

RESOLUTION NUMBER R- 260542

Adopted on APR 23 1984

WHEREAS, the City Council on December 12, 1983, considered the matter of a proposed summary vacation of Mt. Carol Drive south of Tamres Drive, adjacent to Lots 37 and 38, Fireside Park Unit No. 2, Map 4947; and

WHEREAS, after a public hearing the proposal to vacate was unanimously denied by the Council; and

WHEREAS, proponents of the proposed vacation have filed a law suit against the City for its failure to vacate the street; and

WHEREAS, the City Council is only authorized to vacate a street which has been dedicated to the public for the public's use upon a finding after a public hearing that the street is not needed for present or prospective street use by the public; and

WHEREAS, at its December 12, 1983 meeting the City Council did not thoroughly address the question of whether, in the City Council's opinion, the street is not needed for present or potential future use for public street purposes; and

WHEREAS, it is therefore appropriate to reconsider the Council action of December 12, 1983, and to set for a new hearing the issue of whether or not to vacate the above described portion of Mt. Carol Drive; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of The City of San Diego that the City Council hereby waives its Permanent Rules regarding reconsideration.

BE IT FURTHER RESOLVED, that the City Council hereby declares its intention to hold a new hearing at or after 2 o'clock p.m. on Tuesday, May 29, 1984, to consider whether or not to vacate that portion of Mt. Carol Drive hereinabove described.

APPROVED: John W. Witt, City Attorney

By



Harold O. Valderhaug  
Deputy City Attorney

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Or.Dept:Atty  
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Passed and adopted by the Council of The City of San Diego on APR 23 1984,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By Barbara Baxter Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-260542</u>	Adopted <u>APR 23 1984</u>