

000045		REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO			1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 101 7/17		
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): DEVELOPMENT SERVICES			3. DATE: May 31, 2007		
4. SUBJECT: Water Easement Vacation in Duck Pond Ranch Map No. 14570 and Mesa Verde Estates Unit No. Map No. 14283							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) G. Bollenbach Ext. 65417 MS 501			6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.) Anne Hoppe Ext. 65290 MS 501		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED		
8. COMPLETE FOR ACCOUNTING PURPOSES							
FUND					9. ADDITIONAL INFORMATION / ESTIMATED COST:		
DEPT.							
ORGANIZATION							
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
AMOUNT							
10. ROUTING AND APPROVALS							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	6/11/07	5	DEPUTY CHIEF	<i>[Signature]</i>	6/13/07
2	EAS	<i>[Signature]</i>	6-4-07				
3	REAL ESTATE ASSETS	<i>[Signature]</i>	6/6/07	6	CITY ATTORNEY	<i>[Signature]</i>	6/27/07
4	LIAISON OFFICER	<i>[Signature]</i>	6/11/07	7	ORIG. DEPT	<i>[Signature]</i>	6/28/07
					DOCKET COORD:	<i>[Signature]</i>	7/3/07
					COUNCIL LIAISON	<i>[Signature]</i>	7/3/07
				✓	COUNCIL PRESIDENT	<i>[Signature]</i>	
					<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> ADOPTION
					<input type="checkbox"/> REFER TO:		COUNCIL DATE: 7/17/07
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTIONS <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Authorizing the vacation of an unneeded portion of a water easement in portions of Lots 7, 8, 13, 17, 18 and "A" of Map 14283, Lots 2, 3, 13 and 17 of Map No. 14570, and the SE ¼ of the SE ¼ of the NW ¼ of Sec. 22, T14S, R3W, SBBM as shown on Engineering Drawing No. 20273-B.							
11A. STAFF RECOMMENDATIONS: Approve the resolution							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)							
<u>COUNCIL DISTRICT(S):</u> 1							
<u>COMMUNITY AREA(S):</u> DEL MAR MESA							
<u>ENVIRONMENTAL IMPACT:</u> THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15060 (C)(3)							
<u>HOUSING IMPACT:</u>							
<u>OTHER ISSUES:</u>							
ATTACHMENTS: VICINITY MAP, 20273-B, LEGAL DESCRIPTION							
W.O. NO. 423398 PTS NO. 50097							

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EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: May 31, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Water Easement Vacation – Duck Pond Ranch and Mesa Verde Estates
COUNCIL DISTRICT(S): 1 (Peters)
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of the vacation of an unneeded portion of a water easement in portions of Lots 7, 8, 13, 17, 18 and “A” of Map No. 14283, portions of Lots 2, 3, 13 and 17 of Map No. 14570, and the SE ¼ of the SE ¼ of the NW ¼ of Sec. 22, T14S, R3W, SBBM.

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

The water easement being vacated is shown on Engineering Drawing No. 20273-B. The easement was granted by separate instrument recorded September 23, 1970 as File/Page No. 172776 O.R.

This vacation removes the easement from within single family residence lots, common area lots and a city-owned open space lot. City staff has requested this vacation as this water easement is no longer necessary because the water lines originally planned for this easement have been constructed in dedicated public right-of-way.

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

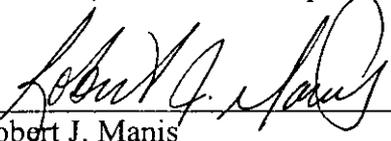
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no community opposition to this action.

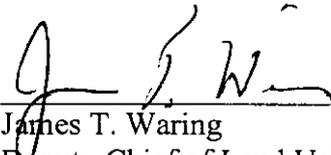
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KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Bouganvillea Estates Homeowners Association, Samuel H. Wood and Terryl Gavre; Christopher M. Romine and Debbie A Romine, Trustees of the Romine Family Trust dated November 14, 2000; Earl H. Maas III and Patricia Winslow Maas, Trustees of the Maas Trust dated May 17, 2002; and Lance Altenau and Tina Altenau, Michael Schimpf, Cynthia Schimpf, White/Nydahl Trust dated June 19, 2001, Michael J. Girdnerthe City of San Diego, Thomas F. Walsh and Carol E. Walsh, Sea Breeze Properties LLC and Sea Breeze Investments LLC



Robert J. Manis
Deputy Director
Development Services Department



James T. Waring
Deputy Chief of Land Use and
Economic Development

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EXHIBIT "A"

LEGAL DESCRIPTION WATER EASEMENT VACATION

ALL THAT PORTION OF A WATER EASEMENT 30 FEET IN WIDTH GRANTED TO THE CITY OF SAN DIEGO AS DESCRIBED PER DOCUMENT RECORDED SEPTEMBER 23, 1970 AS FILE/PAGE NO. 172776 OF OFFICIAL RECORD LYING WITHIN LOTS 7, 8, 13, 17, 18 AND 'A' OF MESA VERDE ESTATES UNIT NO. 2 MAP NO. 14283, LOTS 2, 3, 13 AND 17 OF DUCK POND MAP NO. 14570 AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 22, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN PER ROS 17210, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

LATITUDE 33



C. JOHN EARDENSOHN
L.S. 5278 EXPIRES 12/31/07

6/9/06

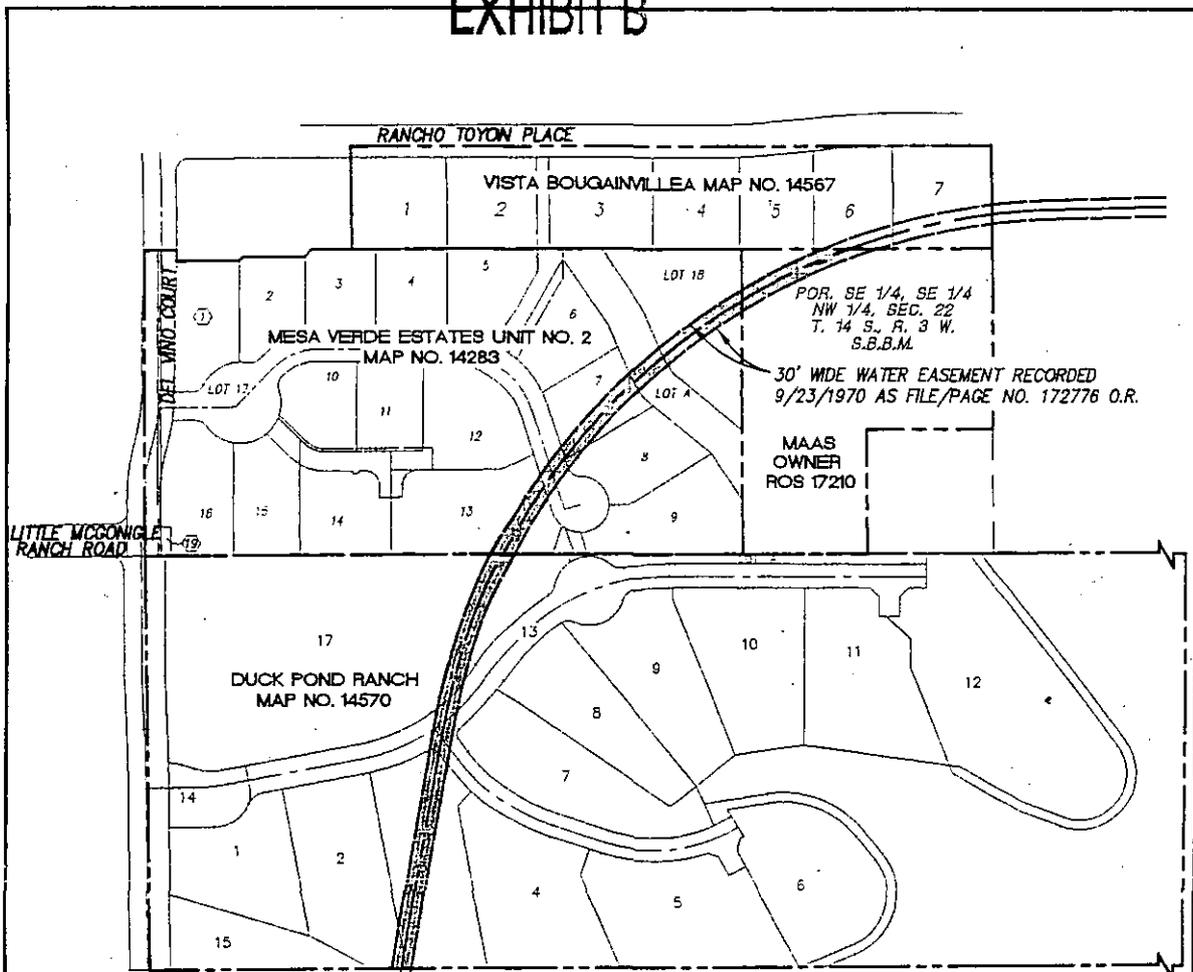
DATE



P.T.S. NO. 50097
J.O. NO. 423398
DRAWING NO. 20273-B

EXHIBIT B

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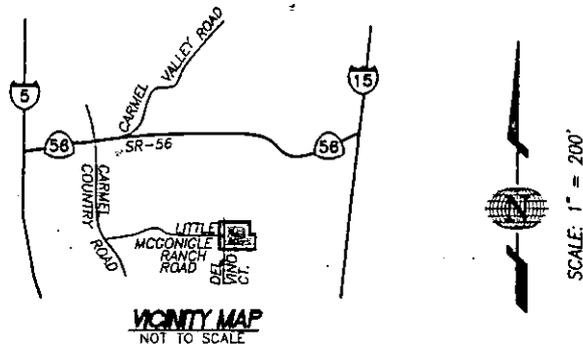


ASSESSOR'S PARCEL NUMBER:
 308-180-07, 08, 09, 13, 18, 20 & 22
 308-220-03, 07, 13 & 17

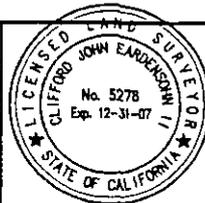
REFERENCE DRAWING:
 MAP NO. 14283 AND 14570
 ROS 17210

 INDICATES WATER EASEMENT
 PER DOC. RECORDED 9/23/1970
 AS FILE/PAGE NO. 172776 O.R. VACATED

Latitude 33
 Planning and Engineering
 4633 Paramount Drive, 8th Floor
 San Diego, CA 92123
 606-761-0033 Fax 606-761-0034



John Eardensohn 6/9/06
JOHN EARDENSOHN L.S. 5278 DATE
 REGISTRATION EXPIRES 12-30-2007



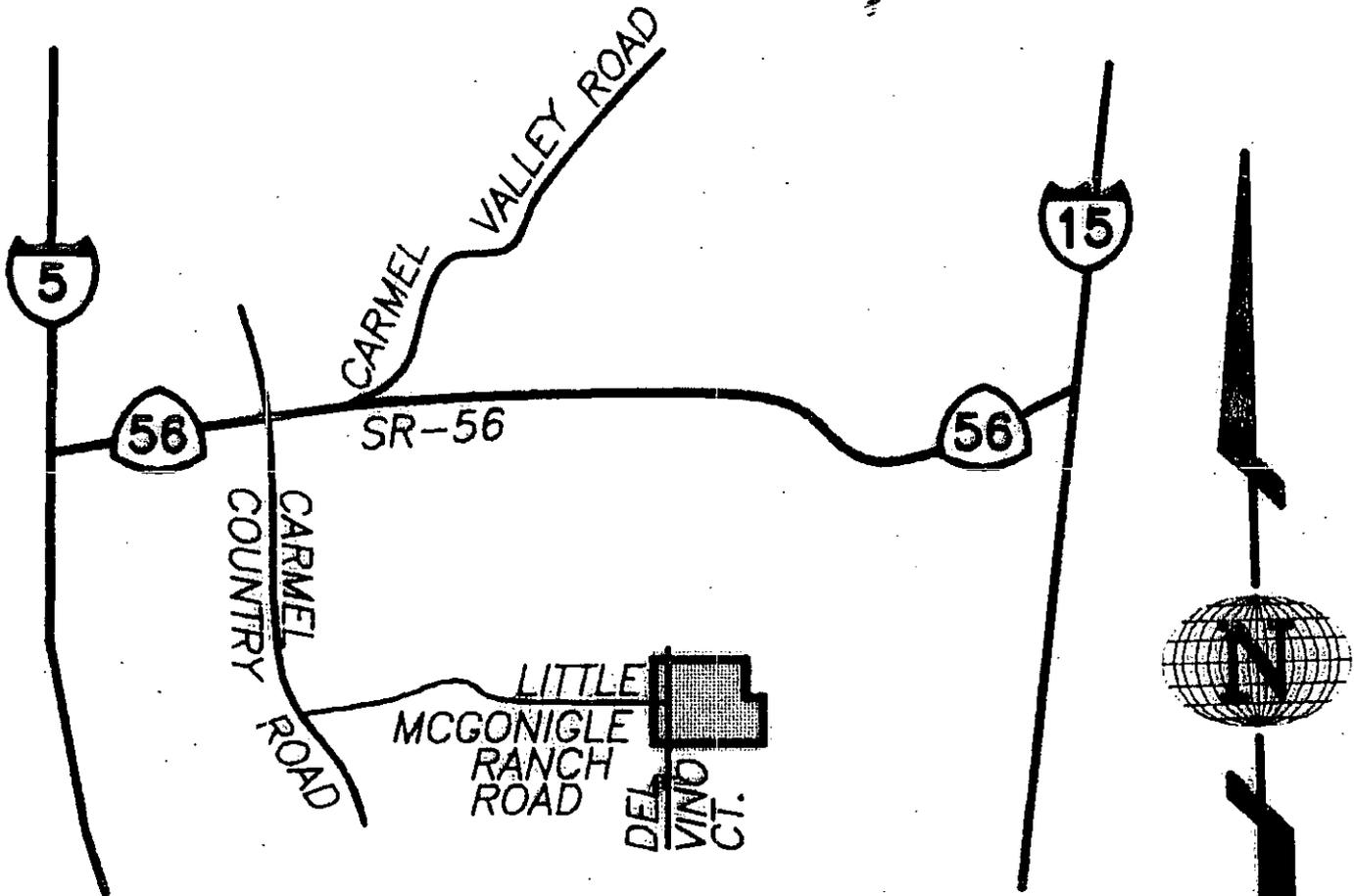
WATER EASEMENT VACATION
 IN PORTIONS OF LOT 7, 8, 13, 17, 18 & A OF MAP NO. 14283,
 LOT 2, 3, 13 & 17 OF MAP NO. 14570 AND
 THE SE 1/4, SE 1/4, NW 1/4, SEC. 22, T14S, R3W, SBBM

DESCRIPTION	BY	APPROVED, DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEET	P.T.S. NO. 50097
ORIGINAL	AEA	6/15/06		<i>Leedhamer</i> 6/16/06 FOR CITY ENGINEER DATE	J.O. NO. 423398
					1922-6273 GCS '83 COORDINATES
					282-1713 LAMBERT COORDINATES
					20273-B

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WATER EASEMENT VACATION

VICINITY MAP



VICINITY MAP
NOT TO SCALE

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010 (c)(3) provides for the summary abandonment of easements by City Council resolution where the easement to be vacated has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owners have requested the vacation of the unnecessary water easement in portions of Lots, 7, 8, 13, 17, 18 & "A" of Map No. 14283, Lots 2, 3, 13 and 17 of Map No. 14570 and the SE ¼, SE ¼, NW ¼, Sec. 22, T14S, R3W SBBM as depicted on Engineering Drawing No. 20273-B to unencumber their property; and

WHEREAS, City staff has requested this vacation as this water easement is no longer necessary because the water lines originally planned for this easement have been constructed in the dedicated public right-of-way; and

WHEREAS, this action is exempt from environmental review pursuant to state California Environmental Quality Act [CEQA] Guidelines section 15060(C)(3) on the basis that this is not a project for the purposes of CEQA; 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; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of the City of San Diego the Council makes the following findings:

SDMC § 125.1040 FINDINGS FOR A PUBLIC SERVICE EASEMENT ABANDONMENT

(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;

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

(c) The abandonment is consistent with any applicable *land use plan*; and

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

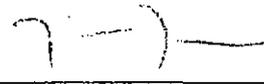
BE IT FURTHER RESOLVED, by the Council of the City of San Diego, as follows:

1. That the water easement located within portions of Lots 7, 8, 13, 17, 18 & "A" of Map No. 14283, and Lots 2, 3, 13 & 17 of Map No. 14570, and the SE 14, SE ¼, NW ¼, Sec. 22, T14S, R3W, SBBM, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20273-B, marked as Exhibit "B", and on file in the office of the City Clerk as Document Nos. RR- _____, and RR- _____, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

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2. That the City Clerk cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the Office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Nina M. Fain
Deputy City Attorney

NMF:nda
06/19/07
Or.Dept:DSD
R-2007-1271
MMS#4996

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor