

RESOLUTION NUMBER R- 301200

DATE OF FINAL PASSAGE JAN 24 2006

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 easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of a portion of unimproved Castana Street and a portion of the unnamed alley adjoining the east line of Lot 155 of Map 1804, to unencumber this property and facilitate development of the site as conditioned in approved Tentative Map No. 203245; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public right-of-ways, either for the purpose for which they were originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will benefit from the vacation through improved utilization of the land made available by the vacation; and

(c) the vacation does not adversely affect any applicable land use plan; and

(d) the public facility for which the public right-of-ways were 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 the street easement and alleys as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20381-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 301200-1, and RR-301200-2, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That said street and alley vacations are conditioned upon the implementation of the terms and conditions of Tentative Map No. 203245 satisfactorily to the City Engineer. In the event this condition is not completed, then 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 condition and 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: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:pev

12/27/05

01/18/06 **COR.COPY**

Or.Dept:DSD

R-2006-287

MMS #2908

EASEMENT AABANDONMENT&STREET VACATIONS – Summary Vacation 11-01-04