

(R-87-1202)

RESOLUTION NUMBER R- 267411

ADOPTED ON JAN 12 1987

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation by City Council resolution where the alley to be vacated for a period of five consecutive years has been impassable for vehicular travel and no public money was expended for maintenance on the alley 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 southerly portion of the north/south alley, adjacent to Lots 16-33 in Block 40 of Fairmount Addition, Map 1035 to facilitate development of their property; and

WHEREAS, the portion of the alley to be vacated is not needed for present or prospective public street purposes; and

WHEREAS, those properties adjoining the alley to be vacated 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 southerly portion of the north/south alley adjacent to Lots 16-33 in Block 40 of Fairmount Addition, Map 1035, as more particularly shown on Drawing No. 16758-B on file in the office of the City Clerk as Document No. RR-267411-1, 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 north/south alley adjacent to Lots 16-33 in Block 40 of Fairmount Addition, Map 1035, vacated by this document and as more particularly shown on Drawing No. 16758-B on file in the office of the City Clerk as Document No. RR-267411-1.

5. That the resolution shall not become effective unless and until the following conditions have been met:

a. Extension of alley improvements to the northerly line of Lots 16-33.

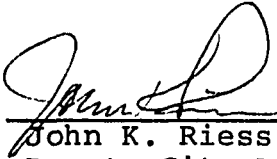
b. Completion of required drainage facility.

c. Construction of curb, gutter and sidewalk across the area of vacation adjacent to Orange Avenue. In the event the issuance of permits and bonding for the above items are not completed 18 months after adoption, this resolution shall become void and be of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the
aforementioned conditions 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

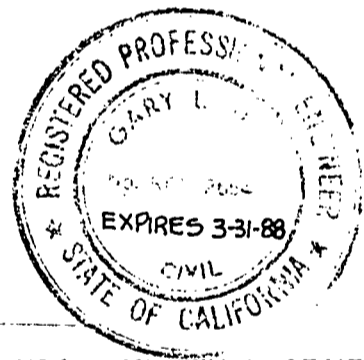
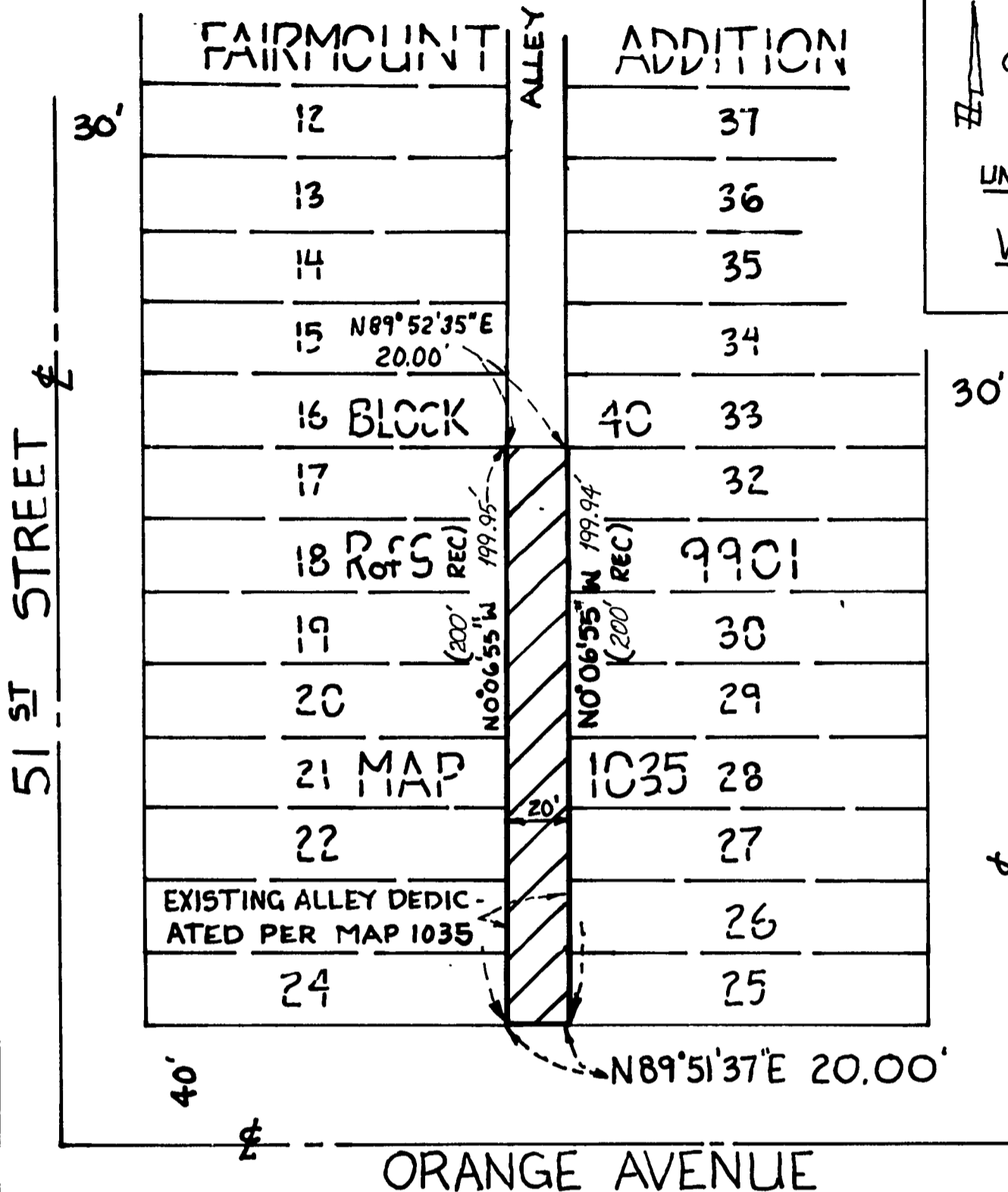
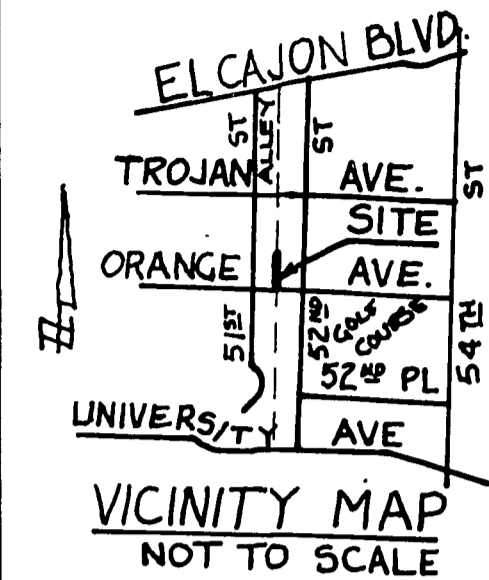


John K. Riess
Deputy City Attorney

JKR:mrh:221.1
12/09/86
Or.Dept:E&D
SA:85-542
WO:120232
Dwg:16758-B
R-87-1202
Form=r.sumv3

REFERENCE DRAWINGS

22716-D



SCALE 1"=50'

BASIS OF BEARINGS

THE WESTERLY LINE OF LOTS 29-36 IN BLOCK 40 OF FAIRMOUNT ADDITION MAP 1035 PER R OF S 9901 i.e. N0°06'55"W

////// ALLEY VACATION AND GENERAL UTILITY EASEMENT RESERVED SHOWN THUS AREA=0.092 ACRE
REC. INDICATES A RECORD DIMENSION PER MAP 1035

ASSESSOR'S PARCEL No. 472-162-6-12, 19 & 21

HAY ENGINEERING & SURVEYING INC.
772 E. WASHINGTON AVE.
EL CAJON, CALIFORNIA. 92021
PHONE NO. (619) 440-6299

Gary L. Hay 8-12-86

DOCUMENT NO. RR-267411-1

FILED JAN 12 1987
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

ALLEY VACATION AND GENERAL UTILITY EASEMENT RESERVED IN PORTION OF BLOCK 40, FAIRMOUNT ADDITION MAP 1035 ADJACENT TO LOTS 16 THRU 33 FOR PURPOSED TM 85-0877

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SHEET OF SHEETS	
					<i>G. L. Hay</i> 8/13/86 CITY ENGINEER DATE	W.O. 120232 NO. SA 85-542
						<i>Ralph C. Adams</i> CONTROL CERTIFICATION
						214-1743 LAMBERT COORDINATES
						16758 - B

JAN 12 1987

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 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"/>
Celia Ballesteros	<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.

(Seal)

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

By *June G. Blackwell* , Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number 267411	Adopted JAN 12 1987