

001415

REQUEST FOR COUNCIL ACTION
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 122
11/18

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):
Development Services

3. DATE:
January 22, 2008

4. SUBJECT:
Sewer Easement Vacation in Parcels 2 & 3 of Parcel Map 4380

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>	1/24/08	5	DEPUTY CHIEF	<i>[Signature]</i>	2/14/08
2	EAS	<i>[Signature]</i>	1/31/08				10/6/08
3	R.E. ASSETS	David Santoni	2/1/08	6	CITY ATTORNEY	<i>[Signature]</i>	10/6/08
4	LIAISON OFFICE	Juanita Bralbe	2/5/08	7	ORIG. DEPT	<i>[Signature]</i>	1/14/08
				DOCKET COORD: _____ COUNCIL LIAISON <i>SC 1/15/08</i>			
				<input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input checked="" type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: 1/15/08			

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

1. Authorizing the vacation of an unneeded sewer easement in Parcels 2 & 3 of Parcel Map 4380 as shown on Engineering Drawing No. 20665-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): RANCHO BERNARDO

ENVIRONMENTAL IMPACT: THIS ACTION IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO STATE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES)

HOUSING IMPACT: NONE

OTHER ISSUES: NONE

ATTACHMENTS: VICINITY MAP, 20665-B, LEGAL DESCRIPTION

WORK ORDER NO. 427472 .PTS.NO.:123998 8:12

001417

EXECUTIVE SUMMARY SHEET

DATE REPORT ISSUED: January 22, 2008

REPORT NO.: N/A

ATTENTION: Council President and City Council
ORIGINATING DEPARTMENT: Development Services
SUBJECT: Sewer Easement Vacation
COUNCIL DISTRICT(S): 5
STAFF CONTACT: G. Bollenbach ext. 65417

REQUESTED ACTION:

Council approval of the vacation of an unneeded sewer easement in Parcels 2 and 3 of Parcel Map 4380

STAFF RECOMMENDATION:

Approve the easement vacation

EXECUTIVE SUMMARY:

This sewer easement vacation is located in the Rancho Bernardo Community Plan area, on the Rancho Bernardo Inn property, north of Rancho Bernardo Road at the northerly terminus of Bernardo Oaks Drive. This project consists of vacating a sewer easement that was granted to the City over five years ago at no cost to the City. The easement has not been used for the purpose for which it was dedicated or acquired for the last five years, and is no longer required by the City. There is no present or prospective public use of the existing easement in its present location.

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:

Although no Community Planning Group recommendation is legally required, this project was routed to the Community Planning Group and no comments were received.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

RBI Investors, LP



Kelly G. Broughton
Director
Development Services Department



William Anderson
Deputy Chief of Land Use and
Economic Development

001419

RESOLUTION NUMBER R- _____

DATE OF FINAL PASSAGE _____

WHEREAS, California Streets and Highways Code section 8300 et seq. and San Diego Municipal Code section 125.1010(c) provide for the summary abandonment or vacation of public service easements by resolution of the Council of the City of San Diego [City Council] where the easement does not contain public utility facilities and the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed abandonment; and

WHEREAS, the affected property owner has requested the abandonment of an unnecessary public service sewer easement in Parcels 2 and 3 of Parcel Map 4380, on file with the City Clerk as Document No. _____ O.R. as depicted on Drawing No. 20665-B to unencumber this property. Said public service sewer easement [Easement] is located in the Rancho Bernardo Community Plan Area, north of Rancho Bernardo Road at the northerly terminus of Bernardo Oaks Drive; and

WHEREAS, the Easement does not contain public utility facilities; and

WHEREAS, the Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed abandonment; and

WHEREAS, there is no present or prospective public use of the existing 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; and

WHEREAS, the public will benefit from the action through improved utilization of the land made available by the abandonment; and

WHEREAS, the abandonment is consistent with all applicable land use plans; and

WHEREAS, 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; and

WHEREAS, this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines section 15301 (Existing Facilities); and

WHEREAS, the Easement was acquired at no cost to the City; 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 City 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 _____, 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 [City Council], that the City Council finds that with respect to the Easement to be summarily abandoned:

- (1) The Easement does not contain public utility facilities; and
- (2) The Easement has not been used for the purpose for which it was acquired for five consecutive years immediately preceding the proposed abandonment; and

C01421

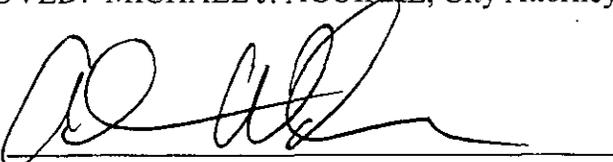
- (3) There is no present or prospective public use for the Easement, either for the facility or purpose for which it was originally acquired or for any other public use of a like nature that can be anticipated; and
- (4) The public will benefit from the action through improved utilization of the land made available by the abandonment; and
- (5) The abandonment is consistent with all applicable land use plans; and
- (6) 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, that the City Council finds:

1. That the Easement located within Parcels 2 and 3 of Parcel Map 4380, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20665-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 summarily abandoned.
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. From and after the date of recordation of this Resolution, the abandoned public service easement shall no longer constitute a public service easement. Upon such recordation, the summary abandonment is complete.

BE IT FURTHER RESOLVED, that the City Council finds that this action is exempt from the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines section 15301 (Existing Facilities).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By: 
Adam Wander
Deputy City Attorney

AW:mm
10/06/08
Or.Dept:DSD
R-2009-304
MMS#5976

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

001423

EXHIBIT "A"

LEGAL DESCRIPTION
SEWER EASEMENT VACATION

THOSE PORTIONS OF PARCEL 2 AND 3, OF PARCEL MAP NO. 4380 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JANUARY 9, 1976, AS FILE NO. 76-007728 OF OFFICIAL RECORDS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

ALL THAT EXISTING 10 FOOT WIDE SEWER EASEMENT, GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT RECORDED OCTOBER 31, 1963, AS FILE/PAGE NO 196106 OF OFFICIAL RECORDS, LYING WITHIN SAID PARCELS 2 AND 3, VACATED.

CONTAINS 0.144 ACRE, MORE OR LESS



MARK J. ROWSON, R.C.E. 30836
My Registration Expires 03-31-2008

OCT. 4, 2007
DATE



J.O. 427472
P.T.S 123998
DWG 20665-B

BK

EXHIBIT "B"

601424

PARCEL 3
P.M. NO. 4380

EXISTING SDG&E EASEMENT GRANTED PER DEED
RECORDED 08/30/49 AS F/P 79133, BOOK
3304 PAGE 42, O.R.

PARCEL 2
P.M. NO. 4380

PARCEL 3 OF
P.M. NO. 4380

EXISTING SEWER & WATER EASEMENT
GRANTED TO THE CITY OF SAN DIEGO PER
DEED RECORDED 05-07-63 AS F/P
79085 SERIES 4, BOOK 1963 O.R. (SEE
DWG. NO. 10980-2-D)

SCALE: 1" = 80'

RANCHO SAN BERNARDO
R.O.S. NO. 6081

LEGEND



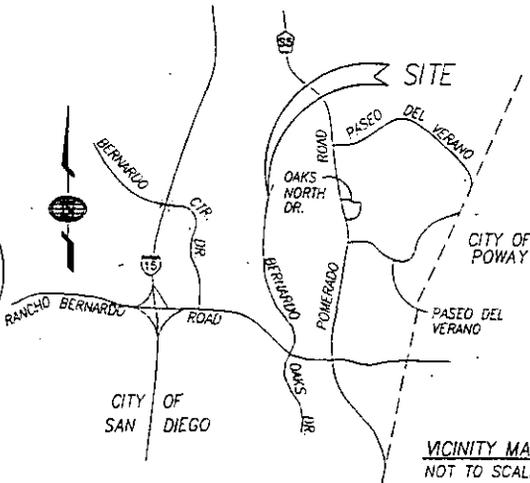
INDICATES 10' WIDE SEWER EASEMENT GRANTED
TO THE CITY OF SAN DIEGO PER DOCUMENT
RECORDED OCTOBER 31, 1963 FILE/PAGE NO.
196106, SERIES 4 BOOK 1963, O.R., - VACATED
(0.144 ACRE)

APN

273-631-01, 273-631-04

REFERENCE DRAWING

9048-B, MAP 5205, P.M. 509, P.M. 4380, 33907-D



VICINITY MAP
NOT TO SCALE

Latitude 33
Planning and Engineering

4933 Paramount Dr. 2nd Flr.
San Diego, Ca. 92123
858-751-0633 Fax 858-751-0634

H:\700\746-20\EXHIBITS\sewer vacation\SWF-ESMT-VAC.dwg 10/2/2007 9:035 AM PDT

BK

Mark J. Rowson 10/4/07
MARK J. ROWSON R.C.E. 30836 DATE
REGISTRATION EXPIRES 3-31-2008

SEWER EASEMENT VACATION IN PARCEL 2 AND 3 OF PM 4380

DESCRIPTION	BY	APPROVED DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. NO.
ORIGINAL	LAT33			SHEET 1 OF 1 SHEET	123998
	R.B.	R.B. 10-23-07		<i>Mark J. Rowson</i> FOR CITY ENGINEER	J.O. NO. 427472
				DATE 250407	1854-6309
					CCS '83 COORDINATES
					314-1740
					LAMBERT COORDINATES
					20665-B