

RESOLUTION NUMBER R-288075

ADOPTED ON NOVEMBER 19, 1996

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets by City Council resolution where the portion of street to be vacated consists of a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching the property of another; and

WHEREAS, the abutting property owners have requested the vacation of a portion of Black Mountain Road in connection with Del Mar Heights I (TM 94-0541) to facilitate development of their property; and

WHEREAS, the portion of street to be vacated is not needed for present or prospective public street purposes; and

WHEREAS, there is no present or prospective use for the street 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, those properties adjoining the street to be vacated will continue to have access; 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 completion of certain public improvements and the filing of a final map for that segment containing the area to be vacated; 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 a portion of Black Mountain Road in connection with Del Mar Heights I (TM 95-0541), as more particularly shown on Drawing No. 18463-B, on file in the Office of the City Clerk as Document No. RR- 288075, 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 following conditions have been met:

a. The final map(s) containing the vacated portion of Black Mountain Road is (are) approved by City Council Action; and

b. The dedication, construction and acceptance of Del Mar Heights Road adjacent to Del Mar Heights I (TM 94-0541).

If the above conditions are not completed within the time allowance specified under the tentative map conditions or any subsequent time extensions allowed, 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 conditions, 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: CASEY GWINN, City Attorney

By Prescilla Dugard  
Prescilla Dugard  
Head Deputy City Attorney

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Or.Dept:Clerk  
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