

MEMORANDUM OF LAW

DATE: February 25, 1988

TO: Mike Behan, Park & Recreation Department

FROM: City Attorney

SUBJECT: Closure of Road at Hospitality Point

You asked me to respond to the request of San Diego Symphony to close a road at Hospitality Point in order to move the stage for the Summer Pops. City Charter section 55 provides that the City Manager has control and management of park and recreation facilities. California Vehicle Code section 21101(e) allows temporary closure of any street for certain events when the closing is necessary for safety. However, that section also states that, "Local authorities, for those highways under their jurisdiction, may adopt rules and regulations by ordinance or resolution to close certain streets."

"Street" and "highway" are defined as "a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel." California Vehicle Code sections 360 and 590.

It is our opinion that in order to close the road in question, a 1472 with the required departmental approval and a resolution addressing the issue should be prepared and adopted by City Council.

JOHN W. WITT, City Attorney

By

Mary Kay Jackson

Deputy City Attorney

MKJ:mrh:221.1(x043.2)

cc George Loveland

ML-88-16