

(R-85-607)

RESOLUTION NUMBER R- 261766

ADOPTED ON OCT 22 1984

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets by City Council resolution where the portion of street to be vacated consists of a portion of a street or highway that has been superseded by relocation; and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 portions of Kearny Villa Road, Aero Drive, and Aero Court between Kearny Villa Road and Aero Court adjacent to Lot 9 of New Riverside Map 679, and Lot A of Research Park Map 3568, all within the boundaries of the proposed Parcel Map (TM 83-0269) to facilitate the leasing and development of the property; 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; and

WHEREAS, the portions of streets to be vacated are not needed for present or prospective public street purposes; and

WHEREAS, those properties adjoining the streets to be vacated will continue to have access; NOW, THEREFORE,

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

1. That those portions of Kearny Villa Road, Aero Drive, and Aero Court between Kearny Villa Road and Aero Court adjacent to Lot 9 of New Riverside Map 679, and Lot A of Research Park Map 3568, all within the boundaries of the proposed Parcel Map (TM 83-0269), as more particularly shown on Drawing No. 15886-B on file in the office of the City Clerk as Document No. RR-261765 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 Kearny Villa Road, Aero Drive, and Aero Court between Kearny Villa Road and Aero Court adjacent to Lot 9 of New Riverside Map 679, and Lot A of Research Park Map 3568, all within the boundaries of the proposed Parcel Map (TM 83-0269), vacated by this document and as more particularly shown on Drawing No. 15886-B on file in the office of the City Clerk as Document No. RR- 261766-1.

5. That the resolution shall not become effective unless and until an Engineering Permit to construct public improvements within the right-of-way has been issued.


6. That this resolution shall not become effective unless and until a Parcel Map (TM 83-0269) has been approved

7. That in the event either or both of the above conditions cannot be met by October 1, 1990, this resolution shall become void and be of no further force or effect.

8. That the City Engineer shall advise the City Clerk of the approval of the aforementioned Engineering Permit and the approval of the aforementioned Parcel 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

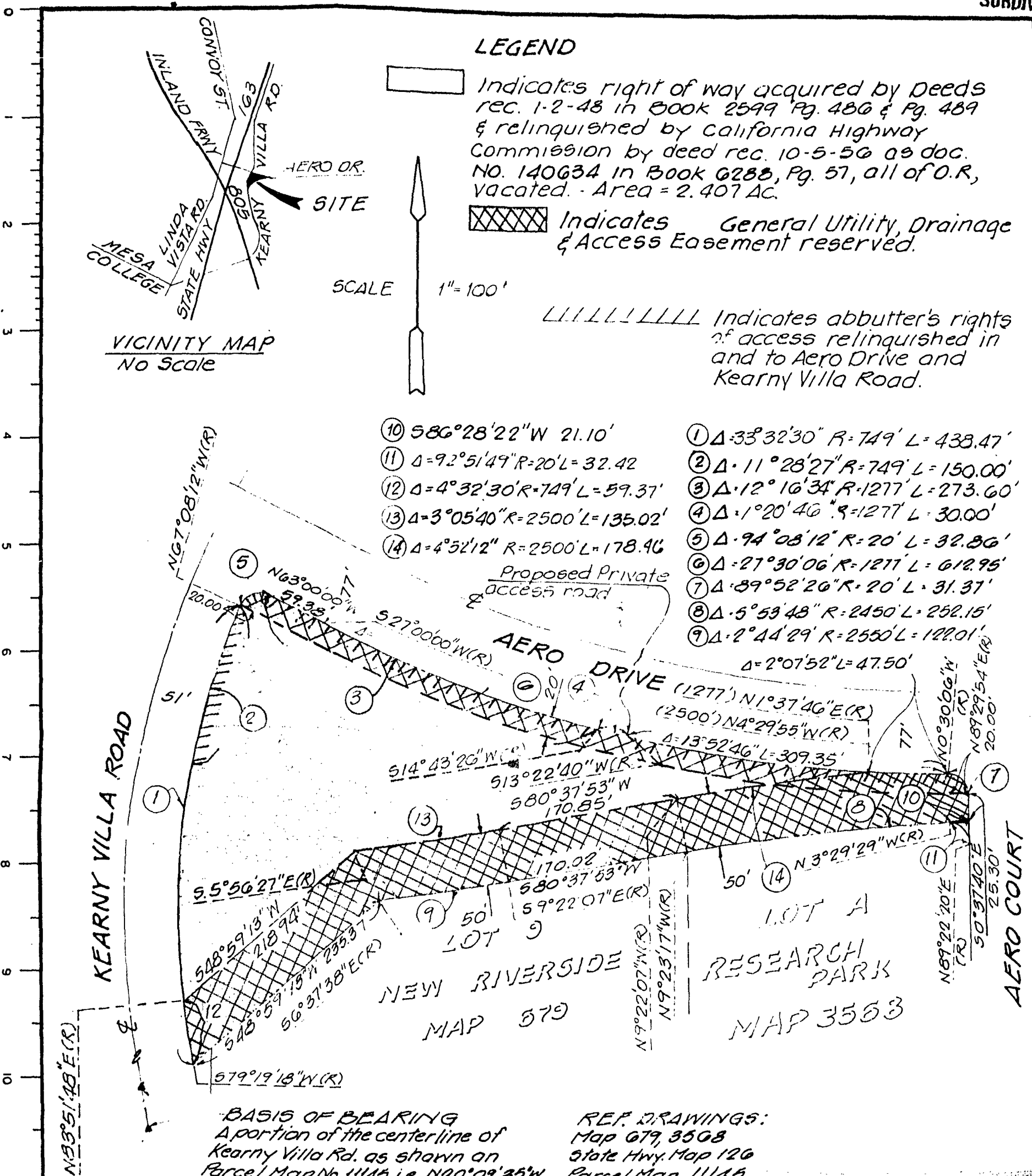


John K. Riess

Deputy City Attorney

JKR:mem  
10/3/84  
Or. Dept: E&D  
R-85-607  
SA: 81-635-1  
TM: 83-0269  
WO: 120236  
Dwg: 15886-B  
Form=r.sumv3

**STREET VACATION**



**LEGEND**

Indicates right of way acquired by deeds rec. 1-2-48 in Book 2599 Pg. 486 & Pg. 489 & relinquished by California Highway Commission by deed rec. 10-5-56 as doc. NO. 140634 in Book 6288, Pg. 57, all of O.R., vacated. - Area = 2.407 Ac.

Indicates General Utility, Drainage & Access Easement reserved.

Indicates abutter's rights of access relinquished in and to Aero Drive and Kearny Villa Road.

SCALE 1" = 100'

VICINITY MAP  
No Scale

- ⑩ 586°28'22"W 21.10'
- ⑪ Δ-92°51'49"R=20'L=32.42
- ⑫ Δ-4°32'30"R=749'L=59.37'
- ⑬ Δ-3°05'40"R=2500'L=135.02'
- ⑭ Δ-4°52'12"R=2500'L=178.46
- ① Δ-33°32'30"R=749'L=438.47'
- ② Δ-11°28'27"R=749'L=150.00'
- ③ Δ-12°16'34"R=1277'L=273.60'
- ④ Δ-1°20'46"R=1277'L=30.00'
- ⑤ Δ-94°08'12"R=20'L=32.86'
- ⑥ Δ-27°30'06"R=1277'L=612.95'
- ⑦ Δ-89°52'26"R=20'L=31.37'
- ⑧ Δ-5°59'48"R=2450'L=252.15'
- ⑨ Δ-2°44'29"R=2550'L=122.01'

**BASIS OF BEARING**  
A portion of the centerline of Kearny Villa Rd. as shown on Parcel Map No. 1146, i.e., N20°09'35"W

**REF. DRAWINGS:**  
Map 679, 3508  
State Hwy. Map 126  
Parcel Map 1146

PLANNING · DESIGN · CONSULTATION

*Samuel F. Safino*  
**Samuel F. Safino RCE 13,177**  
3615 Kearny Villa Road, Suite 201  
San Diego, California • 92123 • (714) 560-1141

DOCUMENT NO. **RR-261766-1**  
FILED **OCT 22 1984**  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

STREET VACATION-PORTIONS OF KEARNY VILLA ROAD, AERO DRIVE AND AERO COURT BETWEEN KEARNY VILLA ROAD & AERO COURT AND GENERAL UTILITY EASEMENTS RESERVED FOR PROPOSED PARCEL MAP (T.M. 83-0269).

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	SA 81-635-1 W.O. NO 120236
ORIGINAL						
					<i>[Signature]</i> FOR CITY ENGINEER	234-1723 LAMBERT COORDINATES
					Aug. 2, 1984 DATE	15886 - B
						30450.20.

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Passed and adopted by the Council of The City of San Diego on OCT 22 1984  
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 Struiksm	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By Barbara Boyter, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-261766 Adopted OCT 22 1984

RECEIVED  
CITY CLERK'S OFFICE  
1984 OCT 10 AM 11: 26  
SAN DIEGO, CALIF.

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