

(R-99-975)

RESOLUTION NUMBER R- 291725

ADOPTED ON JUN 01 1999

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where the portion of the street, or slope easement, or building restricted easement to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, there were relinquished to The City of San Diego certain abutter's rights of access in and to Paseo Lucido and Camino del Norte, adjacent and contiguous to Lot 2, Carmel Mountain Ranch Unit 8, of Map No. 11511; and

WHEREAS, CDN Income Properties, current owner of the property, has requested that the City revest these abutter's rights of access, to allow better utilization of the land;

WHEREAS, the abutter's rights of access are no longer needed by the City and should be revested in the property; and

WHEREAS, CDN Income Properties has requested the abandonment of the slope easement and the building restriction easement in Lot 2, Carmel Mountain Ranch Unit 8, of Map No. 11511, in connection with Community Plan Amendment, Rezone, Planned Commercial Development Permit No. 98-0252, Sav-on Drug Store, to facilitate development of their property; and

WHEREAS, it has been determined that all affected City departments have no objection to the slope easement abandonment, the building restricted easement abandonment, and to the revestment of access rights; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the 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; and

WHEREAS, those properties adjoining the slope easement to be vacated will continue to have access; NOW, THEREFORE,

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

1. That the slope easement and building restricted easement in connection with Community Plan Amendment, Rezone, Planned Commercial Development Permit No. 98-0252, Sav-on Drug Store, as more particularly shown on Drawing No. 28408-D, on file in the office of the City Clerk as Document No. RR-291725 - 1, which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Engineer is authorized to execute, on behalf of the City, a quitclaim deed, a copy of which is on file in the office of the City Clerk as Document No. RR-291725 - 2

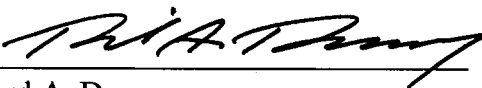
quitclaiming to CDN Income Properties, effecting the revestment of abutter's rights of access to Paseo Lucido and Camino del Norte from Lot 2 of Map No. 11511, heretofore relinquished to the City, as more particularly described in the quitclaim deed.

3. That the City Clerk shall deliver the quitclaim deed and cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

BE IT FURTHER RESOLVED, that should Community Plan Amendment, Rezone, Planned Commercial Development Permit No. 98-0252, Sav-on Drug Store, not be approved by the City Council within one year following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

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