

RESOLUTION NUMBER R-278784

ADOPTED ON SEPTEMBER 24, 1991

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where for a period of five consecutive years the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway during such period; and

WHEREAS, the abutting property owners have requested the vacation of Capella Street southeasterly of Mariposa Street, adjacent to Lot 58 and Parcel "A" within Rancho Cerro, Unit No. 1, Map No. 4948, to facilitate development of their property; and

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

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SAN DIEGO, CALIF.

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 public improvement permits; 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 Capella Street southeasterly of Mariposa Street, adjacent to Lot 58 and Parcel "A" within Rancho Cerro, Unit No. 1, Map No. 4948, as more particularly shown on Drawing No. 17286-B on file in the office of the City Clerk as Document No. RR-278784-1, 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 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 Capella Street and that the easement is more particularly shown on Drawing No. 17286-B on file in the office of the City Clerk as Document No. RR-278784-1.

5. That the resolution shall not become effective unless and until the engineering permits for the required public

improvements, which include construction of curb and sidewalk across the vacated area, have been issued. In the event that the permits are not issued by September 24, 1995, 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 street improvements have been completed, accepted, and opened to public use, 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.

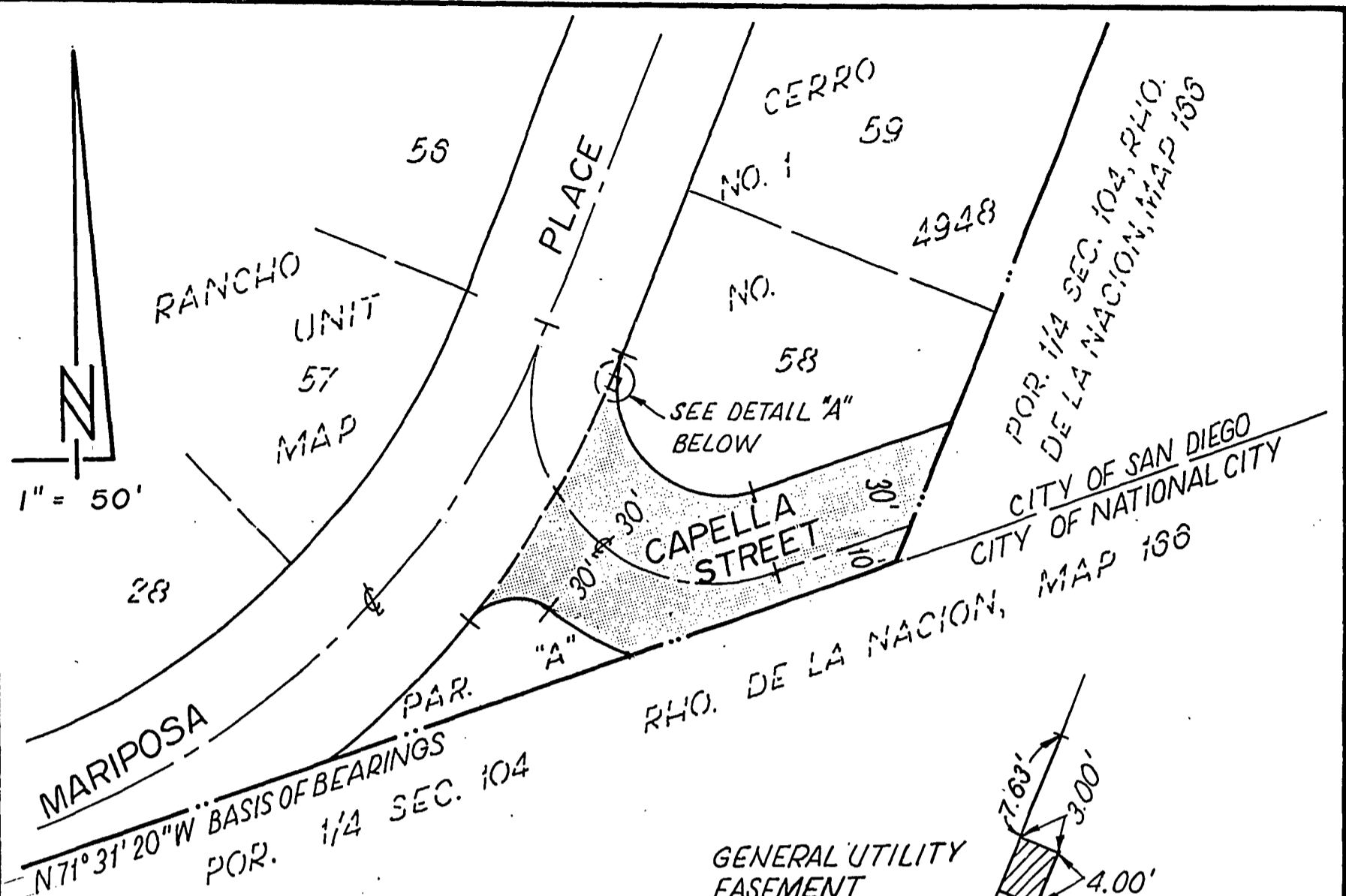
APPROVED: JOHN W. WITT, City Attorney

By



John K. Riess
Deputy City Attorney

JKR:pev
08/15/91
01/17/92 COR.COPY
Or.Dept:E&D
SA:88-516
WO:120232
Dwg:17286-B
R-92-261
Form=r.sumv3

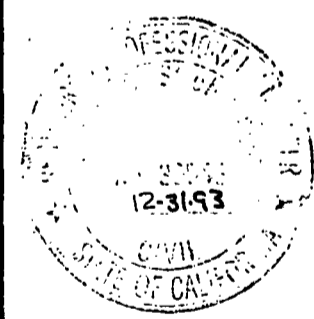
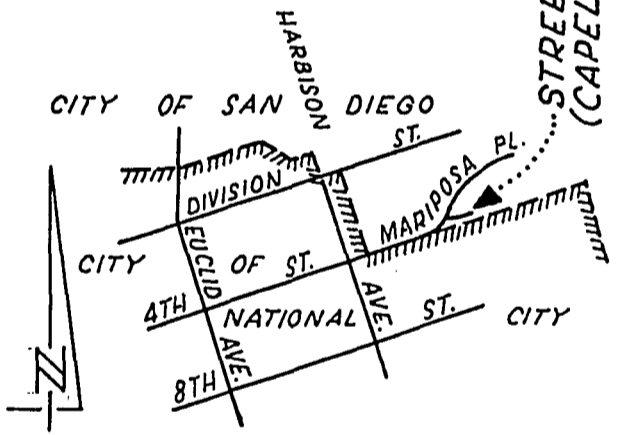
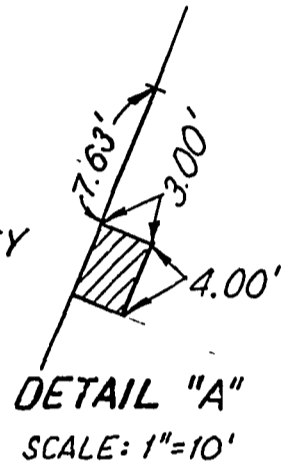


LEGEND INDICATES CAPELLA STREET DEDICATED PER MAP 4948 VACATED (AREA - 7001 SQ. FT.) = [shaded area]

BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR STREET VACATION DRAWING IS THE SOUTHERLY SUBDIVISION BOUNDARY OF RANCHO CERRO UNIT NO. 1, MAP NO. 4948, I.E. S71°31'20"W

REFERENCE DRAWINGS
 9258-D - CAPELLA STREET MAP 4948

GENERAL UTILITY EASEMENT RESERVED



ALGERT ENGINEERING, INC.
 428 BROADWAY
 CHULA VISTA, CA. 92010
 PH. 420-7090
 BY: *James H. Algert*
 JAMES H. ALGERT, RCE 19073
 DATE 10-8-90

STREET VACATION - CAPELLA STREET EAST OF MARIPOSA PLACE IN RANCHO CERRO UNIT NO. 1, MAP 4948 AND GENERAL UTILITY EASEMENT RESERVATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO. 120232
ORIGINAL	DOCUMENT NO. RR-278784-1				SHEET 1 OF 1 SHEETS	SA 88-516
	FILED SEP 24 1991				<i>[Signature]</i> 6-11-91	<i>Ralph C. Alamo</i>
	OFFICE OF THE CITY CLERK SAN DIEGO, CALIFORNIA				FOR CITY ENGINEER	CONTROL CERTIFICATION
					DIVISION HEAD	190-1747
					SECTION HEAD	LAMBERT COORDINATES
						17286 - B

R-278784

CORRECTED COPY

331A

Passed and adopted by the Council of The City of San Diego on SEP 24 1991
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Bhanda R. Bernal*, Deputy.

Office of the City Clerk, San Diego, California

SEP 24 1991

Resolution Number *R-278784* Adopted.....