

(R-87-1604)

RESOLUTION NUMBER R- 267935

ADOPTED ON MAR 24 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 for a period of five consecutive years the street to be vacated has been impassable for vehicular travel and no public money was 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 Fairmount Avenue adjacent to Lots 15 & 23 in Block 22 of Lexington Park and the adjoining alley, adjacent to Lots 11-15 and 23-24 in Block 22 of Lexington Park, to facilitate development of their properties; and

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

WHEREAS, those properties adjoining the streets 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 portion of Fairmount Avenue adjacent to Lots 15 & 23 in Block 22 of Lexington Park and the adjoining alley adjacent to Lots 11-15 and 23-24 in Block 22 of Lexington Park as more particularly shown on Drawing No. 16678-B on file in the office of the City Clerk as Document No. RR-~~267935~~, which are 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 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 Fairmount Avenue and the adjoining alley vacated by this document as more particularly shown on Drawing No. 16678-B, on file in the office of the City Clerk as Document No. RR-267935-1

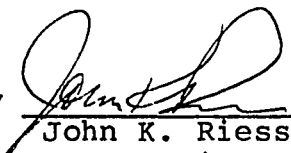
5. That the resolution shall not become effective unless and until the following conditions have been met:

- a. Approval and recordation of a consolidation parcel map for the affected parcels.
- b. Issuance and bonding for required public improvements to include curb, gutter and sidewalk constructed across the easterly terminus of the vacation, satisfactory to the City Engineer.

In the event the above items are not completed by 18 months after adoption, this resolution shall become void and be of no further force or effect.

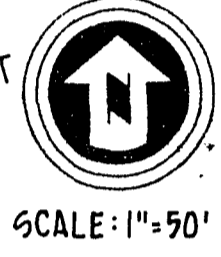
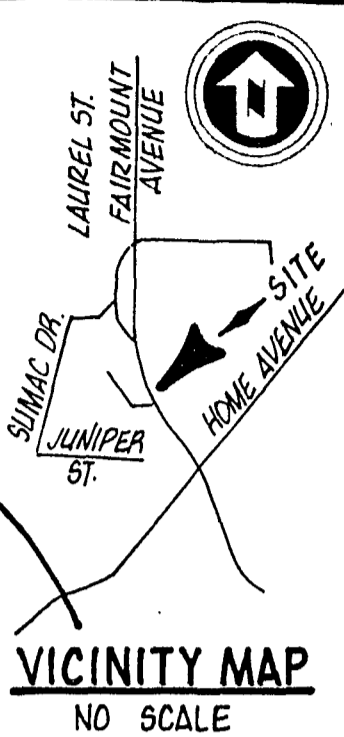
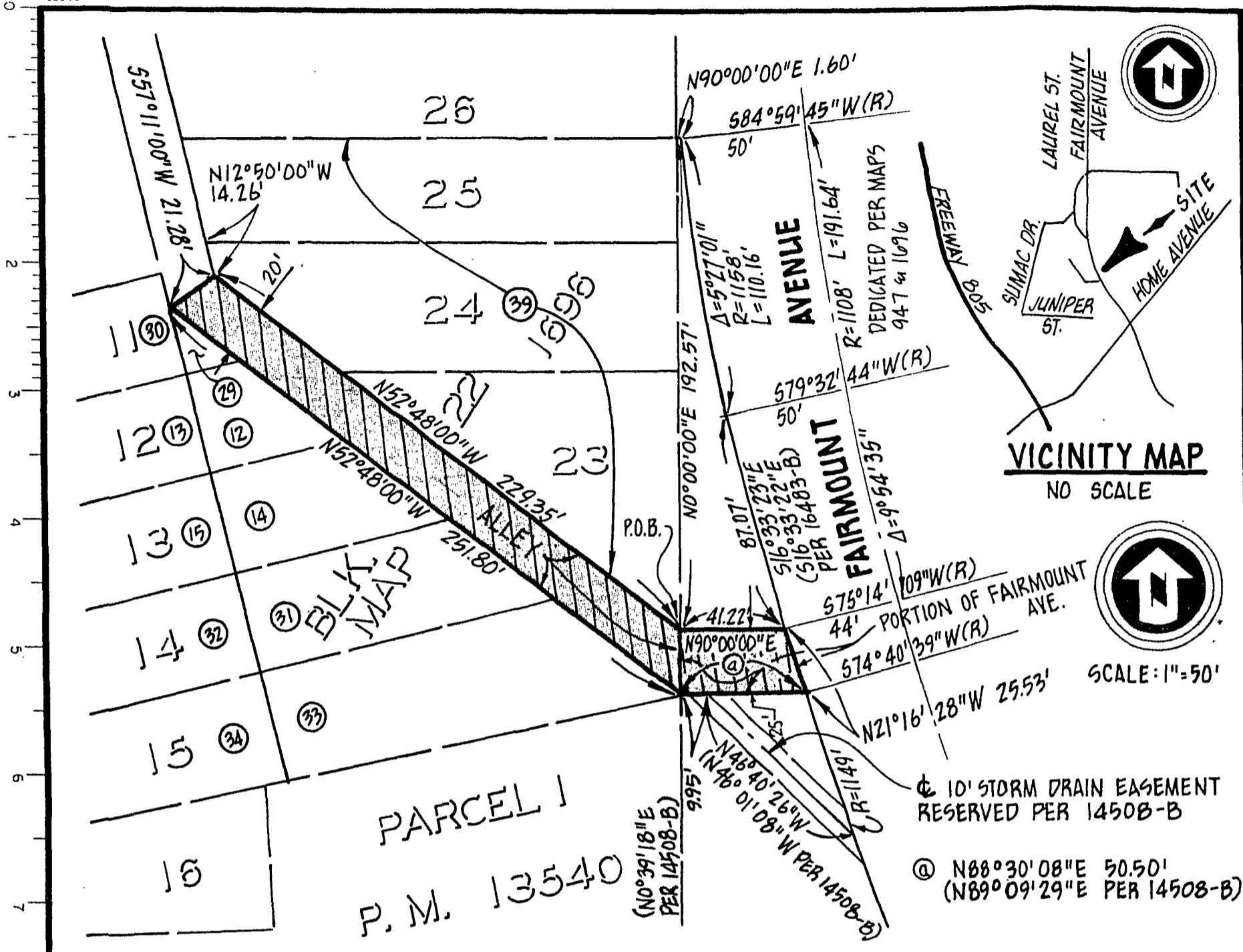
6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions and that the City Clerk shall then cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: John W. Witt, City Attorney

By   
\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:mrh:221.1  
02/05/87  
Or.Dept:E&D  
SA:86-500  
WO:120232  
Dwg:16678-B  
R-87-1604  
Form=r.sumv3

R 267935



**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EASTERLY LINE OF BLOCK 22 OF LEXINGTON PARK, MAP NO. 1696: I.E. N0°00'00"E

**REFERENCE DRAWINGS:**

16483-B, 14508-B, MAP 1696, P.M. 13540



**LEGEND:**

- PORTIONS OF FAIRMOUNT AVENUE & ALLEY VACATED
- DRAINAGE & GENERAL UTILITY EASEMENT RESERVED.
- ASSESSOR'S PARCEL NO. PER BOOK 474 PAGE 56

**AREA OF VACATION:**

5935.57 SQ.FT. 0.136 ACRES

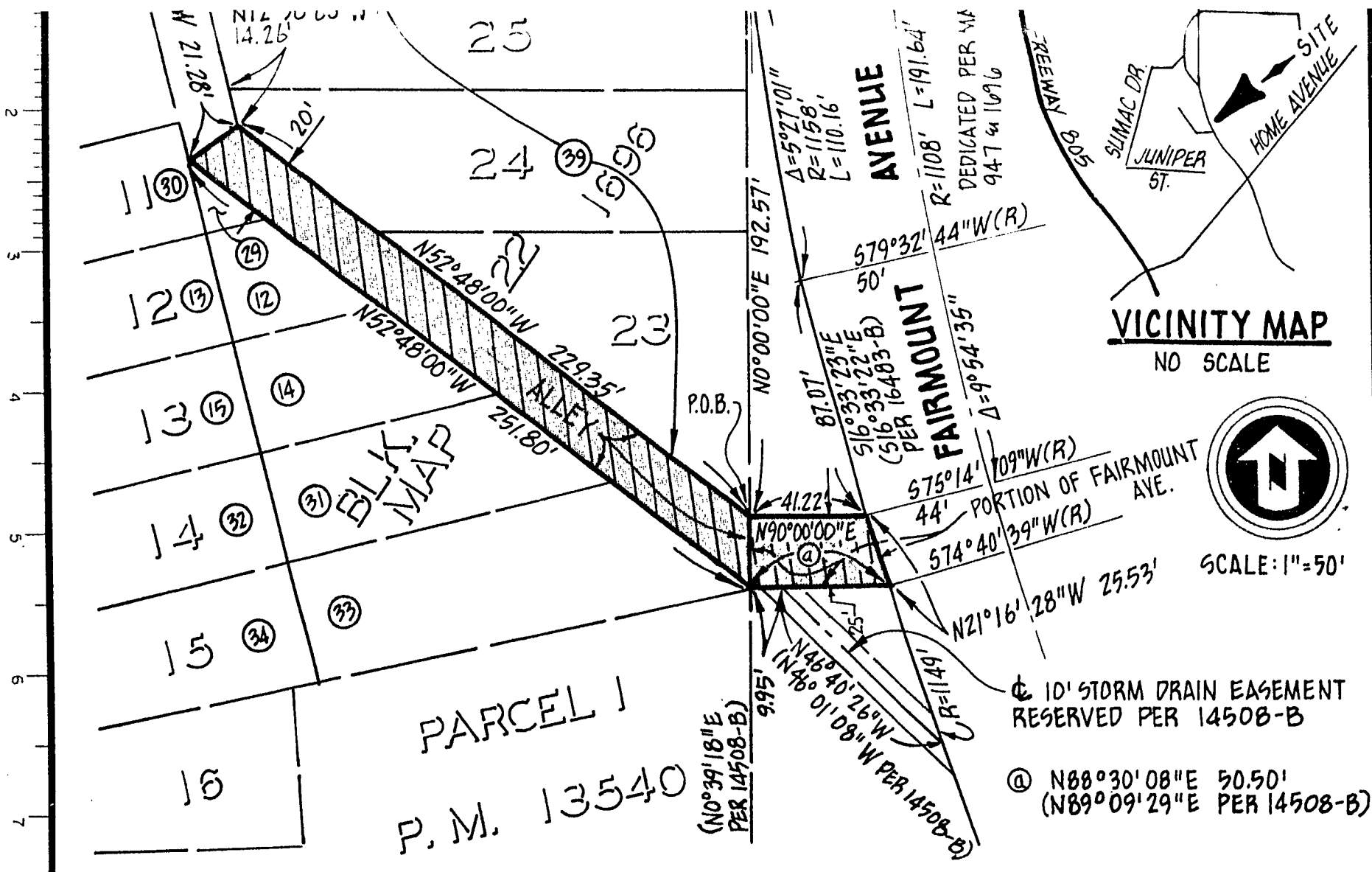
*Raymond F. Hall Jr.* 28 OCT 1986  
 RAYMOND F. HALL JR. P.C.E. 8629 DATE

**HALL** PLANNING  
 Engineering CIVIL ENGINEERING  
 LAND SURVEYING  
 2802 JUAN STREET ■ SAN DIEGO  
 CALIFORNIA ■ 92110  
 (619) 298-8183

DOCUMENT NO. PR-267935-1  
 FILED MAR 24 1987  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

**STREET VACATION** FAIRMOUNT AVENUE ADJACENT TO ALLEY IN BLOCK 22 MAP 1696  
**ALLEY VACATION** ALLEY ADJACENT TO LOTS 11 THROUGH 15 AND 23 AND 24 IN BLOCK 22 MAP 1696  
**DRAINAGE & GENERAL UTILITY EASEMENT RESERVATION** IN FAIRMOUNT AVE. (VACATED) AND ALLEY (VACATED)

DESCRIPTION	BY	APPROVED	DATE	CITY OF SAN DIEGO, CALIFORNIA	120232
ORIGINAL	8AS				SA-86-500
				<i>J.F. McLaughlin</i> Nov. 24, 1986	<i>Ralph C. Adams</i>



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DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	BAS			
CITY OF SAN DIEGO, CALIFORNIA				
SHEET 1 OF 1 SHEETS				
			<i>J.F. McLaughlin</i>	Nov. 24, 1986
			CITY ENGINEER	DATE
			<i>Ralph C. Adams</i>	
			CONTROL CERTIFICATION	
			206-1737	
			LAMBERT COORDINATES	
			16678	-B

MAR 24 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Ellen Bernard*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <i>R-267935</i>	Adopted <i>MAR 24 1987</i>