

(R-89-1139)

RESOLUTION NUMBER R- 272776

ADOPTED ON JAN 30 1989

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 the portion of street to be vacated consists of excess rights-of-way no longer required for street or highway purposes; and

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

WHEREAS, the abutting property owner has requested the vacation of the southerly excess portion of University Avenue between 58th Street and 60th Street, the easterly excess portion of 58th Street south of University Avenue, and the westerly excess portion of 60th Street south of University Avenue to facilitate development of University Square; 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, the vacation or abandonment is not inconsistent with the General Plan or an approved Community Plan; and

WHEREAS, it is necessary and desirable that the vacation be conditioned upon the issuance of permits for required public

improvements and completion of a consolidation parcel map or other suitable map; NOW, THEREFORE,

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

1. That the southerly excess portion of University Avenue between 58th Street and 60th Street, the easterly excess portion of 58th Street south of University Avenue, and the westerly excess portion of 60th Street south of University Avenue, as more particularly shown on Drawing No. 24629-D, on file in the office of the City Clerk as Document No. RR-272776-1, 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 water, sewer, and drainage facilities 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.

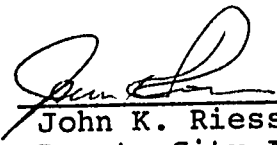
3. That the easement reserved herein is in, under, over, upon, along, and across those portions of University Avenue, 58th Street, and 60th Street vacated by this document and as more particularly shown on Drawing No. 24629-D, on file in the office of the City Clerk as Document No. RR-272776-1

4. That the resolution shall not become effective unless and until issuance of the permits for the required public improvements has been accomplished. In the event that above requirements are not completed by August 31, 1989, this resolution shall become void and of no further force or effect.

5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned issuance of permits for the required public improvements, 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.

CORRECTED 01/05/89

APPROVED: John W. Witt, City Attorney

By   
John K. Riess  
Deputy City Attorney

JKR:wk:221.1  
12/27/88  
01/05/89 COR.COPY  
Or.Dept:E&D  
SA:88-514  
WO:120232  
Dwg:24629-D  
R-89-1139  
Form=r.sumv3

JAN 30 1989

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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-272776* Adopted *JAN 30 1989*  
Number ..... Adopted .....

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CITY CLERKS OFFICE  
SAN DIEGO, CA



CITY OF SAN DIEGO  
OFFICE OF THE CITY CLERK

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