

(R-91-2239)

RESOLUTION NUMBER R- 278616

ADOPTED ON SEP 10 1991

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Code provides a procedure for the summary vacation of streets by City Council resolution where a street has been superseded by relocation; and

WHEREAS, in connection with this vacation, the City desires to reserve an easement; and

WHEREAS, the abutting property owners have requested the vacation of a portion of an alley, adjacent to Lots 1208-1210 of Clairemont Unit 8, Map 2889, in connection with Conditional Use Permit (CUP) No. 88-0098, to facilitate development of their property; and

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

WHEREAS, there is no present or prospective use for the alley 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 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 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 dedication of certain rights-of-way and the issuance of permits for certain 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, adjacent to Lots 1208-1210 of Clairemont Unit 8, Map 2889, in connection with Conditional Use Permit (CUP) No. 88-0098, as more particularly shown on Drawing No. 17792-B, on file in the office of the City Clerk as Document No. RR-278616, 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, 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 alley adjacent to Lots 1208-1210 of Clairemont Unit 8, Map 2889, and that the easement is more particularly shown and delineated on Drawing No. 17792-B on file in the office of the City Clerk as Document No. RR-278616.

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

a. The alley dedication and related construction of public improvements as proposed under Conditional Use Permit (CUP) No. 88-0098 must be provided.

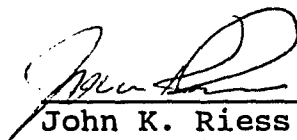
b. Curb, gutter, and sidewalk must be constructed across the area-of-vacation.

In the event the above conditions are not completed within 18 months following the adoption of this resolution, then 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 conditions, and 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

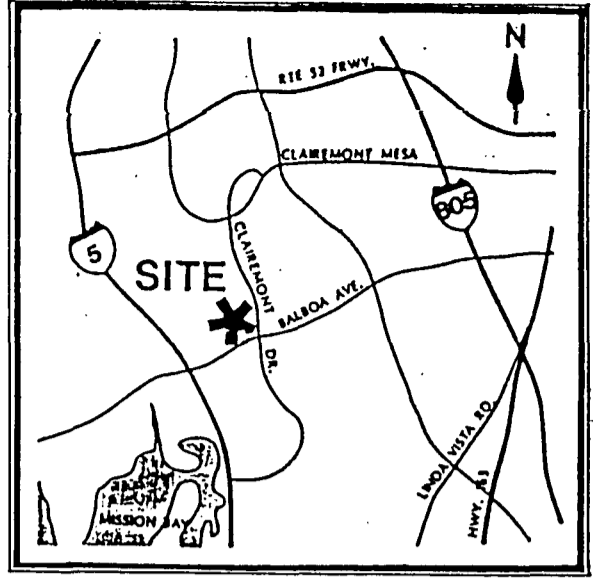
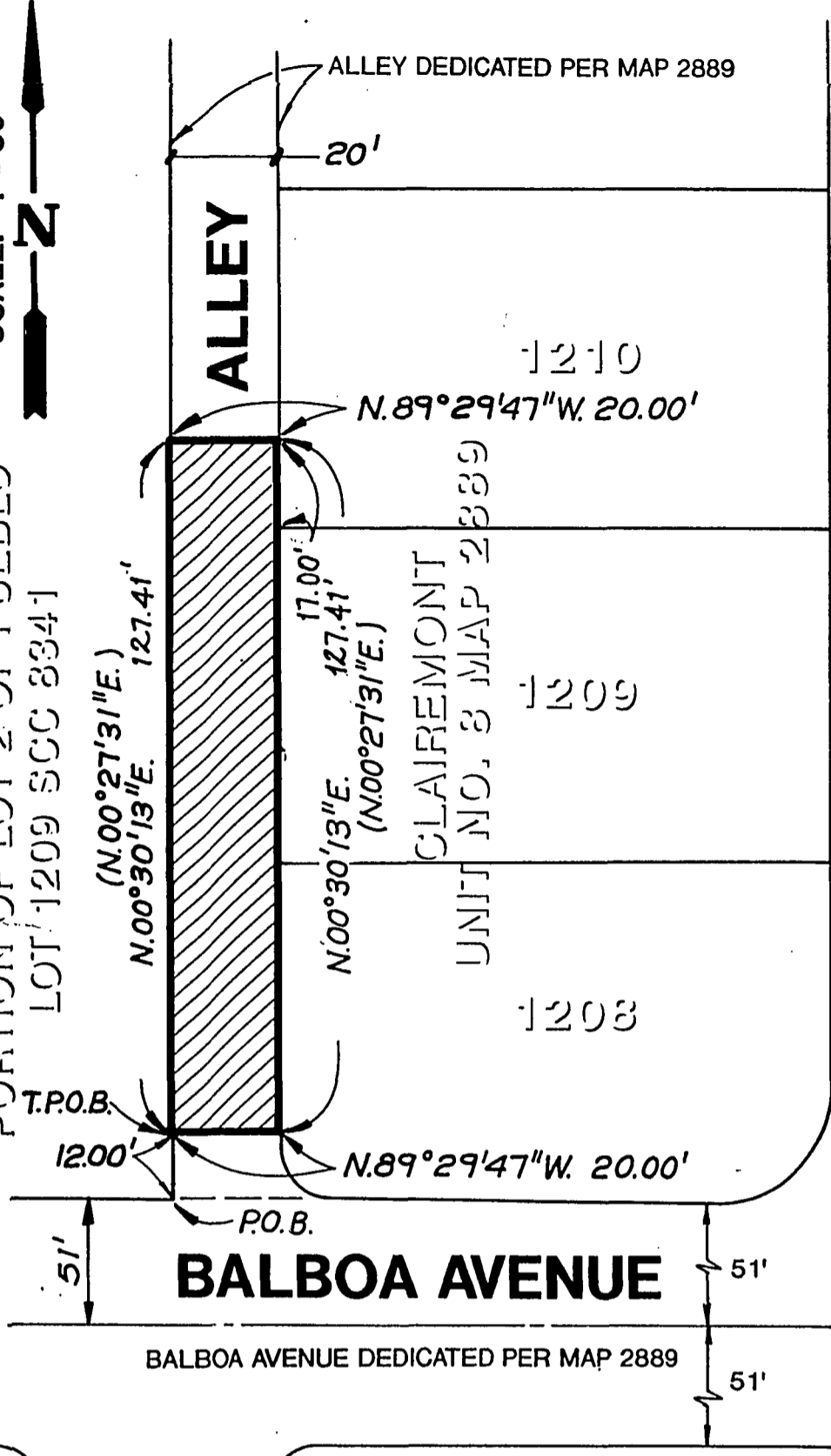


John K. Riess
Deputy City Attorney

JKR:pev
06/27/91
Or.Dept:E&D
SA:88-534
WO:120232
Dwg:17792-B
R-91-2239
Form=r.sumv3

SCALE: 1"=30'


PORTION OF LOT 2 OF PUEBLO
LOT 1209 SCC 8341



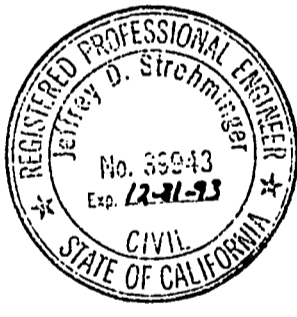
VICINITY MAP
NO SCALE

BASIS OF BEARINGS
THE BASIS OF BEARINGS FOR THIS PLAT IS THE SOUTH BOUNDARY LINE OF ROBYN HEIGHTS ACCORDING TO MAP THEREOF NO. 3529 I.E. N. 89°32'55" W.

REFERENCES
MAP NO. 2889 & 3529

LEGEND
 INDICATES ALLEY VACATED AND GENERAL UTILITIES EASEMENT RESERVATION AREA = 0.059 ACRES.
 ()..... RECORD DATA PER MAP 2889 & 3529.

CLAIREMONT DRIVE



DOCUMENT NO. RR-278616
 FILED SEP 10 1991
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

Project Design Consultants
 PLANNING ENGINEERING SURVEYING
 701 B Street, Suite 800, San Diego, CA 92101
 619-235-6477 FAX 234-0349

[Signature] 4/10/91
 DOUGLAS C. PAUL R.C.E. 22606 DATE
 MY REGISTRATION EXPIRES 12-31-93

ALLEY VACATION AND GENERAL UTILITIES EASEMENT RESERVATION -
 PORTION OF ALLEY NORTH OF BALBOA AVENUE ADJACENT
 TO LOTS 1208-1210 OF CLAIREMONT UNIT NO. 8 MAP 2889

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	PDC				SHEET 1 OF 1 SHEET	
REVISION	PDC				<i>[Signature]</i> FOR CITY ENGINEER	7-12-91 DATE
						<i>[Signature]</i> Ralph C. Adams
						236-1707 LAMBERT COORDINATES
						17792 - B

RECEIVED

COMMUNICATIONS SECTION

APR 11 1964

U.S. AIR FORCE

R-278616

330
771

SEP 10 1991

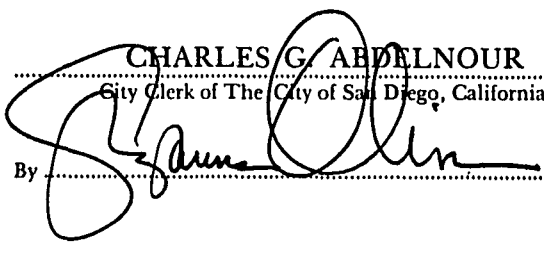
Passed and adopted by the Council of The City of San Diego on.....
by the following vote:

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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  , Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-278616** Adopted..... **SEP 10 1991**.....
 Number

91.01.10 PH 1-16

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