

MEMORANDUM OF LAW

DATE: June 8, 1994

TO: F. Stuart Seymour, Assistant Engineer, Metro
Wastewater Department

FROM: City Attorney

SUBJECT: Proposed Effluent Tunnel Beneath Sunset Cliffs
Boulevard - Easements Not Required

You have referred to this office a letter dated May 10, 1994, from Robert Burns, Chairperson of the Ocean Beach Planning Board, concerning a proposed "Alternative 3" for a project known as the Point Loma Tunnel Outfall. If constructed this project will consist in part of a 14 foot diameter tunnel being bored well beneath Sunset Cliffs Boulevard, running its length from West Point Loma Boulevard to approximately Point Loma Avenue. The Burns letter asserts a legal conclusion by its statement that the City must acquire from adjoining landowners special easements to construct wastewater utilities under Sunset Cliffs Boulevard. You have asked this office to evaluate the correctness of Mr. Burns' contention.

This assignment was handled by Senior Legal Intern Stacy Duffey, who prepared the attached memorandum. Ms. Duffey's memorandum gives the correct analysis of the issue, and this office adopts its conclusion: Under the facts presented, no easements will be required for the part of the project in issue.

JOHN W. WITT, City Attorney

By

Frederick M. Ortlieb
Deputy City Attorney

FMO:jrl:pev(x043.2)

Attachment

ML-94-51

TOP

TOP