

RESOLUTION NUMBER R- 290598

ADOPTED ON AUG 04 1998

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

WHEREAS, the affected property owner has requested the vacation of the slope easement in Block 9, Map 928 and in Block 9, Map 930, to unencumber this property and facilitate development of the site as conditioned in approved Community Plan; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for 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

(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 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 slope easement located in Block 9, Map 928 and in Block 9, Map 930, as more particularly shown on Drawing No. 18445-1-B on file in the office of the City Clerk as

Document No. RR- 290597-1, incorporated by this reference, and made a part hereof, be and the same is 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 the Rutgers Road right-of-way as more particularly shown on Drawing No. 18445-2-B, has been approved by City Council action. If the land sale is not approved within the three (3) years following the adoption of this resolution, this resolution shall be come 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, 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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Or.Dept:Dev.Svcs.
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Dwg:18455-1-B
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