

RESOLUTION NUMBER R-269819

ADOPTED ON NOVEMBER 24, 1987

VACATION OF WALKWAY ON WEST SIDE OF WARING
ROAD BETWEEN GREENBRIER AVENUE AND PRINCESS
VIEW DRIVE.

WHEREAS, it is proposed that the walkway on the west side of Waring Road between Greenbrier Avenue and Princess View Drive be vacated; and

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

WHEREAS, there is no present or prospective use for the walkway either for the public street system for which the right-of-way was originally acquired or for any other public use of a like nature that can be anticipated in that the right-of-way is not needed for public street, bikeway, or open space purposes; and

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

WHEREAS, the vacation or abandonment is not inconsistent with the General Plan or an approved Community Plan; and

WHEREAS, the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That the walkway on the west side of Waring Road between Greenbrier Avenue and Princess View Drive, as more particularly referred to in Resolution of Intention No. R-269502, adopted by the Council on October 19, 1987, is not necessary for present or prospective public street purposes.

2. That the walkway on the west side of Waring Road between Greenbrier Avenue and Princess View Drive, as more particularly shown on Drawing No. 16955-B, on file in the office of the City Clerk as Document No. RR-269502, which said drawing is attached hereto and made a part hereof, be and the same is hereby ordered vacated.

3. 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. The easement reserved herein is in, under, over, upon, along and across the walkway on the west side of Waring Road between Greenbrier Avenue and Princess View Drive, vacated by this document and as more particularly shown on Drawing No. 16955-B on file in the office of the City Clerk as Document No. RR-269502.

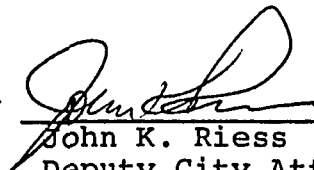
4. That The City of San Diego hereby reserves and excepts the right, from vacation and abandonment, easement, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge 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 walkway to be vacated and abandoned.

5. That the easements reserved herein are in, under, over, upon, along and across that portion of the walkway on the west side of Waring Road between Greenbrier Avenue and Princess View Drive, vacated by this Document and as more particularly shown on Drawing No. 16955-B, on file in the office of the City Clerk as Document No. RR-269502.

6. That the City Clerk shall then cause a certified copy of this resolution, attested by him under seal, with drawings, to be recorded in the office of the County Recorder.

APPROVED: John W. Witt, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:wk:221.1
09/15/87
04/26/88 REV. 1
06/13/88 REV. 2
Or.Dept:Prop.
WO:117798/A-443
DWG:16955-B
R-88-537
Form=r.stve

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CLERK'S OFFICE

1988 JUN 15 AM 8:17

SAN DIEGO, CALIF.

TO: DIRECTOR
FROM: SAC, SAN DIEGO
SUBJECT: [Illegible]

RE: [Illegible]

DATE: [Illegible]

BY: [Illegible]

FOR: [Illegible]

THROUGH: [Illegible]

APPROVED: [Illegible]

COPIES: [Illegible]

NOTES: [Illegible]

ATTENTION: [Illegible]

ADMINISTRATIVE: [Illegible]

OTHER: [Illegible]

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Passed and adopted by the Council of The City of San Diego on NOV 24 1987,
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"/>	
District 4	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Vacant
Ed Struiksmma	<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 Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R 269819 Adopted NOV 24 1987