

000125

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER
(FOR AUDITOR'S)

105
10/30

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services

3. DATE:
August 17, 2007

4. SUBJECT:
Flood Water Storage Easement Vacations

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				
DEPT.				
ORGANIZATION				
OBJECT ACCOUNT				
JOB ORDER				
C.I.P. NUMBER				
AMOUNT				

9. ADDITIONAL INFORMATION / ESTIMATED COST:

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIG. DEPT	<i>[Signature]</i>	8/20/07	4	DEPUTY CHIEF	<i>[Signature]</i>	8/20/07
2	EAS	<i>[Signature]</i>	8/22/07				
				5	CITY ATTORNEY	<i>[Signature]</i>	10/1/07
3	LIAISON OFFICE	<i>[Signature]</i>	8/22/07	6	ORIG. DEPT	<i>[Signature]</i>	8/25/07
					DOCKET COORD:	<i>[Signature]</i> COUNCIL LIAISON	<i>[Signature]</i>
				<input checked="" type="checkbox"/>	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: 10/31/07

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

1. Approving the vacations of unneeded flood water storage easements in Parcels 1,2, and 3 of Parcel Map 19476 as shown on Engineering Drawing No. 20609-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): 8

COMMUNITY AREA(S): OTAY MESA

ENVIRONMENTAL IMPACT: THIS ACTION IS EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15301

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

ATTACHMENTS: VICINITY MAP, 20609-B, LEGAL DESCRIPTION

WORK ORDER NO. 427185 PTS NO. 118135

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EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: August 17, 2007

REPORT NO.: N/A

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Flood Water Storage Easement Vacations
COUNCIL DISTRICT(S): 8
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of flood water storage easement vacations in Parcels 1, 2 and 3 of Parcel Map 19476

STAFF RECOMMENDATION:

Approval of easement vacations

EXECUTIVE SUMMARY:

The flood water storage easements being vacated are shown on Engineering Drawing No. 20609-B. They are on private property and were acquired at no cost to the City. These easements have been superseded by easements of approximately equal value as shown on Engineering Drawing No. 20530-B by deed recorded January 12, 2007 per Document No. 2007-0027424. There are no other public facilities located within the easements, and there are no present or anticipated future uses for the 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

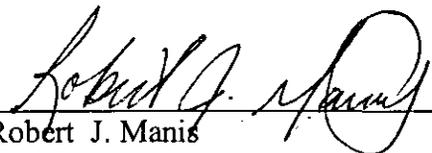
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

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KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Brown Field Business L.P.



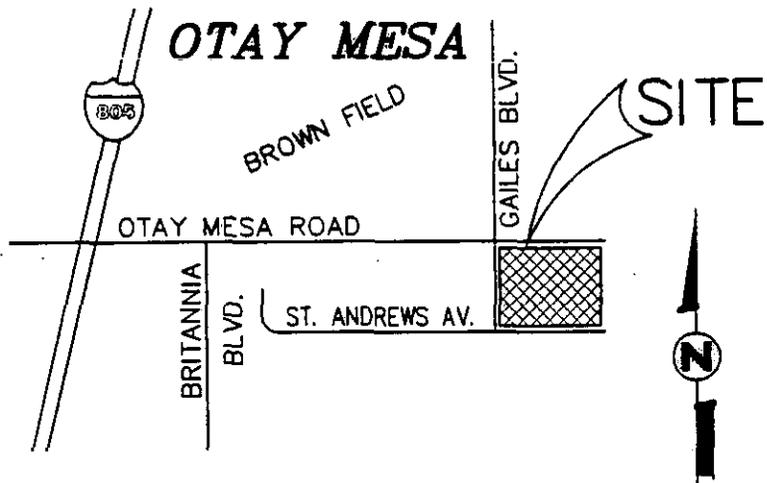
Robert J. Manis
Deputy Director
Development Services Department



Deputy Chief of Land Use and
Economic Development

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FLOOD WATER STORAGE EASEMENT
VACATION



VICINITY MAP
NO SCALE

EXHIBIT "B"

000130

OTAY MESA ROAD 40'

61'

GAILES BLVD.

49' 49'

PCL. 1

PCL. 3

PCL. 2

19476

PM

35' 35'

ST. ANDREWS AVE



REFERENCE DRAWINGS

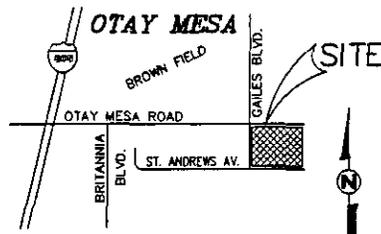
33976-D
20530-B

LEGEND

EXISTING FLOOD WATER STORAGE EASEMENT PER MAP 12305 VACATED.

ASSESSORS PARCEL NUMBERS

646-221-37, 38 AND 39



VICINITY MAP
NO SCALE

SPEAR & ASSOCIATES, INC
CIVIL ENGINEERING AND LAND SURVEYING
475 PRODUCTION STREET, SAN MARCOS, CA. 92078
PHONE (760) 736-2040 FAX (760) 736-4866

BY: **8/9/2007**
L.S. 5404 DATE

FLOOD WATER STORAGE EASEMENT IN PARCELS 1, 2 AND 3 PARCEL MAP 19476 VACATED.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. 427185
ORIGINAL	S&A				SHEET 1 OF 1 SHEET	P.T.S. NO. 11B135
					CITY ENGINEER _____ DATE _____	1786-6335 NAD 83 COORDINATES
						146-1775 LAMBERT COORDINATES
						20609-B
					STATUS _____	

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RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

WHEREAS, San Diego Municipal Code section 125.1010(c) et seq. provides for the summary abandonment of easements (pursuant to California Streets and Highways Code section 8330 et. seq.) by City Council resolution where the easements to be vacated have been superseded by relocation and there are no other public facilities located within the easement; and

WHEREAS, the affected property owner has requested the vacation of the unnecessary flood water storage easements in Parcels 1, 2, and 3 of Parcel Map 19476 as depicted on Engineering Drawing No. 20609-B, to unencumber his property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the flood water storage easements, 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; 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

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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 flood water storage easements located within Parcels 1, 2, and 3 of Parcel Map 19476, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20609-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.

3. That from and after the date this resolution is recorded, the public service easements vacated no longer constitute public service easements.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Rachel Lipsky
Rachel Lipsky
Deputy City Attorney

RL:pev

10/01/07

Or.Dept:DSD

R-2008-286

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

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EXHIBIT "A"

LEGAL DESCRIPTION

FLOOD WATER STORAGE EASEMENT VACATION

ALL THOSE CERTAIN FLOOD WATER STORAGE EASEMENTS GRANTED, PER BROWN FIELD BUSINESS PARK UNIT NO. 2, MAP NO. 12305, 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 ON FEBRUARY 2, 1989, NOW LYING WITHIN PARCELS 1, 2 AND 3 OF PARCEL MAP NO. 19476, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 30, 2004, VACATED



RAMON J. SPEAR L.S. 6404

8/9/2007

DATE

J.O. # 427185
DWG. 20609-B
PTS 118135



EXHIBIT "B"

000134

OTAY MESA ROAD 40'

61'

GAILES BLVD.

49' 49'

35'

ST. ANDREWS AVE

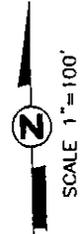
PCL. 1

PCL. 3

PCL. 2

19476

PM



REFERENCE DRAWINGS

33976-D
2053D-B

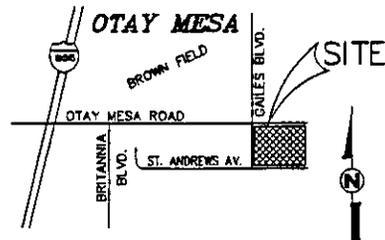
LEGEND



EXISTING FLOOD WATER STORAGE EASEMENT
PER MAP 12305 VACATED.

ASSESSORS PARCEL NUMBERS

646-221-37, 38 AND 39



VICINITY MAP

NO SCALE



SPEAR & ASSOCIATES, INC

CIVIL ENGINEERING AND LAND SURVEYING

475 PRODUCTION STREET, SAN MARCOS, CA. 92078
PHONE (760) 736-2040 FAX (760) 736-4866

BY: R. Spear 8/9/2007 DATE
L.S. 6404

**FLOOD WATER STORAGE EASEMENT IN PARCELS 1, 2
AND 3 PARCEL MAP 19476 VACATED.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O.
ORIGINAL	S&A				SHEET 1 OF 1 SHEET	427185 P.T.S. NO. 118135
					CITY ENGINEER	DATE
						1786-6335 NAD 83 COORDINATES
						146-1775 LAMBERT COORDINATES
						20609-B