

(R-86-934)

RESOLUTION NUMBER R- 264667

ADOPTED ON DEC 16 1985

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution; and

WHEREAS, in connection with said vacation, the City desires to reserve a drainage easement; and

WHEREAS, the abutting property owners have requested the vacation of Yuma Street between Lot 6, Block 7 and Lot 1, Block 10; a portion of Friars Road adjacent to and southerly of Lot 1, Block 10 of Bay View Addition, Map 271 in order to consolidate the area for future development; and

WHEREAS, the portion of Friars Road is excess right-of-way; and

WHEREAS, Yuma Street has been impassable for vehicular traffic and has had no public money expended for maintenance for a period of five consecutive years; and

WHEREAS, these rights-of-way to be vacated are no longer needed for present or prospective street purposes; and

WHEREAS, those properties adjoining the streets 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:

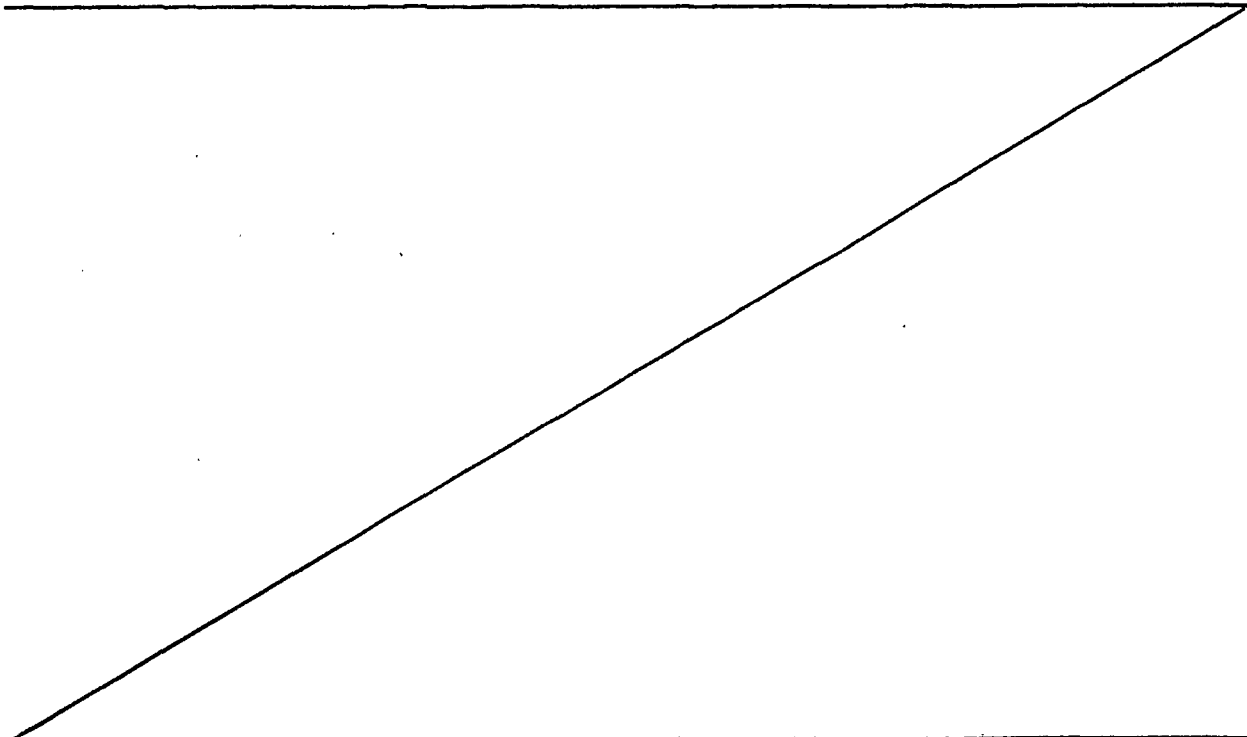
1. That the portion of Yuma Street, between Lot 6, Block 7 and Lot 1, Block 10 and a portion of Friars Road adjacent to and southerly of Lot 1, Block 10, all in Bay View Addition, Map 271, as more particularly shown on Drawing Nos. 16113-1-B and 16113-2-B, on file in the office of the City Clerk as Document Nos. RR-264667<sup>-1</sup> and RR-264667<sup>-2</sup>, 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, drainage facilities 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 easements reserved herein are in, under, over, upon, along, and across Yuma Street between Lot 6, Block 7 and Lot 1, Block 10 and a portion of Friars Road adjacent to and southerly of Lot 1, Block 10, all in Bay View Addition, Map 271, vacated by this document and as more particularly shown on Drawing Nos. 16113-1-B and 16113-2-B, on file in the office of the City Clerk as Document Nos. RR-264667<sup>-1</sup> and RR-264667<sup>-2</sup>.

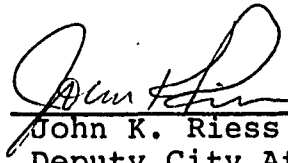
4. That the resolution shall not become effective unless and until an Engineering Permit to construct the required public improvements has been issued. In the event the Engineering Permit has not been issued by December 1, 1986, this resolution shall become void and of no further force or effect.



5. That the City Engineer shall advise the City Clerk of the issuance of the aforementioned Engineering Permit, and that the City Clerk shall then cause a certified copy of this resolution, with drawing, 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  
11/15/85  
Or.Dept:E&D  
SA:81-622  
WO:120236  
Dwgs:16113-1-B  
16113-2-B  
R-86-934  
Form=r.sumv3





121a

Passed and adopted by the Council of The City of San Diego on DEC 16 1985  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Judy McCarty	<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:

ED STRUIKSMA  
Deputy Mayor of The City of San Diego, California.

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

(Seal)

By Barbara Baxter, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-264667 Adopted DEC 16 1985