

RESOLUTION NUMBER R-302971

DATE OF FINAL PASSAGE SEPTEMBER 10, 2007

WHEREAS, California Streets and Highways Code section 8330 et seq. San Diego Municipal Code section 125.1001 et seq. provide a procedure for the summary vacation of public street right-of-way by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the public street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381, to unencumber this property and facilitate development of the site as allowed by Variance No. 209653, and Encroachment Maintenance and Removal Agreement No. 209658; and

WHEREAS, the City Council finds that:

(a) there is a present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

(b) the public will not benefit from the vacation through improved utilization of land; and

(c) the vacation would adversely affect the General Plan or an approved Community Plan; and

RECEIVED  
CITY CLERK'S OFFICE  
08 JAN - 9 PM 2: 57  
SAN DIEGO, CALIF.

(d) the public street system for which the right-of-way was originally acquired will be detrimentally affected by this vacation; and

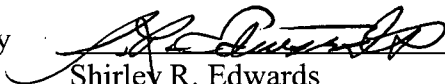
WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the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

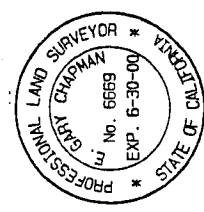
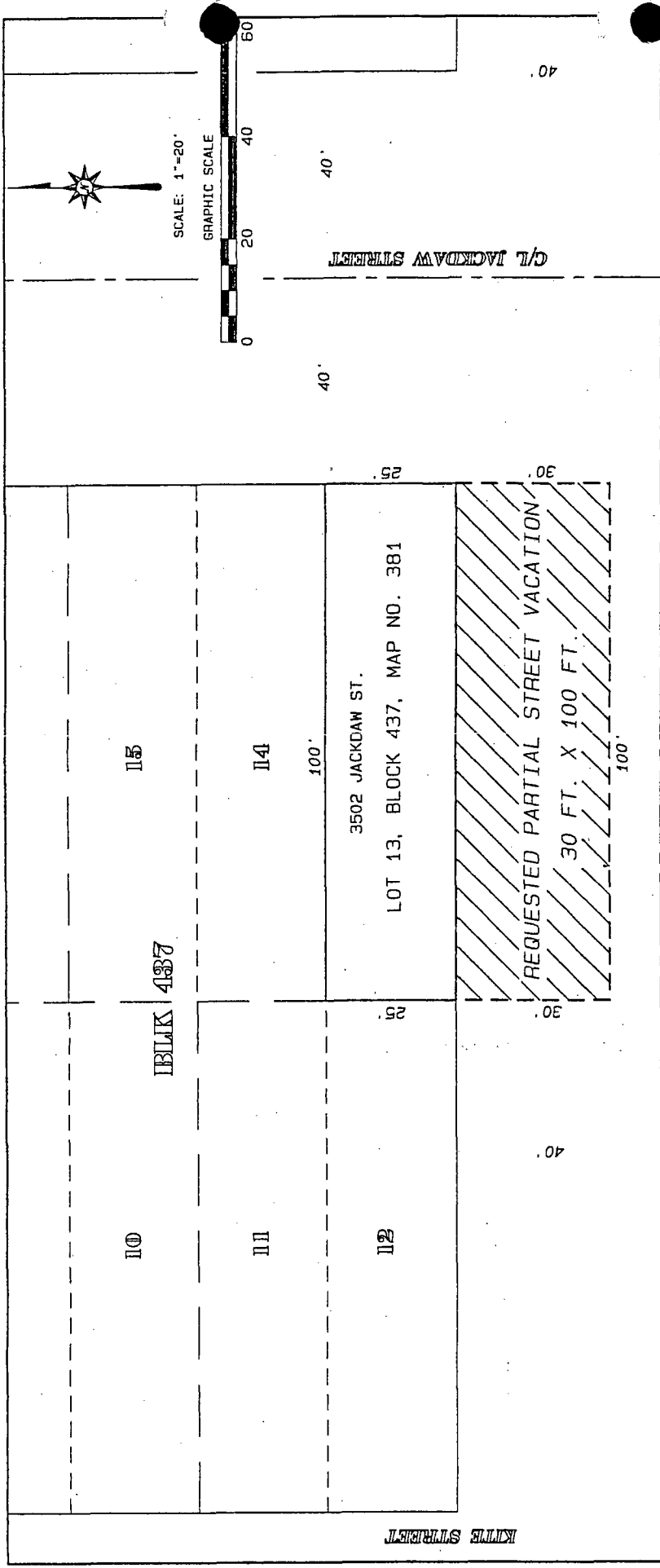
1. That the street right-of-way located adjacent to 3502 Jackdaw Street, and legally described as Lot 13, Block 437, of the Subdivision of the east half and the south quarter of Pueblo Lot 1122, Map No. 381 in connection with Variance No. 209653, and Encroachment Maintenance and Removal Agreement No. 209658, as more particularly shown on drawing marked as Exhibit "A," and on file in the office of the City Clerk as Document No.

RR- 302971, which is by this reference incorporated herein and made a part hereof, is ordered not vacated.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Shirley R. Edwards  
Chief Deputy City Attorney

SRE:pev  
09/12/07  
01/04/08 COR.COPY  
01/09/08 COR.COPY2  
Or.Dept:DSD  
R-2008-208  
MMS #4757  
EASEMENT AABANDONMENT&STREET VACATIONS -- Summary Vacation 11-01-04



**CITY OF SAN DIEGO**  
 PROPOSED VACATION OF STREET RIGHT-OF-WAY  
 AT WALNUT AVE. AND JACKDAW STREET

**STEVEN M. HILL**  
 3502 JACKDAW STREET  
 A.P.N. NO. 451-333-06-00  
 MAP NO. 381

PREPARED BY E. G. CHAPMAN, SEPTEMBER 10, 1999 - (B58) 565-0473

REVISED APRIL 14, 2000

R. 302971