(R-2004-766)

RESOLUTION NUMBER R- 298900 ADOPTED ON FEB 10 2004

WHEREAS, California Streets and Highways Code section 8330 et seq. 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 affected property owner has requested the vacation of portions of Artesian Road, as shown on Old Survey No. 124, declared a public road by City Council Resolution No. 219164, recorded September 14, 1977, as File Page No. 77-376557, located in the Black Mountain Ranch Subarea I Plan, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective use for the public right-of-way, either 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 does not adversely affect the General Plan or an approved Community Plan; and
- (d) the public facility 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 public street easement located in the Black Mountain Subarea I Plan, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20187-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 298900, and RR- 298900, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That said street vacations are conditioned upon the dedication of alternate rights-ofway, satisfactory to the City Engineer.

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

APPROVED: CASEY GWINN, City Attorney

Deputy City Attorney

MJL:cdk

01/21/04

Or.Dept: DSD

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