

(R-93-1391)

RESOLUTION NUMBER R- 281670

ADOPTED ON MAR 23 1993

VACATION OF DEWEY STREET, BETWEEN MAIN STREET AND NEWTON AVENUE, THE ALLEY IN BLOCK 96 OF MAP 209 AND MAP 379, AND THE ALLEY ADJACENT TO LOTS 20-30, BLOCK 95 OF MAP 209.

WHEREAS, it is proposed that Dewey Street, between Main Street and Newton Avenue, the alley in Block 96 of Map 209 and Map 379, and the alley adjacent to Lots 20-30, Block 95 of Map 209, be vacated; 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 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, 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 Dewey Street, between Main Street and Newton Avenue, the alley in Block 96 of Map 209 and Map 379, and the alley adjacent to Lots 20-30, Block 95 of Map 209, as more particularly referred to in Resolution of Intention No. R-~~281542~~, adopted by the Council on MAR 01, 1993, is not necessary for present or prospective public street purposes.

2. That Dewey Street, between Main Street and Newton Avenue, the alley in Block 96 of Map 209 and Map 379, and the alley adjacent to Lots 20-30, Block 95 of Map 209, as more particularly shown on Drawings No. 18048-B, No. 18049-B, and No. 18059-B, on file in the office of the City Clerk as Document Nos. RR-281542-1, RR-281542-2 and RR-281542-3, of which copies of said drawings are attached hereto and made a part hereof, be and the same are hereby ordered vacated.

3. 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 sewer, water and 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 easements, together with the right of ingress thereto and egress therefrom, together with the right to maintain the

said easements 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.

4. 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.

5. That the easements reserved herein are in, under, over, upon, along and across that Dewey Street and the alley in Block 95, Map 209, and that the easements are more particularly

shown and delineated on Drawings No. 18048-B and No. 18059-B, on file in the office of the City Clerk as Document Nos.

RR- 281542-1 and RR- 281542-2.

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

a. The engineering permits for the required public improvements, which include construction of curb, gutter, and sidewalk across the vacated area have been issued.

b. All existing public utilities and franchise facilities within the vacated areas, have been removed or relocated, in a manner satisfactory to the Water Utilities Director or the affected utility company, as applicable.

c. Adequate fire access has been provided for the existing structure at 1120 Dewey Street or the structure has been removed in a manner satisfactory to the Fire Department.

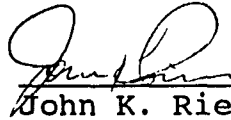
d. Provisions have been made to accommodate an alternate through access for the truncated portion of the alley within Block 95, Map 209, in a manner satisfactory to the City Engineer.

In the event the above conditions are not completed within thirty-six (36) months following the adoption of this resolution, then 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 completion of the aforementioned conditions, 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



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John K. Riess  
Deputy City Attorney

JKR:pev  
03/05/93  
Or.Dept:E&D  
DWG:18048-B, 18049-B and 18059-B  
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Passed and adopted by the Council of The City of San Diego on MAR 23 1993  
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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By Blonda B. Barnes Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-261670</u>	Adopted <u>MAR 23 1993</u>