**BASIS OF BEARINGS**  
THE BASIS OF BEARING FOR THIS SURVEY IS CENTERLINE OF GENESSEE AVENUE PER PARCEL MAP NO. 13877 OF FILE IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY, STATE OF CALIFORNIA, AS FILE NO. 85-265701. I.E. N 13°29'48" W

**OMEGA ENGINEERING CONSULTANTS**  
4340 VIEWRIDGE AVE, SUITE B  
SAN DIEGO, CALIFORNIA 92123  
Phone: (858) 634-3620



*Sean M. Savage* 9/9/14  
SEAN M. SAVAGE DATE  
LS 9109 EXP. 09-30-14

**SEWER AND WATER EASEMENT VACATION**  
IN PORTION OF PARCEL 1 OF PARCEL MAP 13877

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	P.T.S NO. 334934
ORIGINAL	OEC MDS	✓	9/11/14			I.O. NO. 24004006
					<i>Frederick R. A. Day</i> 9/11/14 FOR CITY ENGINEER DATE	1890-6265 CCS 83 COORDINATES
						250-1705 CCS 27 COORDINATES
						38048-B

Passed by the Council of The City of San Diego on AUG 04 2015, 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"/>
Lorie Zapf	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 AUG 04 2015.

(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- 309956