

(R-97-1258)

RESOLUTION NUMBER R- 288837

ADOPTED ON JUN 10 1997

VACATION OF A STREET EASEMENT RECORDED  
JULY 10, 1899, IN BOOK 257, PAGE 443, AND IN BOOK 257,  
PAGE 440, ON FILE IN THE OFFICE OF THE COUNTY  
RECORDER OF SAN DIEGO COUNTY.

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, the abutting property owners have requested the vacation of a street easement recorded July 10, 1899, in Book 257, Page 443, and in Book 257, Page 440, on file in the office of the County Recorder of San Diego County, in connection with Stargaze Estates (Tentative Map No. 96-0711) 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 that the vacation be conditioned upon approval and recordation of a final map for Stargaze Estates, Tentative Map No. 96-0711; 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,

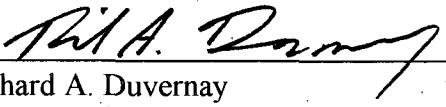
BE IT RESOLVED, by the Council of The City of San Diego, California, as follows:

1. That the street easement, recorded July 10, 1899, in Book 257, Page 443, and in Book 257, Page 440, on file in the office of the County Recorder of San Diego County, be vacated in connection with Stargaze Estates (Tentative Map No. 96-0711), as more particularly shown on Exhibit A, on file in the office of the City Clerk as Document No. RR- 288837-1, which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered vacated in accordance with Government Code section 6649.20 1/2.

2. That the street shall, upon Council approval and recordation of the final map for Stargaze Estates (Tentative Map No. 96-0711), whereby the is street not shown within the boundaries of the final map, 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 Clerk shall cause a certified copy of this resolution, with Exhibit A, 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

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Or.Dept:Dev.Svcs.  
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