

RESOLUTION NUMBER R- 202584

DATE OF FINAL PASSAGE MAY 01 2007

A RESOLUTION APPROVING STREET VACATION
NO. 239950 AND APPROVING A GENERAL UTILITY AND
PEDESTRIAN AND NON-MOTOR VEHICULAR RIGHT-OF-
WAY EASEMENT.

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

WHEREAS, the affected property owner has requested the vacation with a general utility and pedestrian and non-motor vehicular right-of-way reservation of a portion of Carmel Valley Road to facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) There is no present or prospective use for the public street system, for which the right-of-way it was originally acquired, or for any other public use of a like nature that can be anticipated in that the street is not needed for road 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, 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; NOW, THEREFORE,

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

1. That the street vacation as more particularly described in the legal description marked as Exhibit "A," and as shown on Engineering Drawing No. 20606-1-B and 20606-2-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-302584-1, RR-302584-2, and RR-302584-3, which are by this reference incorporated herein and made a part hereof, are ordered vacated; reserving therefrom a general utility easement and pedestrian and non-motor vehicular right-of-way easement as shown on Drawing Nos. 20606-3-B, and 20606-4-B, on file in the Office of the City Clerk as Document Nos. RR-302584-4 and RR-302584-5, which are by this reference incorporated herein and made a part hereof and dedication of a general utility and pedestrian and non-motor vehicular easement, as shown on Drawing No. 20606-5, on file in the Office of the City Clerk as Drawing No. RR-302584-6.

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

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Marianne Greene
Marianne Greene
Deputy City Attorney

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4/13/07
Or.Dept:DSD
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