

RESOLUTION NUMBER R-\_\_\_\_\_

ADOPTED ON \_\_\_\_\_

WHEREAS, San Diego Municipal Code section 125.1001 et seq. provides a procedure for the summary vacation of public service easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of a portion of the sewer easement to unencumber this property and facilitate development of the site as conditioned in Vesting Tentative Map No. 341372; Planned Development Permit 254753, and Site Development Permit 172879; and

WHEREAS, the City Council finds that:

(a) 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

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

(c) the abandonment is consistent with Peninsula Community Plan; and

(d) 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; NOW, THEREFORE,

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

1. That the portion of Easement Abandonment No. 341383 located within the Peninsula Community Plan area in connection with Vesting Tentative Map No. 341372; Planned Development Permit 254753, and Site Development Permit 172879, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20516-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-\_\_\_\_\_ -1, and RR-\_\_\_\_\_ -2, which are by this reference incorporated herein and made a part hereof, is ordered vacated together with a revestment of access rights for Voltaire Street.

2. That said easement abandonment is conditioned upon approval and issuance of Vesting Tentative Map No. 341372; Planned Development Permit 254753, and Site Development Permit 172879. In the event this 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.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

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

APPROVED: MICHAEL AGUIRRE, City Attorney

By

Deputy City Attorney

ATTY/SEC. INITIALS

DATE

Or.Dept:Clerk

R-INSERT

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Reviewed by Cory H. Wilkinson, AICP

Drawing No. 20516-B