

(R-85-181)

RESOLUTION NUMBER R- 261347

ADOPTED ON AUG 13 1984

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

WHEREAS, the abutting property owners have requested the vacation of a portion of the Greenwood Street and Moore Street intersection, adjacent to Pueblo Lot 309 of the Pueblo Lands, Miscellaneous Map 36, all within or adjacent to the boundaries of the Centerpointe Subdivision (TM 83-0181), to facilitate development of their property; 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 the portion of the Greenwood Street and Moore Street intersection, adjacent to Pueblo Lot 309 of the Pueblo Lands, Miscellaneous Map 36, all within or adjacent to the boundaries of the Centerpointe Subdivision (TM 83-0181), as more particularly shown on Drawing No. 15386-B on file in the office of the City Clerk as Document No. RR- 261347-1, 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, 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 the right, 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 the Greenwood Street and Moore Street intersection, adjacent to Pueblo Lot 309 of the Pueblo Lands, Miscellaneous Map 36, all within or adjacent to the Centerpointe Subdivision (TM 83-0181) boundaries, vacated by this document and as more particularly shown on Drawing No. 15386-B on file in the office of the City Clerk as Document No. RR- 261347-1, which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered vacated.

5. That the resolution shall not become effective unless and until the final subdivision map for the Centerpointe Subdivision (TM 83-0181) has been approved by Council action. In the event the final map is not approved by August 13, 1985, 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   
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John K. Riess  
Deputy City Attorney

JKR:mem:221.1  
7/25/84  
Or.Dept:E&D  
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SA:84-518  
WO:830181  
Dwg:15386-B  
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*R* 261347



AUG 13 1984

Passed and adopted by the Council of The City of San Diego on .....  
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-261347 Adopted AUG 13 1984

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