

RESOLUTION NUMBER R- 288070

ADOPTED ON NOV 19 1996

WHEREAS, the provisions of Council Policy No. 600-15 require that a noticed public hearing be conducted before the Council of The City of San Diego (the "City Council") prior to the vacation of a City Street and Public Service Easement; and

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where the portion of the street or easement to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, the abutting property owners have requested the vacation of an excess portion of the Slope Easement in Lots 15 and 16 of Block 46 of La Jolla Park, Map 352, in connection with Coastal Development Permit No. 96-0138 to facilitate development of their property; and

WHEREAS, the excess portion of the slope easement is no longer required for the lateral support and not needed for present or prospective public street purposes; and

WHEREAS, there is no present or prospective use for the excess portion of the slope easement either for the public street system, for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated in that the right-of-way is not needed for public street, bikeway, or open space purposes; and

WHEREAS, the public will benefit from the vacation through improved utilization of land;
and

WHEREAS, the vacation or abandonment is not inconsistent with the General Plan or an
approved Community Plan; and

WHEREAS, it is necessary and desirable that the vacation be conditioned upon the
acquisition of the City's fee interest in the easement; and

WHEREAS, the public street system for which the right-of-way was originally acquired
will not be detrimentally affected by this vacation; NOW, THEREFORE,

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

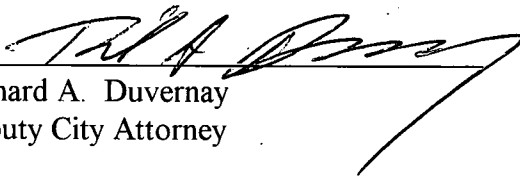
1. That the excess portion of the Slope Easement in Lots 15 and 16 of Block 46 of
La Jolla Park, Map 352, in connection with Coastal Development Permit No. 96-0138, as more
particularly shown on Drawing No. 18454-B, on file in the office of the City Clerk as Document
No. RR- 288070, which is by this reference incorporated herein and made a part
hereof, be and the same is hereby ordered vacated.

2. That the resolution shall not become effective unless and until the completion of a
Land Sale for the City's fee interest in the slope easement has been approved by City Council
action. In the event that the Land Sale is not approved within the three (3) years following the
adoption date of this resolution, 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 Land Sale, and the City Clerk shall then cause a certified copy of this resolution,
with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

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10/15/96
Or.Dept:DSD
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