

000717

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S USE) 109

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services

3. DATE: 11/20
September 11, 2007

4. SUBJECT: Easement Vacations in Scripps Northridge Business Center Map No. 12911

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>	9/12/07	4	DEPUTY CHIEF	<i>[Signature]</i>	9/28/07
2	EAS	<i>[Signature]</i>	9/24/07				
3	LIAISON OFFICE	<i>[Signature]</i>	9/28/07	5	CITY ATTORNEY	<i>[Signature]</i>	10/31/07
				6	ORIG. DEPT	<i>[Signature]</i>	10/24/07
					DOCKET COORD:	<i>[Signature]</i>	COUNCIL LIAISON <i>[Signature]</i>
					<input checked="" type="checkbox"/> COUNCIL PRESIDENT	<input type="checkbox"/> SPOB	<input checked="" type="checkbox"/> CONSENT
					<input type="checkbox"/> REFER TO: _____		<input type="checkbox"/> ADOPTION
							COUNCIL DATE: 11/20/07

11. PREPARATION OF: RESOLUTIONS ORDINANCE(S) AGREEMENT(S) DEED(S)

1. Approving the vacation of unneeded water, water and sewer, and water, sewer and drainage easements in a portion of Lots 19, 20 and 21 of Scripps Northridge Business Center Map No. 12911 as shown on Engineering Drawing No. 20542-B.

11A. STAFF RECOMMENDATIONS:

Approve the resolution

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)

COUNCIL DISTRICT(S): 5 COMMUNITY AREA(S): MIRAMAR RANCH NORTH

ENVIRONMENTAL IMPACT: THIS ACTIVITY IS COVERED UNDER ENVIRONMENTAL DOCUMENT EIR 82-0107 AND AN ASSOCIATED AMENDMENT 83-0526. THE ACTIVITY IS ADEQUATELY ADDRESSED IN THE ENVIRONMENTAL DOCUMENT AND THERE IS NO CHANGE IN CURCUMSTANCE, ADDITIONAL INFORMATION, OR PROJECT CHANGES TO WARRANT ADDITIONAL ENVIRONMENTAL REVIEW. BECAUSE THE PRIOR ENVIRONMENTAL DOCUMENTS ADEQUATELY COVERED THIS ACTIVITY AS PART OF THE PREVIOUSLY APPROVED PROJECT, THE ACTIVITY IS NOT A SEPARATE PROJECT FOR PURPOSES OF CEQA PER CEQA GUIDELINES SECTIONS 15060 (C) (3) AND 15378 (C).

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

CIVIL DIVISION

ATTACHMENTS: VICINITY MAP, 20542-B, LEGAL DESCRIPTION WORK ORDER NO. 426568 PTS NO. 105436

000719

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: September 11, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services

SUBJECT: Easement Vacations in Lots 19, 20 and 21 of Scripps Northridge Business Center

COUNCIL DISTRICT(S): 5

STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of vacation of unneeded water, water and sewer, and water, sewer and drainage easements in Lots 19, 20 and 21 of Scripps Northridge Business Center Map No. 12911

STAFF RECOMMENDATION:

Approve the easement vacations

EXECUTIVE SUMMARY:

These easement vacations are located in the Miramar Ranch North Community Plan area, located on the north side of Wexford Street easterly of Scripps Summit Drive in Council District 5. The property owner is requesting the vacation of water, water and sewer, and water, sewer and drainage easements that were acquired on the final map of Scripps Northridge Business Center Map No. 12911 recorded on January 8, 1992, at no cost to the City. The existing facilities are being superseded with improvements as shown on Engineering Drawing No. 33939-D, for which Engineering Permit No. 296772 has been issued and new easements of approximately equal value as shown on Engineering Drawing No. 20549-B were granted and recorded August 2, 2007 as Doc. No. 2007-0518630. There is no present or prospective public use of the existing easements in their present locations.

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

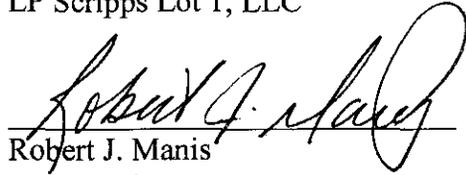
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action

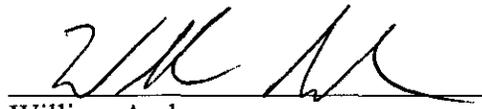
000720

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

LP Scripps Lot 1, LLC



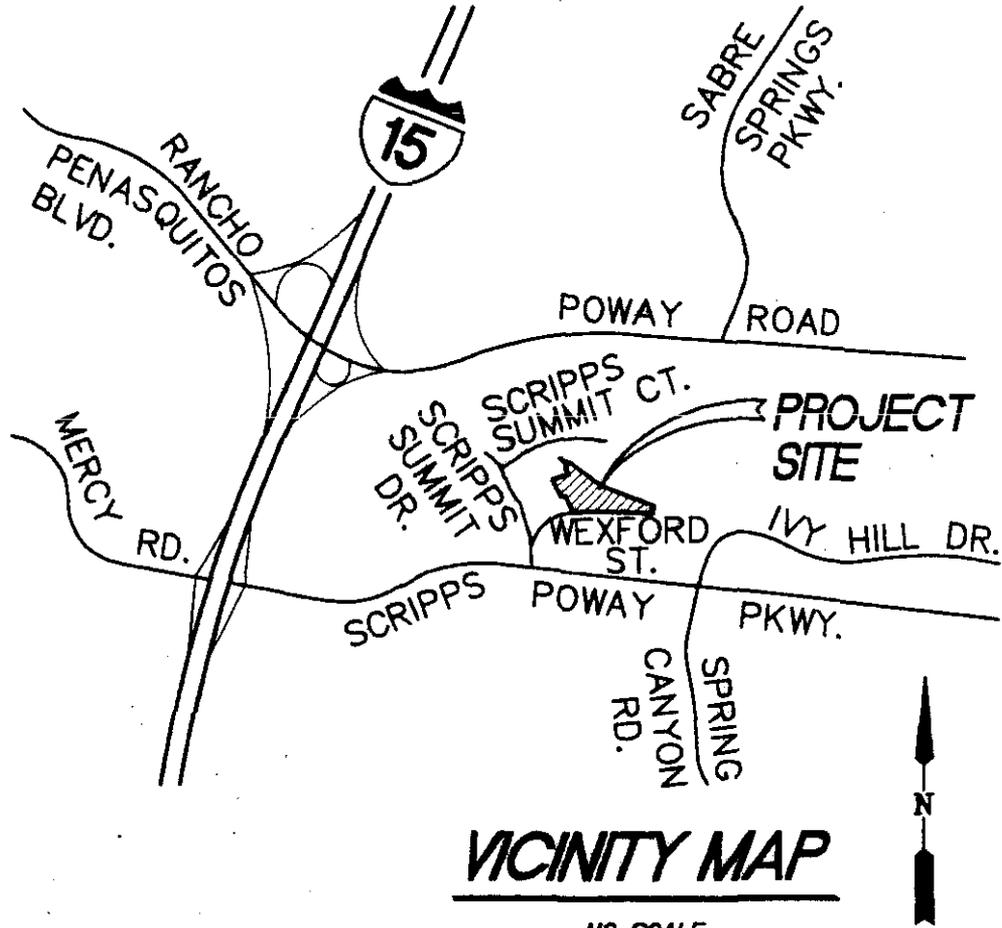
Robert J. Manis
Deputy Director
Development Services Department



William Anderson
Interim Deputy Chief of Land Use and
Economic Development

000721

EASEMENT VACATIONS



W.O. No. 426568 PTS No. 105436

000722

EXHIBIT 'A'
LEGAL DESCRIPTION
WATER, SEWER AND DRAINAGE EASEMENT VACATION

THAT PORTION OF LOTS 19, 20 AND 21 OF SCRIPPS NORTHRIDGE BUSINESS CENTER, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 12911, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JANUARY 8, 1992, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF A 20' WIDE SEWER AND WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO OVER LOT 21 PER SAID MAP NO. 12911.

EXCEPTING THEREFROM THAT PORTION LYING NORTHEASTERLY OF THE SOUTHWESTERLY LINE OF AN EASEMENT FOR BUILDING RIGHTS RELINQUISHED GRANTED TO THE CITY OF SAN DIEGO PER SAID MAP NO. 12911.

TOGETHER WITH THAT 25' WIDE WATER, SEWER AND DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO OVER LOTS 19 AND 20 PER SAID MAP NO. 12911.

TOGETHER WITH THAT 15' WIDE WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO OVER LOT 19 PER SAID MAP NO. 12911.



Ronald E. Roth 05/10/07
RONALD E. ROTH, PLS 5506 DATE
EXPIRATION DATE 09/30/08

ATTACHED HERETO IS DRAWING NO. 20542-B LABELED EXHIBIT "B". BY THIS REFERENCE IT IS MADE A PART THEREOF.

DWG. # 20542-B
P.T.S. # 105436
J.O. # 426568

000723

EXHIBIT "B"

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE SOUTH LINE OF SCRIPPS NORTHRIDGE BUSINESS CENTER, MAP NO. 12911

I.E. N88°35'33"W

ASSESSOR'S PARCEL NO.'S

316-331-09, 10 AND 11

REFERENCE DRAWINGS

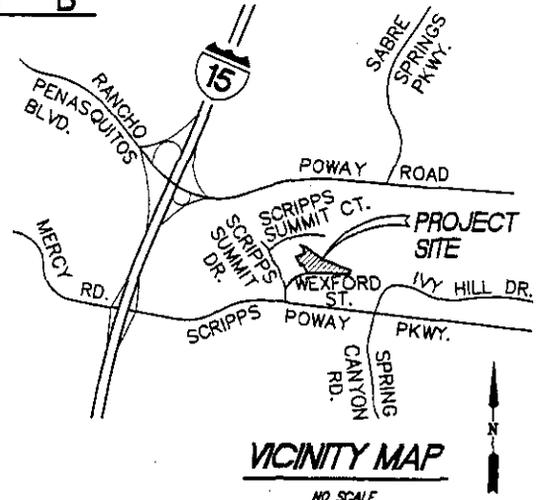
MAP NO. 12911 AND 13261
PM 18144
33939-D

LEGEND

-  INDICATES EXISTING 20' WIDE SEWER AND WATER EASEMENT VACATED HEREON.
-  INDICATES EXISTING 25' WIDE WATER, SEWER AND DRAINAGE EASEMENT VACATED HEREON.
-  INDICATES EXISTING 15' WIDE WATER EASEMENT VACATED HEREON.

EXISTING EASEMENT NOTE

EXISTING EASEMENT IN FAVOR OF S.D.G.&E. RECORDED MAY 7, 1999 AS DOC. NO. 1999-0313988, O.R. THE EXACT LOCATION OF SAID EASEMENT CANNOT BE DETERMINED FROM RECORD AND IS NOT PLOTTED HEREON.



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

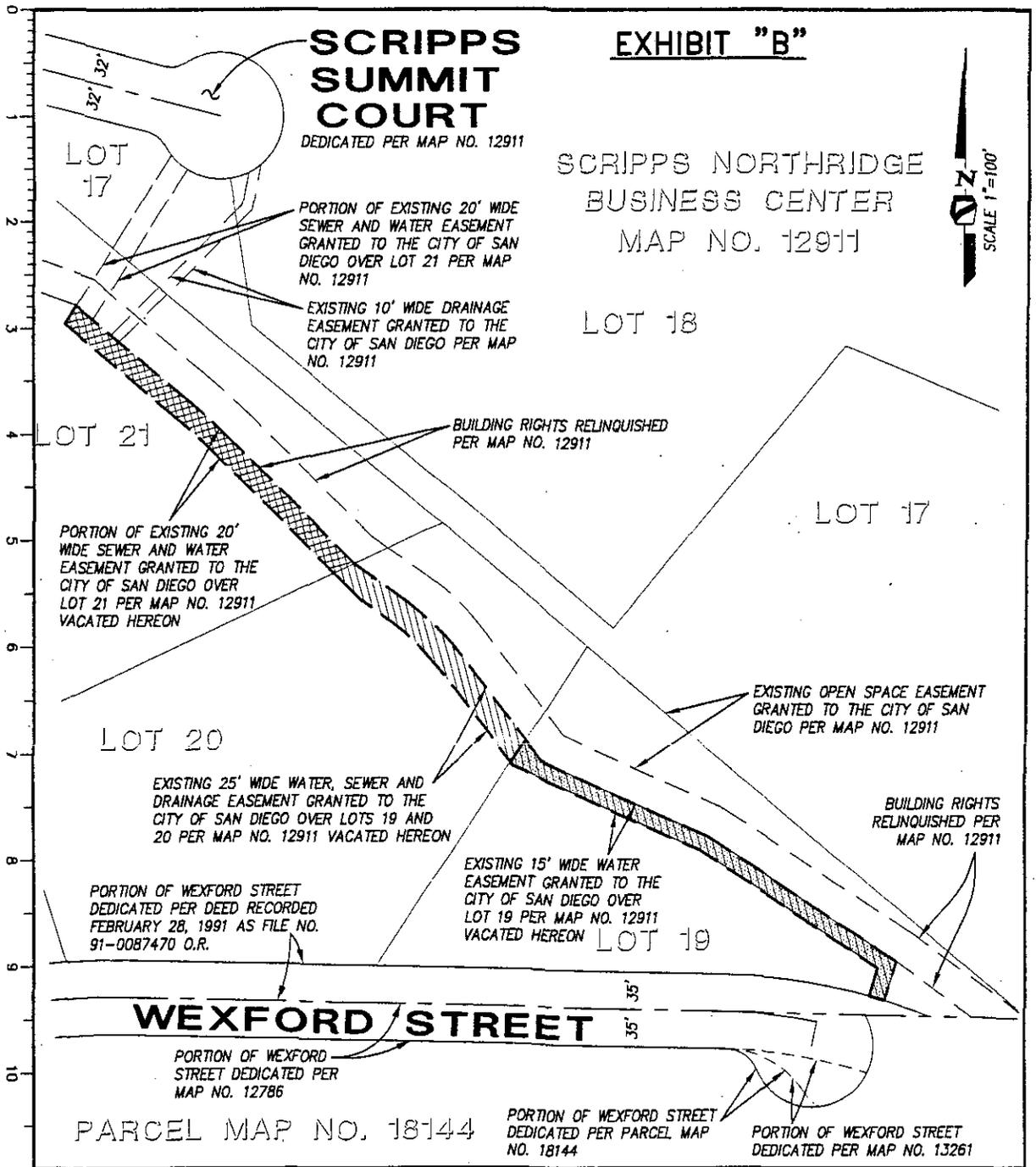
7918 Street, Suite 100
San Diego, CA 92121
619.236.8671 Tel
619.234.1248 Fax

Ronald E. Roth 5/10/07
RONALD E. ROTH P.L.S. 5506 DATE
MY REGISTRATION EXPIRES 9-30-2008

WATER, SEWER AND DRAINAGE EASEMENT VACATION
IN A PORTION OF LOTS 19, 20 AND 21
SCRIPPS NORTHRIDGE BUSINESS CENTER
MAP NO. 12911

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 105436
ORIGINAL	PDC				SHEET 1 OF 2 SHEETS	NO. 426568
		CD	5/10/07		<i>[Signature]</i> 21 JUN 07	1922-6299
					FOR CITY ENGINEER	NAD '83 COORDINATES
						282-1739
						LAMBERT COORDINATES
						20542-B

000724



PROJECT DESIGN CONSULTANTS
Planning | Landscape Architecture | Environmental | Engineering | Survey

701 B Street, Suite 900
San Diego, CA 92101
(619) 594-7171
pdc@pdc.com

WATER, SEWER AND DRAINAGE EASEMENT VACATION
IN A PORTION OF LOTS 19, 20 AND 21
SCRIPPS NORTHRIDGE BUSINESS CENTER
MAP NO. 12911

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 105436 NO.
ORIGINAL	PDC	CD	6/18/07		SHEET 2 OF 2 SHEETS	V.O. NO. 426568
					FOR CITY ENGINEER	1922-6299
						NAD '83 COORDINATES
						282-1739
						LAMBERT COORDINATES
						20542-B

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides for the summary abandonment easements by City Council resolution where the easements to be vacated have been superseded by relocation and there no other public facilities located within the easements; and

WHEREAS, the affected property owner has requested the vacation of an unnecessary water easement, water and sewer easement, and a water, sewer and drainage easement in Lots 19, 20 and 21 of Scripps Northridge Business Center Map No. 12911 as depicted on Engineering Drawing No. 20542-B, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the water easement, water and sewer easement, or the water, sewer and drainage easement either for the purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated; and

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

(c) the vacations are consistent with the General Plan or an approved Community Plan;
and

(d) the public facility or purpose for which the easements were originally acquired will not be detrimentally affected by these vacations; 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

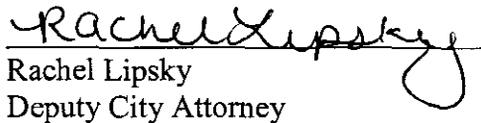
BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. That the water easement, water and sewer easement, and the water, sewer and drainage easements located within Lots 19, 20 and 21 of Scripps Northridge Business Center Map No. 12911, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20542-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, are ordered vacated.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Rachel Lipsky
Deputy City Attorney

RL:pev:mm

10/31/07

Or.Dept:DSD

R-2008-291

MMS #5298

EASEMENT AABANDONMENT&STREET VACATIONS - Summary Vacation 11-01-04