

(R-97-989)

RESOLUTION NUMBER R- 288551

ADOPTED ON APR 15 1997

WHEREAS, the provisions of Council Policy No. 600-15 require that a noticed public hearing be conducted before the City Council prior to the vacation of a City street; and

WHEREAS, Section 66499.20 1/2 of the California Government Code provides that the filing of the map shall constitute abandonment of all streets and easements not shown on the map; and

WHEREAS, the abutting property owners have requested the vacation of Briargate Court in connection with the Re-Subdivision of NCW Neighborhood 7 Unit 6c (VTM 96-0549) to facilitate development of their properties; 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 of 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 is not inconsistent with the General Plan or an approved
Community Plan;

WHEREAS, it is necessary that the vacation be conditioned upon recordation of a final
map for Re-Subdivision of NCW Neighborhood 7, Unit 6c (VTM 96-0549); 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:

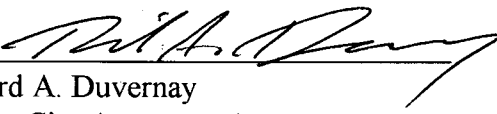
1. That Briargate Court in connection with the Re-Subdivision of NCW
Neighborhood 7 Unit 6c (VTM 96-0549), as more particularly shown on Exhibit A, on file in the
office of the City Clerk as Document No. RR- 288551-1, which is by this reference
incorporated herein and made a part hereof, be and the same is hereby ordered vacated in
accordance with California Government Code section 66499.20 1/2.

2. That the street shall upon Council approval and recordation of the Final Map for
Re-Subdivision of NCW Neighborhood 7 Unit 6c (VTM 96-0549) whereby the street not shown
within the boundaries of the Final Map shall be deemed vacated. In the event that the final map is
not approved 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 approval of the
aforementioned subdivision map, and that the City Clerk shall then cause a certified copy of this
resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:lc

03/28/97

Or. Dept: Comm. & Eco. Dev.

R-97-989

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FILED **APR 15 1997**

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

EXHIBIT A

SA96-539 STREET VACATION -- BRIARGATE COURT IN ASSOCIATION WITH VTM 96-0549

RE-SUBDIVISION OF N.C.W. NEIGHBORHOOD 7 UNIT 6C

