

333
(R-2008-741) B
F-10222
4/22/08

RESOLUTION NUMBER R- 303625
DATE OF FINAL PASSAGE APR 22 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING PUBLIC RIGHT-OF-WAY VACATION NO. 443998, VACATING OF A PORTION OF OLIVET AVENUE.

WHEREAS, California Streets and Highways Code section 8300 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, under San Diego Municipal Code section 125.0910(b), a public right-of-way may be summarily vacated if it does not contain public utility facilities, does not contain active public utility facilities, or contains public utility facilities that would not be affected by the vacation and if the public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; and

WHEREAS, under San Diego Municipal Code section 125.0940, a summary vacation of a public right-of-way pursuant to Section 125.0910(b) does not require a Resolution of Intention as specified in Section 125.0940(b) or a recommendation by the Planning Commission; and

WHEREAS, the affected property owner has requested the vacation of the public right-of-way easement along a portion of Olivet Avenue, to unencumber this property and facilitate development of the site;

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

SECRET

decision, and the Council was required by law to consider evidence at the hearing and make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Public Right-of-Way Vacation No. 443998:

A. FINDINGS FOR PUBLIC RIGHT-OF-WAY VACATION APPROVAL – SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 125.0941

1. There is no present or prospective use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated;
2. The public will benefit from the action through improved use of land made available by the vacation;
3. The vacation does not adversely affect any applicable land use plan, and is consistent with the General Plan and approved Community Plan; and
4. The facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the street vacation as more particularly described in the legal description marked as Exhibit "A" and as shown on Engineering Drawing No. 20711-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document No. RR- 303625, which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City of San Diego as lead agency under the California Environmental Quality Act has determined the

(R-2008-741)

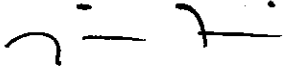
project to be exempt pursuant to California Code of Regulations section 15305 because it is a minor alteration in land use.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the City Clerk is directed to file a Notice of Exemption [NOE] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, 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



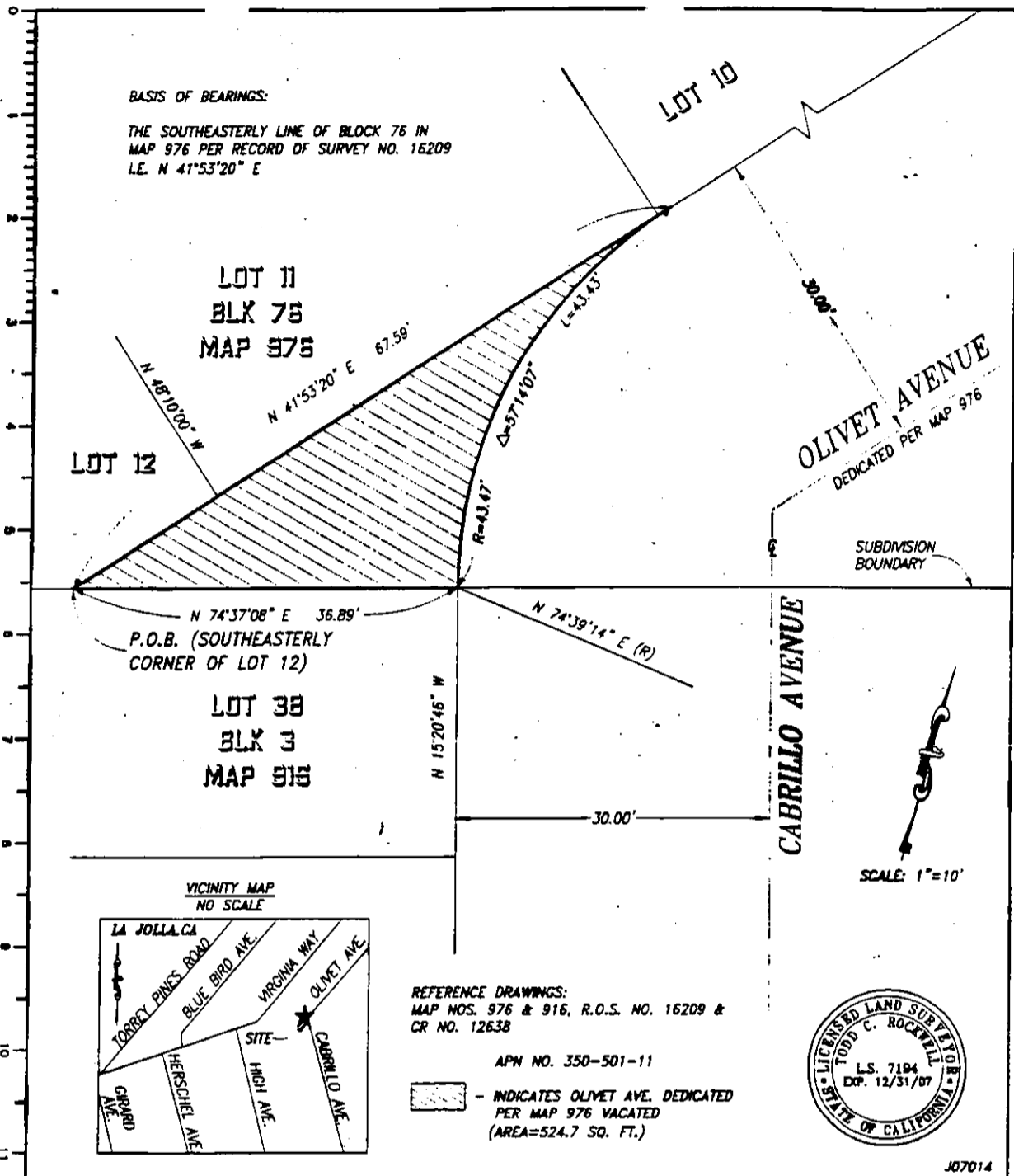
Nina M. Fain
Deputy City Attorney

NMF:mm
03/17/08
Or.Dept:DSD
R-2008-741
MMS#5925

SAN DIEGO, CALIF.
08 MAY 18 AM 11:00
CITY CLERK
RECEIVED

-PAGE 3 OF 3-

R-303625



BARRY ROCKWELL SURVEYING
 4891 RONSON COURT, SUITE 1
 SAN DIEGO, CA 92111

 TODD C. ROCKWELL L.S. 7194

STREET VACATION - OLIVET AVE.
 AT THE INTERSECTION WITH CABRILLO AVE.
 (PORTION DEDICATED PER MAP 976)

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS 128990
ORIGINAL	SS		4/18/07		SHEET 1 OF 1 SHEETS	JO.NO. 427768
REVISED	SS		8/22/07		<i>Donald S. ...</i> 1/09/08	1887-6248
REVISED	SS		12/10/07		FOR CITY ENGINEER <i>AS 5771</i> DATE	NAD 83 COORDINATES
	AEA		1-7-08			246-1687
						LAMBERT COORDINATES
						20711-B

DOCUMENT NO. 04-303625
 FILED APR 22 2008
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA