

(R-2004-238)

RESOLUTION NUMBER R- 298342

ADOPTED ON SEP 02 2003

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

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 affected property owners have requested the vacation of portions of Pacific Highway and Witherby Street to facilitate development of their property consistent with Conditional Use Permit 6194; and

WHEREAS, those properties adjoining the portions of the street to be vacated will continue to have access; and

WHEREAS, a general utility easement shall be reserved over the vacated portions of the street as required by the City Engineer; and

WHEREAS, the City Council finds that:

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

(b) the public will benefit from the vacation through improved utilization of land;

(c) the vacation or abandonment does not adversely affect the General Plan or an approved Community Plan;

(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:

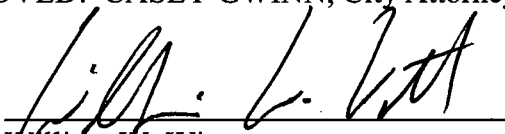
1. That the portions of Pacific Highway and Witherby Street, reserving out a general utility easement, as more particularly described in the legal description, marked as Phase I on Exhibit "A," and shown on Drawing No. 20112-B, marked as Exhibit "B," on file in the office of the City Clerk as Document No. RR- 298341, are ordered vacated.

2. That the resolution shall not become effective unless and until the filing of a lot consolidation Parcel Map which shows evidence of no landlocked parcels. In the event the above map is not filed within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

3. That this resolution shall not become effective unless and until Conditional Use Permit No. 6194, and the Disposition and Development Agreement between Vietnam Veterans of San Diego and the Redevelopment Agency of the City of San Diego, is approved by the Council.

4. That the City Engineer shall advise the City Clerk of the completion of the  
aforementioned conditions, and 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   
William W. Witt  
Deputy City Attorney

WWW:dm:mm  
08/25/03  
Or.Dept:C&ED  
W.O.420378  
Drawing No.20112-B  
R-2004-238  
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