

(R-93-612)

RESOLUTION NUMBER R- 281188

ADOPTED ON DEC 08 1992

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 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 the portion of the street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

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

WHEREAS, the abutting property owner has requested the vacation of the excess portions of Thurston Place, east of Sword Way, adjacent to Lots 42-44 of Map 12146, to facilitate development of their property; 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, 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 excess portion of Thurston Place, east of Sword Way, adjacent to Lots 42-44 of Map 12146, as more particularly shown on Drawing No. 17721-B, on file in the office of the City Clerk as Document No. RR-281188, 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 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 an 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, easement, 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 the property from all hazards in, upon, over, and across the above-described portions of streets to be vacated and abandoned.

4. That the easements reserved herein are in, under, over, upon, along and across Thurston Place and that the easement is more particularly shown on Drawing No. 17721-B, on file in the office of the City Clerk as Document No. RR-281188.

6. That the resolution shall not become effective unless and until the following condition has been met:

Public improvements have been installed in accordance with the reconfiguration of

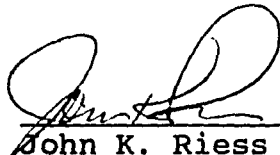
Thurston Place, in a manner satisfactory to  
the City Engineer.

In the event the above condition is not completed within  
three (3) years following the adoption of this resolution, this  
resolution shall become void and be of no further force or  
effect.

7. That the City Engineer shall advise the City Clerk of  
the approval of the aforementioned public improvements, and that  
the City Clerk shall then cause a certified copy of this  
resolution, attested by him under seal, with drawings, 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  
10/05/92  
Or.Dept:E&D  
SA:90-513  
WO:120102  
DWG:17721-B  
R-93-612  
Form=r.stve



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Passed and adopted by the Council of The City of San Diego on.....  
by the following vote: DEC 08 1992

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"/>
George Stevens	<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"/>
Valerie Stallings	<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 Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Linda Ferguson*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R. 281188** Adopted **DEC 08 1992**