

(R-87-711)

RESOLUTION NUMBER R- 266840

ADOPTED ON OCT 27 1986

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 where for a period of five consecutive years, the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway during such period; 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 Azusa Street between Linda Vista Road and Mildred Street and adjacent to Lot 4, Block A, and Lot 16, Block B, both within Silver Terrace Addition, Map 430 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 will continue to have access; and

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

WHEREAS, it is necessary and desirable that the vacation be conditioned upon completion of required public improvements adjacent to the adjoining and affected parcels and the land sale involving the City's fee interest within Azusa Street; 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 Azusa Street between Linda Vista Road and Mildred Street particularly shown on Drawing No. 16643-B on file in the office of the City Clerk as Document No. RR- 266840-1, which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered vacated.

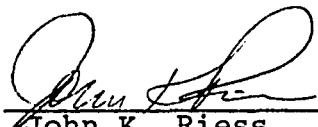
2. That the City of San Diego hereby reserves and excepts the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, including, but not limited to, drainage facilities and all necessary and proper fixtures 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 easement reserved herein is in, under, over, upon, along, and across that portion of Azusa Street between Linda Vista Road and Mildred Street, vacated by this document and as more particularly shown on Drawing No. 16643-B, on file in the office of the City Clerk as Document No. RR- 266840-1.

4. That the resolution shall not become effective unless and until the completion of the aforementioned public improvements and the land sale. In the event that the final improvements and the land sale are completed within two years after adoption, this resolution shall become void and be of no further force or effect.

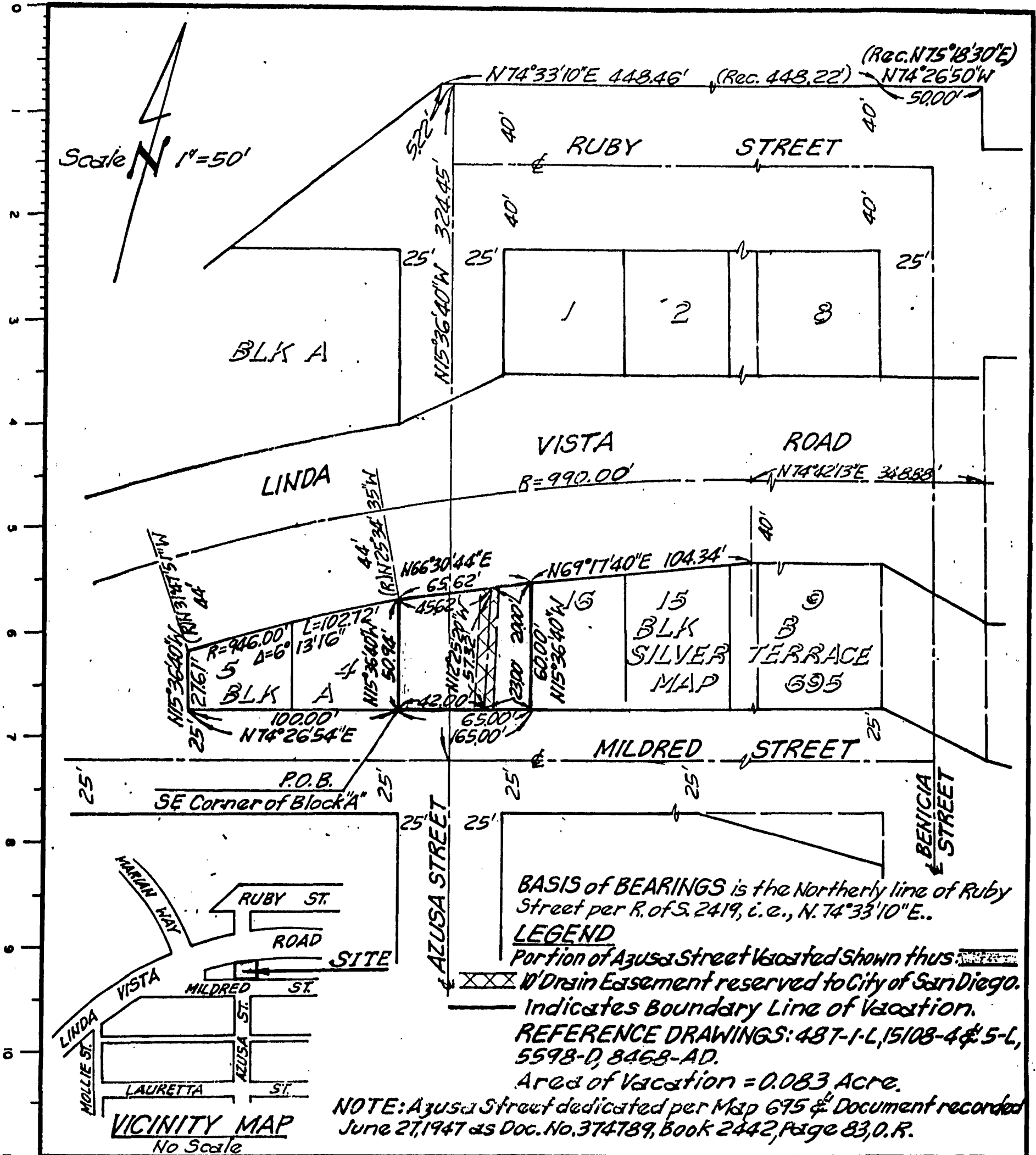
5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned public improvements and land sale and that the City Clerk shall then cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the Office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:mrh
10/13/86
Or.Dept:E&D
R-87-711
Form=r.none



PREPARED BY:
 THOMAS S.W. WONG, INC.
 3534 UNIVERSITY AVE.
 SAN DIEGO, CA. 92104
Thomas S.W. Wong 1-16-86
 R.C.E. 14,778 D372

DOCUMENT NO. **RR-266840-1**
 FILED **OCT 27 1986**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

STREET VACATION-AZUSA STREET BETWEEN MILDRED STREET AND LINDA VISTA ROAD TOGETHER WITH DRAINAGE EASEMENT RESERVATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O.S.A. 86-504
ORIGINAL					SHEET 1 OF 1 SHEET	NO. 860102
					<i>J. F. McLaughlin</i> For City Engineer	<i>Robert C. Adams</i> CONTROL CERTIFICATION
					DATE 8/8/86	220-1709
						LAMBERT COORDINATES
						16643 - B

STATUS

111

OCT 27 1986

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Struikma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

Barbara Byster
Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number **R-266840** Adopted **OCT 27 1986**

RECEIVED
CITY CLERK'S OFFICE
1906 OCT 15 AM 5:01
SAN DIEGO, CALIF.



00496