

(R-90-1352)

RESOLUTION NUMBER R- 275302

ADOPTED ON MAR 19 1990

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 a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another; and

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

WHEREAS, the abutting property owners have requested the vacation of the alley in Block 40 of Normal Heights, Map 985 and Map 1312 to facilitate development of their property; and

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

WHEREAS, there is no present or prospective use for the street 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, 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 the required public improvements; 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 alley in Block 40 of Normal Heights Map 985 and Map 1312, as more particularly shown on Drawing No. 17522-B, on file in the office of the City Clerk as Document No.

RR- 275302,<sup>1</sup> which said drawing is attached hereto and made a part hereof, 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, sewer lines 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 from vacation and abandonment, the 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 the alley in Block 40 of Normal Heights Map 985 and Map 1312 and that the easement is more particularly shown and delineated on Drawing No. 17522-B on file in the office of the City Clerk as Document No. RR-275302-1


5. That the resolution shall not become effective unless and until the issuance of permits for the required public improvements. In the event the required permits are not issued

improvements. In the event the required permits are not issued within one year following the adoption of this resolution, this resolution shall become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the approval of the aforementioned issuance of permits for the required public improvements, and the City Clerk shall then 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

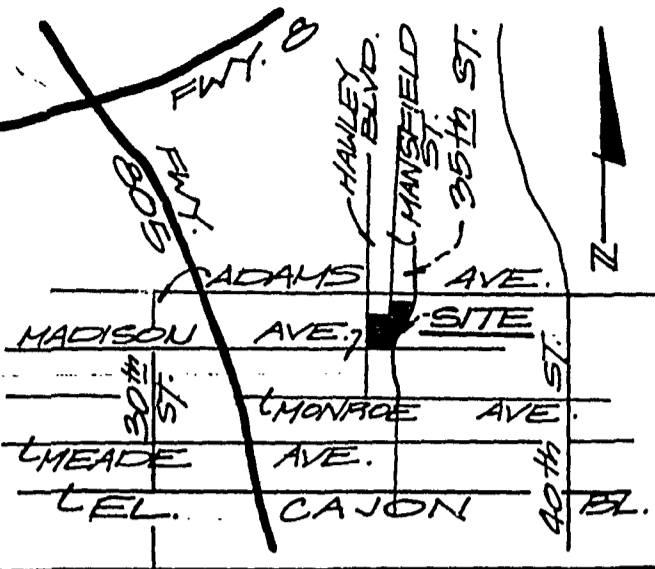
By

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

JKR:pev  
02/21/90  
02/26/90 COR.COPY  
Or.Dept:E&D  
SA:89-523  
WO:120236  
Dwg:17522-B  
R-90-1352  
Form=r.sumv3

PORTION OF ALLEY VACATED PER CITY COUNCIL RESO. 158273. DEC. 15, 1959. DLUG. NO. 7760-B.

RESUBDIVISION OF BLOCK 40 OF NORMAL HEIGHTS MAP NO. 1312.



VICINITY MAP NO SCALE

NORTH SCALE: 1"=20'

HEIGHTS 985  
MAP 985



15' GENERAL UTILITY ESM'T. RESERVED.

ALLEY VACATION SHOWN THIS:

AREA = 0.23 Ac.

PORTION OF ALLEY VACATED & RESERVED AS GENERAL UTILITY EASEMENT SHOWN THIS:

MADISON AVE.

SAN DIEGO CITY SCHOOLS LAND & FACILITIES DEPT. 4100 NORMAL STREET SAN DIEGO, CA. 92103 TEL. No. 293-8268.

DOCUMENT NO. RR-275302-1  
FILED MAR 19 1990  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

**ALLEY VACATION-NORTHERLY OF MADISON AVE.**

ADJACENT TO LOTS 13 THRU 16, IN BLOCK 40 OF NORMAL HEIGHTS, MAP 985.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	SDUSD RASO		6-14-89		W.O. NO. 120236	
	RASO		10-9-89		SAB9-523	
					SHEET 1 OF 1 SHEETS	
					<i>Jeffrey D. Strohmiller</i> FOR CITY ENGINEER	2-1-90 DATE
						<i>Ralph C. Adams</i> CONTROL CERTIFICATION
						216-1733
					DIVISION HEAD	LAMBERT COORDINATES
					SECTION HEAD	17522 - B

# 116

MAR 19 1990

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"/>
John Hartley	<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"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-275302* Adopted **MAR 19 1990**

