

RESOLUTION NUMBER R- 297092

ADOPTED ON SEP 24 2002

WHEREAS, California Government Code section 66434(g) provides that the filing of the map shall constitute abandonment of all streets and easements not shown on said map; and

WHEREAS, the abutting property owners have requested the vacations of :

- 20' wide ± traveled way known as Black Mountain Road; and
- Irrevocable Offer of Dedication per Doc. No. 84-393883 recorded 10-18-1984; and
- 50' wide sewer easement per PM 14768; and
- 40' wide water easement per File No. 208450 recorded 08-08-1972; and
- 30' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 60' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 70' wide slope easement per File No. 208450 recorded 08-08-1972; and
- 50' wide slope easement per File No. 208450 recorded 08-08-1972; and
- Drainage easement per File No. 2000-0023128 recorded 01-14-2000; and
- Conservation/open space easement per F/P No. 96-0593902 recorded 11-22-96; and
- Conservation/open space easement per F/P No. 97-0295313 recorded 06-24-1997; and
- Easement for drainage facilities, excavation, embankment and slopes over all of said Parcel 4, PM 6902; and
- O.S. 80 per PM 8133 declared a public highway by the Board of Supervisors Memorandum of Proceedings Vol. 9, p. 300 dated 10-15-1988

all in connection with FAIRBANKS COUNTRY VILLAS VTM 99-0329 to facilitate development of their property; and

WHEREAS, the portion of streets and easements to be vacated are 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 and desirable that the vacation be conditioned upon completion of a final map for Fairbanks Country Villas VTM 99-0329; 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:

- 20' wide ± traveled way known as Black Mountain Road; and
- Irrevocable Offer of Dedication per Doc. No. 84-393883 recorded 10-18-1984; and
- 50' wide sewer easement per PM 14768; and
- 40' wide water easement per File No. 208450 recorded 08-08-1972; and
- 30' wide slope easement per File No. 208450 recorded 08-08-1972; and
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in connection with Fairbanks Country Villas VTM 99-0329.

2. That the Resolution shall not become effective unless and until the following conditions have been met:

- a. The subdivider shall provide a temporary offsite access connection from Black Mountain Road to Carmel Valley Road such that a continuous thoroughfare is provided to the surrounding neighborhood. Upon Carmel Valley Road's and Camino Ruiz's construction and acceptance by the City Engineer then this temporary offsite access shall be closed.
- b. The final map for Fairbanks Country Villas, VTM 99-0329 has been approved by the City Council.

In the event that the above conditions are not satisfied 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 completion of the
aforementioned conditions, 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 
for Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
8/27/02
9/11/02 Cor.Copy
9/12/02 Cor.Copy2
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