

RESOLUTION NUMBER R- 289570

ADOPTED ON DEC 16 1997

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of sewer easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of the sewer easement within Parcel 2 of Parcel Map No. 3429, to unencumber this property and facilitate development of the site as conditioned in approved Conditional Use Permit 96-7374 which authorized the construction of an Arco Service Station at the corner of Home Avenue and Interstate 805; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the sewer easement, or for any other public use of a like nature that can be anticipated; and
- (b) the public will benefit from the vacation through improved utilization of land; and
- (c) the vacation is not inconsistent with the General Plan or an approved Community Plan; and
- (d) the public service easement system for which the easement 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, that the sewer easement located within Parcel 2 of Parcel Map No. 3429 in connection with Conditional Use Permit 96-7374, as more particularly shown on Drawing No. 18716-B on file in the office of the City Clerk

as Document No. RR- 289570-1 , which is by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the re-vesting of access rights to Home Avenue from a portion of the subject property as shown on Drawing No. 18727-B on file in the office of the City Clerk as Document No. RR- 289570-2 , which is by this reference incorporated herein and made a part hereof, is approved.

BE IT FURTHER RESOLVED, that the City Clerk shall 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 Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

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12/03/97
Or.Dept:Dev.Svcs.
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