

(R-92-338)

RESOLUTION NUMBER R- 278809

ADOPTED ON OCT 08 1991

WHEREAS, the provisions of Council Policy No. 600-15 require that a noticed public hearing be conducted before the City Council prior to the vacation of a City street; and

WHEREAS, Section 66499.20½ of the California Government Code provides that the filing of the map shall constitute abandonment of all streets and easements not shown on said map; and

WHEREAS, the abutting property owners have requested the vacation of a portion of Pendleton Street and a portion of Law Street, in connection with Westview II (TM 90-0576) to facilitate development of their property; and

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

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

WHEREAS, those properties adjoining the streets 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, 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 a portion of Pendleton Street and a portion of Law street, in connection with Westview II (TM 90-0576), as more particularly shown on Exhibit "A," on file in the office of the City Clerk as Document No. RR-278809, which is by this reference incorporated herein and made a part hereof, be and the same are 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' 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 Pendleton Street and Law Street and that the easement is more particularly shown and delineated on Exhibit "A," on file in the Office of the City Clerk as Document No. RR-278809-1.

5. That the resolution shall not become effective unless and until the final map for Westview II has been approved by Council action. In the event that the final map is not approved within the time allowance specified under the tentative map conditions or any subsequent time extensions allowed, this resolution shall become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned final map, 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
08/26/91
Or.Dept:E&D
SA:90-520
WO:900576
Exhibit A
R-92-338
Form=r.sumv3

CORRECTED
EXHIBIT "A"

$\Delta = 08'22'10"$
 $R = 1051.00'$
 $L = 153.53'$

POTENTIAL LOCATION
OF PROJECT ACCESS
TO FUTURE CITY OPEN
SPACE PARK

TOP OF WALL ELEV. 149
BOTTOM OF WALL ELEV. 141

TOP OF WALL ELEV. 143
BOTTOM OF WALL ELEV. 144

TOP OF WALL ELEV. 137
BOTTOM OF WALL ELEV. 132

TOP OF WALL ELEV. 124

TOP OF WALL ELEV. 125
BOTTOM OF WALL ELEV. 123

TOP OF WALL ELEV. 147
BOTTOM OF WALL ELEV. 146

DOCUMENT NO. RR278809

FILED OCT 03 1991
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

FILE DEPT.
TURNAROUND

$\Delta = 28'57'18"$
 $R = 100.00'$
 $L = 50.54'$

$\Delta = 28'57'18"$
 $R = 100.00'$
 $L = 50.54'$



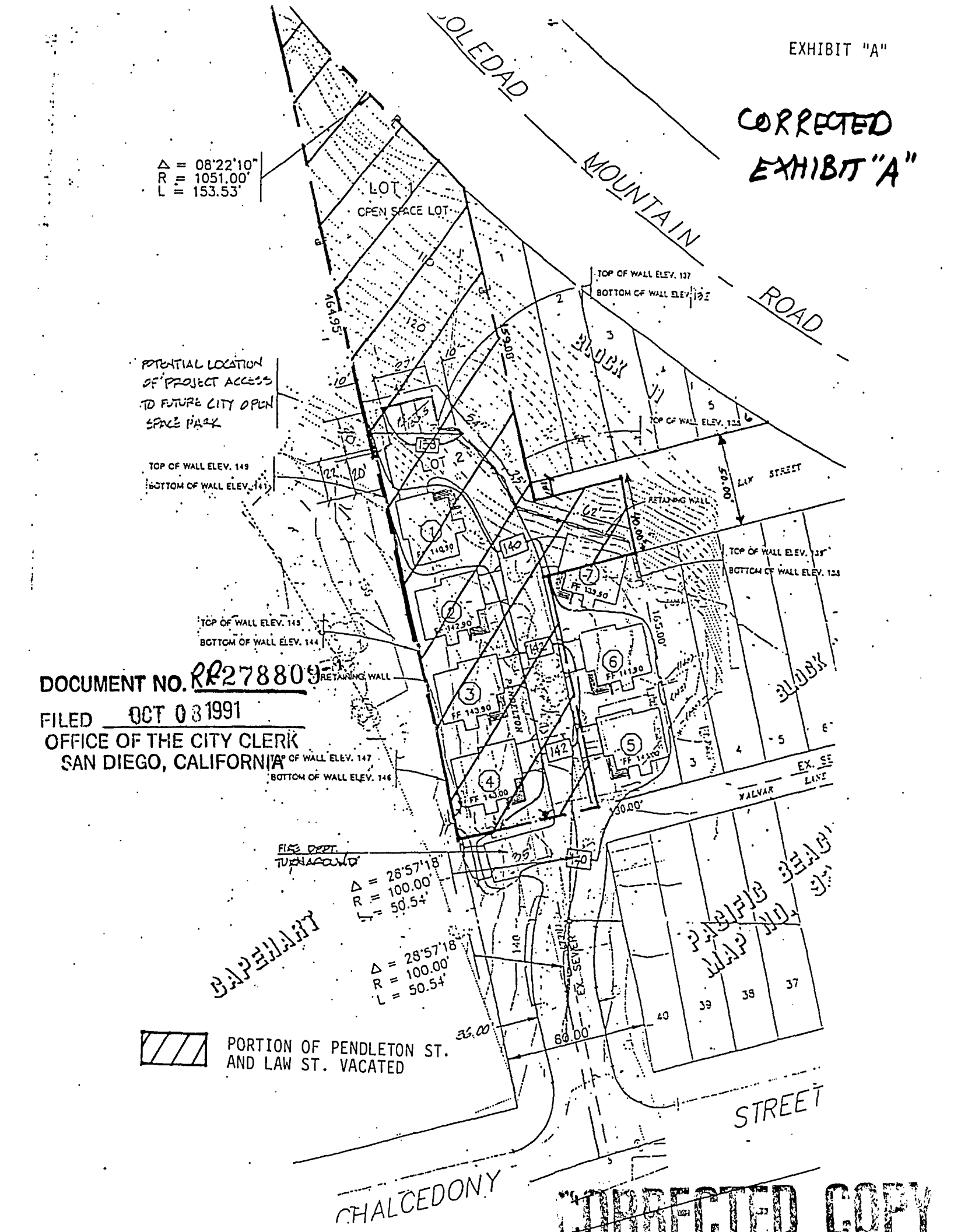
PORTION OF PENDLETON ST.
AND LAW ST. VACATED

BAPEHART

PLANNED
MAP NO. 37

CHALCEDONY

CORRECTED COPY



339D

OCT 08 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 type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ron Roberts | <input type="checkbox"/> | <input checked="" 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 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 *Blanca R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-278809 Adopted OCT 08 1991

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