

(R-87-201)

RESOLUTION NUMBER R- 266957

ADOPTED ON NOV 3 1986

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 for a period of five consecutive years the street to be vacated has been impassable for vehicular travel and during such period no public money has been expended for maintenance; and

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

WHEREAS, the property owners have requested the vacation of a portion of Boundary Street north of Franklin Avenue and adjacent to a portion of Lot 48 of Map 283 and Pueblo Lot 1344, to facilitate development of their properties; 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 streets to be vacated are not needed for present or prospective public street purposes; and

WHEREAS, those properties adjoining the street 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 a portion of Boundary Street north of Franklin Avenue, and adjacent to a portion of Lot 48 of Map 283 and Pueblo Lot 1344, as more particularly shown on Drawing No. 16653-B on file in the office of the City Clerk as Document No. RR- 266957-1 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 reserves and excepts from the foregoing vacation the permanent easement as more particularly described hereinafter: Reserving and excepting to The City of San Diego 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 an 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. The City of

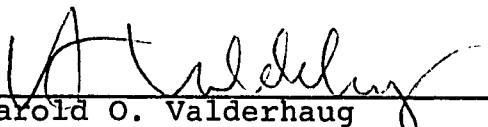
San Diego shall have the right to permit the use of the easement or easements herein described by any public utility either by conveyance of the necessary right to so use or by permitting such utility to utilize such right under and pursuant to a franchise with The City of San Diego.

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.

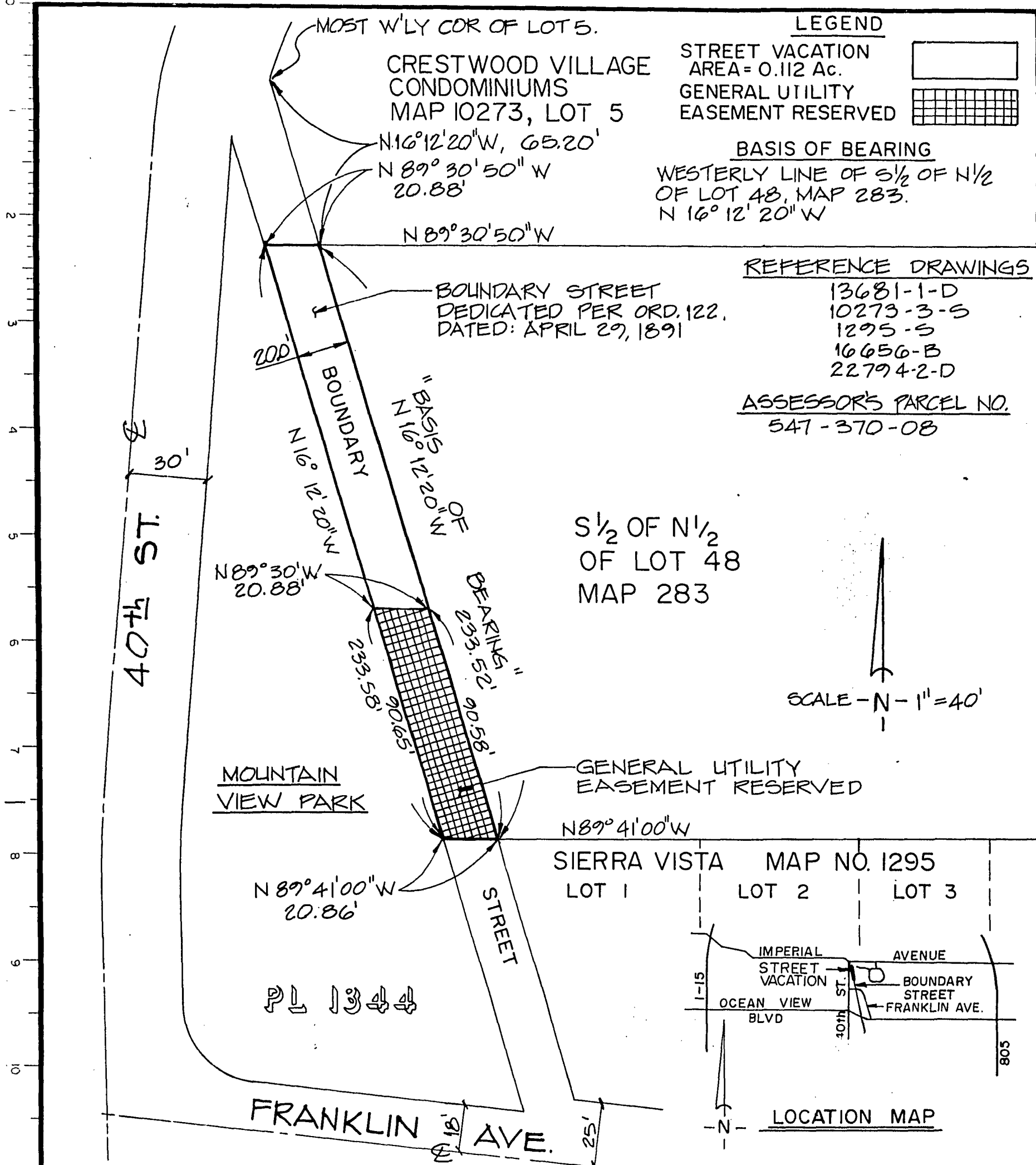
4. That the easements reserved herein are in, under, over, upon, along and across that portion of Boundary Street north of Franklin Avenue and adjacent to a portion of Lot 48 of Map 283 and Pueblo Lot 1344 as vacated by this document and as more particularly shown on Drawing No. 16653-B on file in the office of the City Clerk as Document No. RR- 266957-1.

5. That the City Clerk shall 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 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
7/31/86
Or.Dept:E&D
WO:120232
Dwg:16653-B
R-87-201
Form=r.sumv



PREPARED BY:
 FOTIADI ENGINEERING
 348 W. MARKET ST.
 SUITE 205 (619) 234-3775
 SAN DIEGO, CA 92101
 3-31-1986
 ERIC FOTIADI RCE35763 DATE

DOCUMENT NO. **PP 266957**
 FILED **NOV 3 1986**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

STREET VACATION - BOUNDARY STREET & GENERAL UTILITY EASEMENT RESERVATION - BETWEEN 40th ST. & FRANKLIN AVE.

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SHEET 1 OF 1 SHEET	W.O. NO. 120232
ORIGINAL							SA 85512
					FOR CITY ENGINEER	DATE	Ralph C. Adams
							CONTROL CERTIFICATION
							196-1735
							LAMBERT COORDINATES
							16653 - B

NOV 3 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 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 Struiksmas	<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 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.

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-266957** Adopted **NOV 3 1986**

RECEIVED
CITY CLERK'S OFFICE
1986 OCT 23 AM 2:45
SAN DIEGO, CALIF.

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