

RESOLUTION NUMBER R-_____

ADOPTED ON _____

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of public service easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the abandonment of a drainage easement, to unencumber his property and facilitate development of the site and;

WHEREAS, the City Council finds that:

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

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

(c) the abandonment is not inconsistent with the General Plan or an approved Community Plan; and

(d) the public service easement system for which was originally acquired will not be detrimentally affected by this abandonment; NOW, THEREFORE,

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

1. That the drainage easement as more particularly described in the legal description marked as Exhibit "A" and as shown on Drawing No. 19876-B marked exhibit "B" on file in the office of the City Clerk as Document No. RR-_____, which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the Resolution shall not become effective unless and until the applicant relocates and constructs a new storm drain and sewer systems satisfactorily to the City Engineer.

3. In the event the above condition is not completed within two years following the adoption of this Resolution, then this Resolution shall become void and be of no further force or effect.

4. The City Engineer shall advise the City Clerk of the completion of the aforementioned condition, and the City Clerk shall then cause a certified copy of this Resolution with exhibit "A" and drawing 18976-B, attested by him under seal, to be recorded in the Office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By _____
Mary Jo Lanzafame
Deputy City Attorney

INITIALS: DRL
DATE: 10/24/02
Or.Dept:DSD
A: 02-617
WO: 420015
Dwg: 19876-B
R-9
Form=sumv.frm