

RESOLUTION NUMBER R- 302969  
DATE OF FINAL PASSAGE SEP 04 2007

WHEREAS, Section 66434 (g) of the California Government Code provides that the filing of a Final Map [Map] shall constitute abandonment of all streets and easements not shown on said Map; and

WHEREAS, the affected property owner, in order to facilitate development of the property as conditioned in Vesting Tentative Map No. 221310, has requested the abandonment of certain streets and easements; and

WHEREAS, the City Council finds that:

- (a) there is no present or prospective public use for the streets and easements, either for the facility or 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 abandonments through improved utilization of land; and
- (c) the abandonments are consistent with the Carmel Valley Planned District Ordinance and the Carmel Valley Community Plan; and
- (d) the public facility or purpose for which the streets and easements were originally acquired will not be detrimentally affected by the abandonment or the purpose for which the streets and easement were acquired no longer exists; 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:

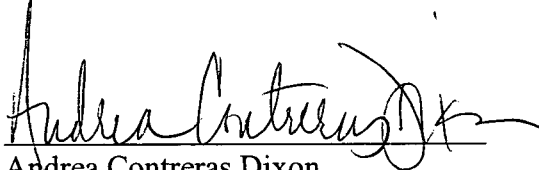
1. That pursuant to California Government Code section 66434(g), the following streets and easements, located within the project boundaries as shown in Tentative Map No. 221310, shall be vacated, contingent upon the recordation of the approved final map for the project:

- a. Drainage Access Easement granted to the City of San Diego per Doc No. 1997-0115742, recorded March 14, 1997.
- b. Survey No. 65 and the Unnamed Roads, granted to the County of San Diego on August 22, 1986 in Book 257, Page 30 and recorded August 24, 1986 in Book 257, Page 185, said streets annexed to the City of San Diego on July 20, 1962.
- c. Easement for Water Lines granted to the City of San Diego per File No. 197370 recorded September 10, 1971; and

2. That the resolution shall not become effective unless and until Vesting Tentative Map No. 221310 has been approved by the City Council.

3. The City Clerk shall cause a certified copy of this resolution, attested by her under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:pev  
07/26/07  
Or.Dept:DSD  
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