

RESOLUTION NUMBER R- 306120
DATE OF FINAL PASSAGE SEP 07 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPROVING A VACATION OF PORTIONS
OF GUNN STREET, AND PARCEL MAP FOR JEFFERSON
ELEMENTARY SCHOOL.

WHEREAS, the Jefferson Elementary School is located south of University Avenue, east of 28th Street and west of Utah Street in the Greater North Park Community Plan Area; and

WHEREAS, San Diego Municipal Code section 125.0910 provides that a public right of way may be summarily vacated provided the right of way is excess and is not required for street purposes; and

WHEREAS, the portions of Gunn Street are excess right of way and are not required for street purposes; and

WHEREAS, the Subdivision Map Act Section 66445(j) provides a procedure for the abandonment of public right-of-way, such that filing of a parcel map shall constitute as an abandonment of all public streets not shown on the map; 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 affects by the decision and where Council was required by law to consider evidence at the hearing and the make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on SEP 07 2010, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being full advised concerning the same; and

WHEREAS, prior to the recordation of the Parcel Map, the applicant shall assure, by permit and bond, the construction of the Public Improvements per PTS 161614 and shown on Public Improvement Plan 34972-D, adjacent to the site on Utah Street and 28th Street, to the satisfaction of the City Engineer; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council approves the Right-of-Way Vacation of portions of Gunn Street associated in Parcel Map.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that:

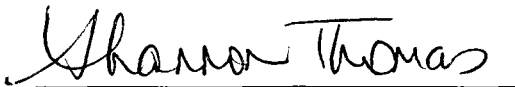
1. There are no present or prospective uses for the public right-of-way, either for a public facility of the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipate.
2. The public will benefit from the vacation through improved utilization of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

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that certain Map surveyed by James L. Meyer, licensed Land Surveyor, titled "Parcel Map 575057" [MAP], is a lot consolidation of a portion of Lots 3 through 10 in Block 5, Lots 1 through 12 in Block 6 and Lots 1, 2, 11 and 12 in Block 15 together with Wightman Street as closed and vacated to public use, April 17, 1916 per Resolution 21374, according to Map thereof

No. 590 filed in the Office of the County Recorder of San Diego County, May 17, 1873, in the City of San Diego, County of San Diego, State of California.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that the Portions of Gunn Street dedicated to public use are not shown within this map because they have been vacated pursuant to Section 66445(j) of the Subdivision Map Act.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon Thomas
Deputy City Attorney

ST:mm
08/11/2010
Or.Dept:DSD
R-2010-109
PL#2010-01359