

(R-83-1372)

RESOLUTION NUMBER R- 258163

Adopted on MAR 28 1983

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of an excess right of way of a street or highway not required for street or highway purposes; and

WHEREAS, the property owners have requested the vacation of Oviedo Street adjacent to Lot 2 in the Penasquitos School Sites Subdivision, Map 7582, adjacent to the proposed Penasquitos Bluffs East Unit 1 (TM 82-0083), Subdivision boundary to facilitate development of their property; and

WHEREAS, in connection with said vacation, the City desires to reserve certain easements; and

WHEREAS, the portion of street to be vacated is not needed for present or prospective public street purposes; and

WHEREAS, those properties adjoining the street to be vacated through will continue to have access; and

WHEREAS, the public will benefit from the vacation through improved utilization of land; and

WHEREAS the vacation is not inconsistent with the General Plan or an approved Community Plan; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That a portion of Oviedo Street adjacent to Lot 2 in the Penasquitos School Sites Subdivision, Map 7582, adjacent to the Penasquitos Bluffs East Unit 1 Subdivision Map (TM 82-0083) boundary, as more particularly shown on Drawing No. 15351-B on file in the office of the City Clerk as Document No. RR-258163-1, which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered vacated.

2. That The City of San Diego hereby reserves and excepts the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, including, but not limited to, drain and general utilities and all necessary and proper fixtures and equipment for use in connection therewith, through, over, under, upon, along, and across the hereinafter-described easement, together with the right of ingress thereto and egress therefrom, together with the right to maintain the said easement free and clear of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree or trees thereon, or the drilling or digging of any well or wells thereon, together with the right to otherwise protect from all hazards the operation and use of any right hereby reserved. Upon acquisition of encroachment permit from the City Engineer pursuant to the Municipal Code of the City, the owners of the underlying fee may utilize the above-described parcel of land for structures, the planting or growing of trees, or the installation of privately owned pipelines.

3. That The City of San Diego hereby reserves and excepts from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes including access to protect the property from all hazards in, upon, over, and across the above-described portions of streets to be vacated and abandoned.

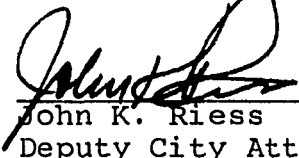
4. That the easement reserved herein is in, under, over, upon, along, and across that portion of Oviedo Street adjacent to Lot 2 in the Penasquitos School Sites Subdivision, Map 7582, vacated by this document and as more particularly shown on Drawing No. 15351-B on file in the office of the City Clerk as Document No. RR- 258163-1.

5. That this resolution shall not become effective unless and until the final subdivision map for the Penasquitos Bluffs East Unit 1 Subidivision (TM 82-0083) has been approved by Council action. In the event that the final map is not approved by March 19, 1984, this resolution shall become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the approval of the aforementioned subdivision map, and that the City Clerk shall then cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: John W. Witt, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:smm:221.1
3/3/83
Or.Dept:E&D
SA:82-504
T.M.:82-0083
W.O.:82-0083
Dwg.:15351-B
Form=r.none

Passed and adopted by the Council of The City of San Diego on MAR. 2.8.1983,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 3	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> VACANT

AUTHENTICATED BY:

BILL CLEATOR
 Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-258163</u>	Adopted <u>MAR 28 1983</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1983 APR 20 PM 2:26
SAN DIEGO, CALIF.

CITY OF SAN DIEGO
202 'C' St., Twelfth Floor
San Diego, CA 92101
ATTN: PONTECORVO

IN THE MATTER OF

NO.

fees and surcharges for the use of the
municipal golf courses in Torrey Pines Park
and Balboa Park

RESOLUTION NO. R-258164
IT IS RESOLVED, that the fees and surcharges for the use of
municipal golf courses located in Torrey Pines Park and
Balboa Park in the fee schedule dated March 15, 1983,
in the office of the City Clerk as Document No. R-25784,
is hereby adopted.
IT FURTHER RESOLVED, that the fee schedule adopted on
March 15, 1983, by Resolution No. R-25784, City Document No.
R-25784, is hereby re-adopted.
Adopted and adopted by the Council of The City of San Diego
on March 28, 1983.
CERTIFICATED BY:
CITY CLERK, Deputy Mayor of The City
of San Diego, California.
GAIL S. ABELNOUR, City Clerk of The City
of San Diego, California.
MAYBELLE C. PONTECORVO, Deputy,
April 18, 1983

I, Charlene Land, am a citizen
of the United States and a resident of the County aforesaid; I am over the
age of eighteen years, and not a party to or interested in the above-entitled
matter. I am the principal clerk of the San Diego Daily Transcript, a
newspaper of general circulation, printed and published daily, except
Saturdays and Sundays, in the City of San Diego, County of San Diego, and
which newspaper has been adjudged a newspaper of general circulation by
the Superior Court of the County of San Diego, State of California, under
the date of January 23, 1909, Decree No. 14894; and the

RESOLUTION NO. R-258164

is a true and correct copy of which the annexed is a printed copy and was
published in said newspaper on the following date(s), to wit:

April 18, 1983

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 18th day of Apr, 19 83.

Charlene Land

(Signature)

01505

3 1/4" x 2 x 8.87 =

28.83