

(R-92-1823)

RESOLUTION NUMBER R- 280040

ADOPTED ON JUN 01 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 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 owners have requested the vacation of the northerly excess portions of West Muirlands Drive at Nautilus Street 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, 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 northerly excess portion of West Muirlands Drive at Nautilus Street, as more particularly shown on Drawing No. 17935-B, on file in the office of the City Clerk as Document No. RR-280040¹, 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, water, sewer, and any franchise facilities 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 West Muirlands Drive and that the easement is more particularly shown on Drawing No. 17935-B, on file in the office of the City Clerk as Document No. RR-280040-1.

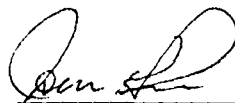
5. That the resolution shall not become effective unless and until the following condition has been met: A public improvement permit has been issued for a pedestrian ramp at the corner of West Muirlands Drive and Nautilus Street.

In the event that the above condition is not completed within eighteen (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 completion of the aforementioned public improvements, 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.


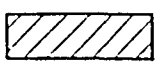
APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

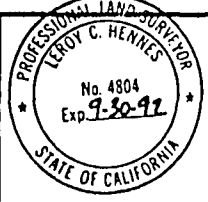
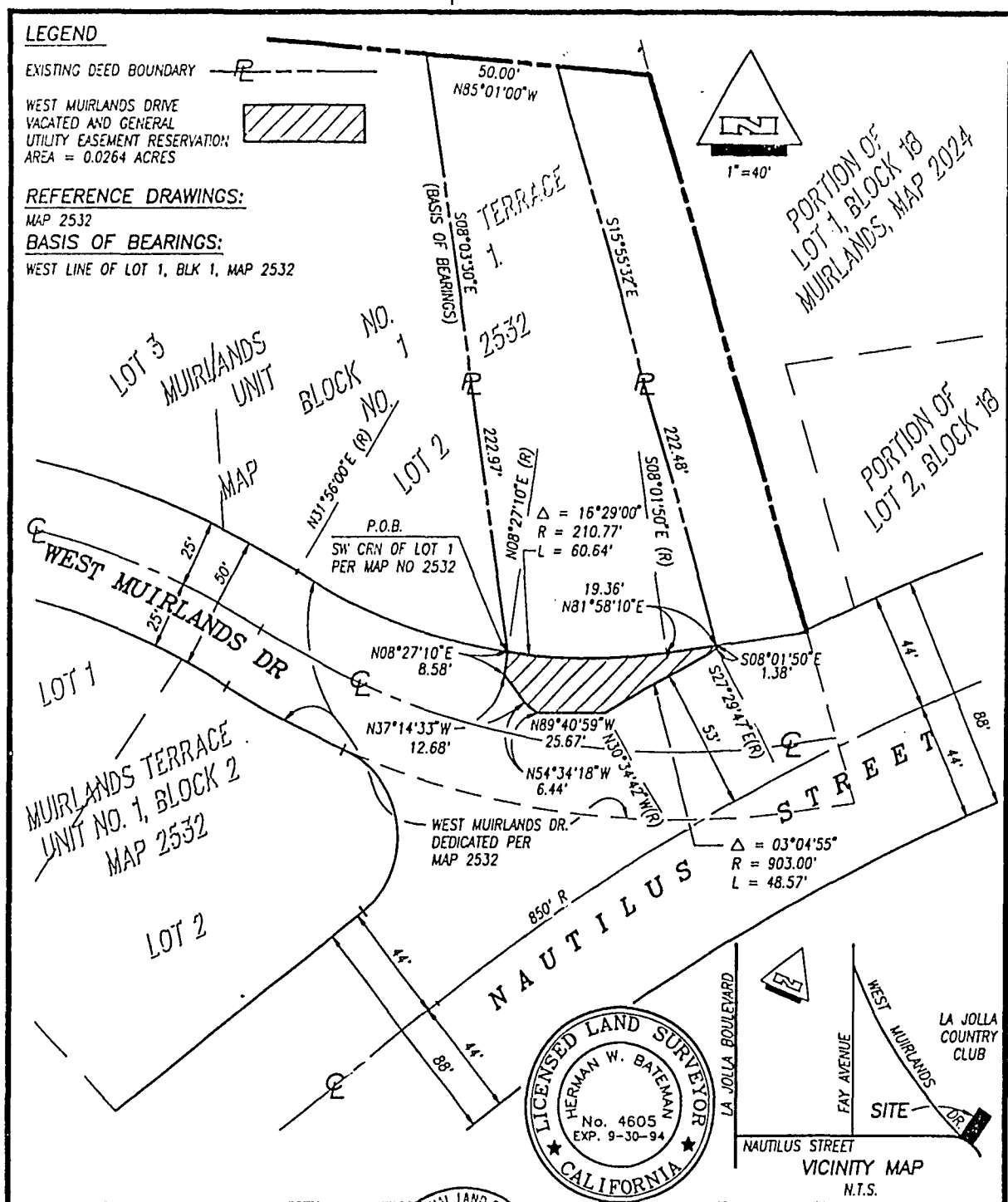
JKR:pev
05/13/92
Or.Dept:E&D
SA:90-532
WO:120232
Dwg:17935-B
R-92-1823
Form=r.sumv3

LEGEND

EXISTING DEED BOUNDARY 
 WEST MUIRLANDS DRIVE
 VACATED AND GENERAL
 UTILITY EASEMENT RESERVATION;
 AREA = 0.0264 ACRES 

REFERENCE DRAWINGS:

MAP 2532
BASIS OF BEARINGS:
 WEST LINE OF LOT 1, BLK 1, MAP 2532



SAN DIEGO LAND SURVEYING &
 ENGINEERING, INC.
 9474 CHESAPEAKE DRIVE, SUITE 907
 SAN DIEGO, CA 92123 565-8362
Herman W. Bateman DATE: 3-30-92
 HERMAN W. BATEMAN L.S. 4605

DOCUMENT NO. RR-280040-1
 FILED JUN 03 1992
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

**STREET VACATION - WEST MUIRLANDS DRIVE ---
 AND GENERAL UTILITY EASEMENT RESERVATION -
 INTERSECTION OF WEST MUIRLANDS DRIVE AND NAUTILUS STREET**

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SA-90-532
ORIGINAL					SHEET 1 OF 1 SHEET	W.O. NO. 120232
		<i>Leroy G. Hennes</i>	4-7-92		FOR CITY ENGINEER	<i>Paul J. Buehler</i>
						CONTROL CERTIFICATION NAD 83C.1884-6247 244-1687 LAMBERT COORDINATES
					STATUS	17935 - B

R-280040

Passed and adopted by the Council of The City of San Diego on JUN 01 1992
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"/>
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 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 Branda L. Burnee, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-280040 Adopted JUN 01 1992
Number

ELECT

92 MAY 20 PM 3:39

CITY CLERK'S OFFICE
SAN DIEGO, CA