

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA ORDERING THE VACATION OF A PORTION
OF UNNAMED STREET/ALLEY OF THE ROSEBANK
SUBDIVISION, IN THE CITY OF CHULA VISTA, COUNTY OF
SAN DIEGO, STATE OF CALIFORNIA.

WHEREAS, a portion of unnamed street/alley of the Rosebank Subdivision was dedicated for public street purposes per Rosebank Subdivision Map 1304, filed in the Office of the County Recorder of San Diego County on January 18, 1911; and

WHEREAS, a portion of the unnamed street/alley of the Rosebank Subdivision was closed via Council Resolution No. 237 recorded July 7, 1952; and

WHEREAS, a subsequent portion of the unnamed street/alley of the Rosebank Subdivision was vacated via Council Resolution No. 4237 on November 22, 1966; and

WHEREAS, said portion of unnamed street/alley of the Rosebank Subdivision to be vacated is not and will not be needed for a public street or right-of-way; and

WHEREAS, on June 17, 2022, the owners of 130 First Avenue requested the vacation of a portion of unnamed street/alley of the Rosebank Subdivision; and

WHEREAS, in accordance with Section 7050 of the California Government Code and Division 9, Part 3, Chapter 4, Sections 8333 through 8335 of the California Streets and Highways Code, this type of summary vacation may be performed through adoption of a resolution of vacation by the City Council, and recordation of a certified copy of the resolution attested to by the City Clerk under California Streets and Highways Code Section 8336; and

WHEREAS, this action will vacate said portion of unnamed street/alley of the Rosebank Subdivision as described and depicted in Exhibits A and B attached hereto and made a part thereof; and

WHEREAS, this proposed vacation action discussed in this Resolution and the related Staff Report qualifies for a Class 5 Categorical Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the California Environmental Quality Act Guidelines because the activity consists of a minor transfer of vacated unused public street and right-of-way to an adjacent real property owner, the area or land to be vacated has an average slope of less than twenty percent (20%), and the vacation action will not change the land use or density of the affected area; and

WHEREAS, in accordance with Chula Vista Municipal Code (“CVMC”) section 12.40.010, City staff has conducted an investigation and determined that the public interest would be served by vacating this portion of the unnamed street/alley of the Rosebank Subdivision because the subject area and land is unnecessary for present or future public use as a street or right-of-way, and the portion of the unnamed street/alley of the Rosebank Subdivision to be vacated does not

contain any public utility facilities that are in use and would be affected by the proposed vacation; and

WHEREAS, per CVMC section 12.40.010, City staff published notice of the public hearing, scheduled for October 1, 2024, at 5:00 p.m. in the City Council Chambers, to consider the proposed unnamed street/alley vacation; and

WHEREAS, City Staff recommends approving the street vacation for this portion of the unnamed street/alley of the Rosebank Subdivision for the reasons stated above; and

WHEREAS, the City Council reviewed and considered the Staff Report and related materials on this matter; and

WHEREAS, per CVMC section 12.40.010, the City Council duly held a public hearing, on October 1, 2024, at 5:00 p.m. in the City Council Chambers, to consider the proposed vacation of a portion of the unnamed street/alley of the Rosebank Subdivision, and to hear the evidence offered.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Chula Vista hereby finds, determines, and orders that:

1. The Recitals stated in this Resolution above are incorporated by reference into these findings.
2. After conducting the public hearing and considering the evidence, the City Council finds under California Streets and Highways Code Sections 8333 and 8334 that certain portion of unnamed street/alley of the Rosebank Subdivision specifically described in Exhibit "A" and shown or depicted in Exhibit "B" attached hereto and by reference made a part hereof, (a) has not been used for the purposes for which it was dedicated for five (5) consecutive years immediately before this vacation action by the City and (b) is unnecessary for present or prospective public street or right-of-way purposes.
3. That from and after recordation of this Resolution, that certain portion of the unnamed street/alley of the Rosebank Subdivision discussed herein is summarily vacated and shall not constitute a public street or right-of-way.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista directs the City Clerk to cause a certified copy of this Resolution of vacation, attested by the Clerk, without acknowledgement or further proof, to be recorded in the Office of the County Recorder of San Diego County. From and after the date this Resolution is recorded, the vacation of that certain portion of unnamed street/alley of the Rosebank Subdivision discussed herein is complete.

Presented by:

Approved as to form by:

Laura Black, AICP
Director of Development Services

Marco A. Verdugo
City Attorney

EXHIBIT A

[Legal Description of the Vacated Portion of Unnamed Street/Alley of
the Rosebank Subdivision]

EXHIBIT B

[Depiction of the Vacated Portion of Unnamed Street/Alley of the
Rosebank Subdivision]