

RECORDING REQUESTED BY DEPARTMENT OF GENERAL
SERVICES FOR THE BENEFIT OF THE COUNTY OF SAN DIEGO
PER GOVERNMENT CODE SECTION 27383

**WHEN RECORDED, PLEASE RETURN
THIS INSTRUMENT TO:**

(MAIL STATION A45)

Clerk, Board of Supervisors
San Diego County Administration Center
1600 Pacific Highway
San Diego, California 92101

SPACE ABOVE FOR RECORDER'S USE ONLY

Assessor No.: 403-380-42

RESOLUTION No. : _____

Meeting Date: August 27, 2025

**RESOLUTION TO SUMMARILY VACATE A DRAINAGE EASEMENT,
IN THE ALPINE AREA (VACATION NO. 2024-0212) (DISTRICT 2)**

WHEREAS, an Easement for Drainage was granted to the San Diego County Flood Control District, per document recorded in the Office of the County Recorder of San Diego County, California, on August 6, 1999, as Doc. No. 1999-0545492; and

WHEREAS, the County of San Diego, Department of General Services, Real Estate Division, upon application by the owner of Assessor's Parcel Number (APN) 403-380-42, has requested to summarily vacate said drainage easement, as more specifically described in Exhibit "A" and depicted in Exhibit "B" attached hereto; and

WHEREAS, the California Streets and Highways Code, at Chapter 4, of Part 3, of Division 9, commencing with Section 8330 and following, provides for the summary vacation of such interests; and

WHEREAS, after investigation, County of San Diego Flood Control District (District) recommends approval of the proposed vacation.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the District makes the following findings and determinations:

1. The drainage easement, as described in Exhibit “A,” is determined to be excess public service easement not required for the purpose for which it was obtained pursuant to California Streets and Highways Code section 8333 because the District has no facilities within the easement, it is not extended downstream on the adjacent properties and the proposed design of the subject property will be managing the runoff without utilizing the easement limits.

2. The summary vacation conforms to the San Diego County General Plan pursuant to California Streets and Highways Code section 8313 and Government Code section 65402.

3. The drainage easement is not useful as a non-motorized transportation facility pursuant to California Streets and Highways Code sections 892 and 8314.

4. There are no in-place public utility facilities that are in use and would be affected by the vacation pursuant to California Streets and Highways Code section 8334.5.

5. The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from private lands that are not needed for public service easement purposes. This action would also relieve the District of potential liabilities associated with ownership of an unnecessary public service easement.

BE IT FURTHER RESOLVED AND ORDERED that the drainage easement is hereby summarily vacated pursuant to Division 9, Part 3, Chapter 4, Sections 8330-8336, of the California Streets and Highways Code; the Clerk of the Board of Supervisors shall cause a copy of this Resolution, including Exhibit “A” and “B” to be recorded pursuant to California Streets and Highways Code section 8336; and from and after the date of the recording of this Resolution, the subject area no longer constitutes a right-of-way, street, highway or public service easement.

THE FACTS UPON WHICH THIS VACATION IS MADE ARE AS FOLLOWS:

The drainage easement area proposed for summary vacation is located in the unincorporated area of the San Diego County in the vicinity of Alpine. The drainage easement was acquired by the District in the document entitled “Drainage Easement”, per document recorded in the Office of the County Recorder of San Diego County, California, on August 6, 1999, as Document No. 1999-0545492 of Official Records. The drainage easement does not authorize and is not planned for use for non-motorized

transportation. Therefore, the proposed area to be summarily vacated is not useful as a non-motorized transportation facility pursuant to Streets and Highways Code sections 892 and 8314. The Department of Planning and Development Services confirmed the proposed summary vacation is in conformance with the County of San Diego General Plan in a letter dated May 27, 2025. No easement reservations are required because there are no in-place public utility facilities in use that would be affected by the proposed vacation. The District determined there is no current or future need for this drainage easement because the District has no facilities within the easement, it is not extended downstream on the adjacent properties and the proposed design of the subject property will be managing the runoff without utilizing the easement limits. The drainage easement to be summarily vacated is located entirely within the applicant's property and is more particularly described in Exhibit "A." No property owner would be land-locked as a result of the proposed vacation. Therefore, the drainage easement may be summarily vacated pursuant to State of California Streets and Highways Code Section 8333 because the District has determined the easement is not used or needed for any present or prospective public service use.

The proposed summary vacation is in the public interest because there is a public convenience associated with the removal of encumbrances from private lands that are not needed for public service easement purposes. This action would also relieve the District of potential liabilities associated with ownership of an unnecessary public service easement.

**LEGAL DESCRIPTION OF DRAINAGE EASEMENT
TO BE SUMMARILY VACATED**

SEE **EXHIBIT "A"** LEGAL DESCRIPTION, ATTACHED HERETO CONSISTING OF ONE (1) PAGE, AND MADE A PART HEREOF, AND DEPICTED ON **EXHIBIT "B,"** ATTACHED HERETO, CONSISTING OF ONE (1) PAGE, FOR ILLUSTRATIVE PURPOSES ONLY.

Approved as to form and legality:

DAVID J. SMITH, Acting County Counsel

By: THOMAS L. BOSWORTH, Senior Deputy County Counsel