

(R-94-62)

RESOLUTION NUMBER R- 2 8 2 5 0 5

ADOPTED ON AUG 0 9 1993

WHEREAS, the provisions of Council Policy No. 600-15 require that a notice 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 excess portions of Kearny Mesa Road, between Mercury Street and Armour 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, 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 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 Kearny Mesa Road, between
Mercury Street and Armour Street, as more particularly shown on
Drawing No. 17989-B, on file in the office of the City Clerk as
Document No. RR 282505, 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,
drainage 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,

1

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, 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 Kearny Mesa Road and that the easement is more particularly shown on Drawing No. 17989-B, on file in the office of the City Clerk as Document No. RR- 282505.

5. That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By

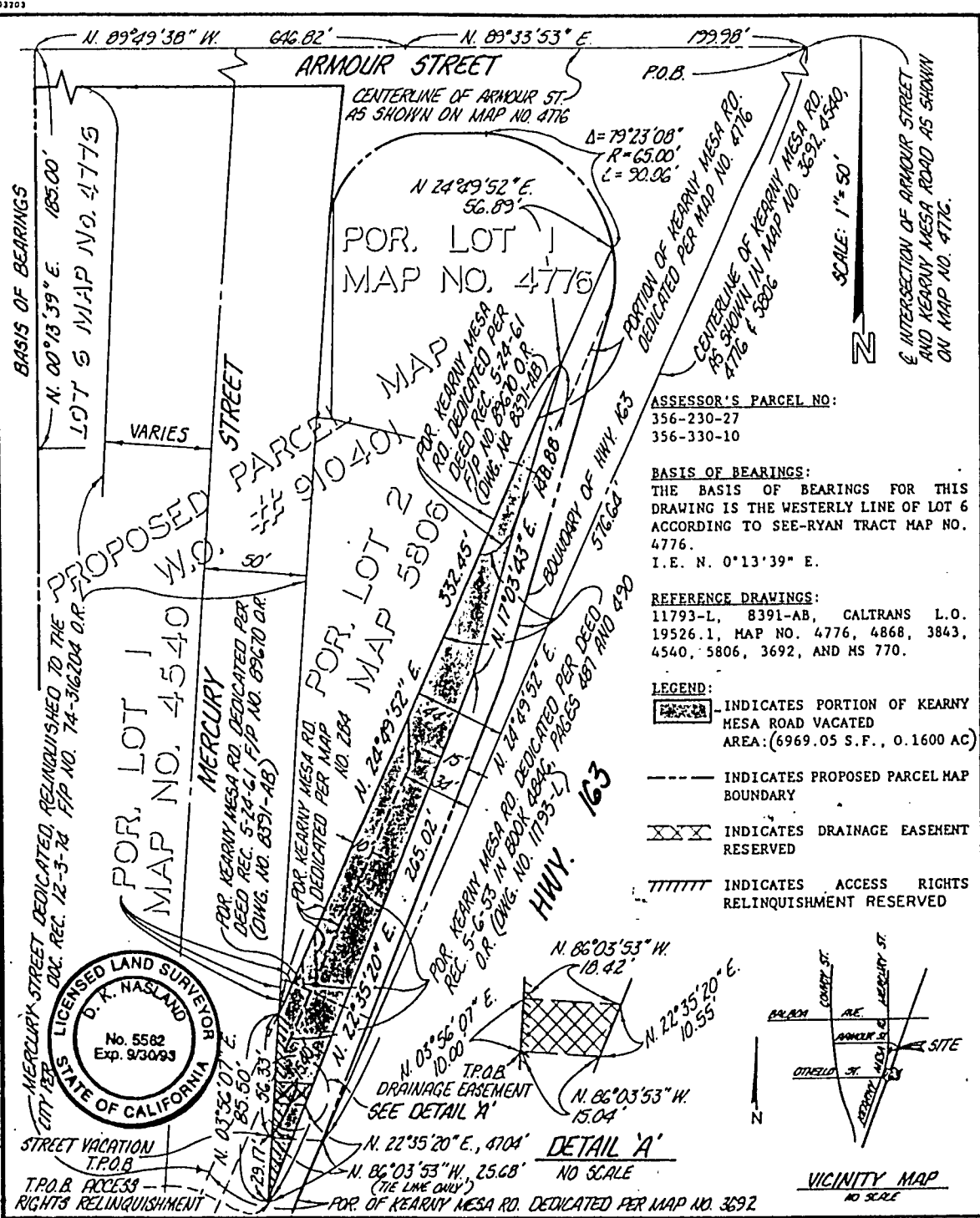


John K. Riess
Deputy City Attorney

JKR:pev
07/09/93
Or. Dept: E&D
SA: 91-510
WO: 120102
Dwg: 17989-B
R-94-62
Form=r.sumv3

DOCUMENT NO. **282505**
 FILED **AUG 09 1993**

OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

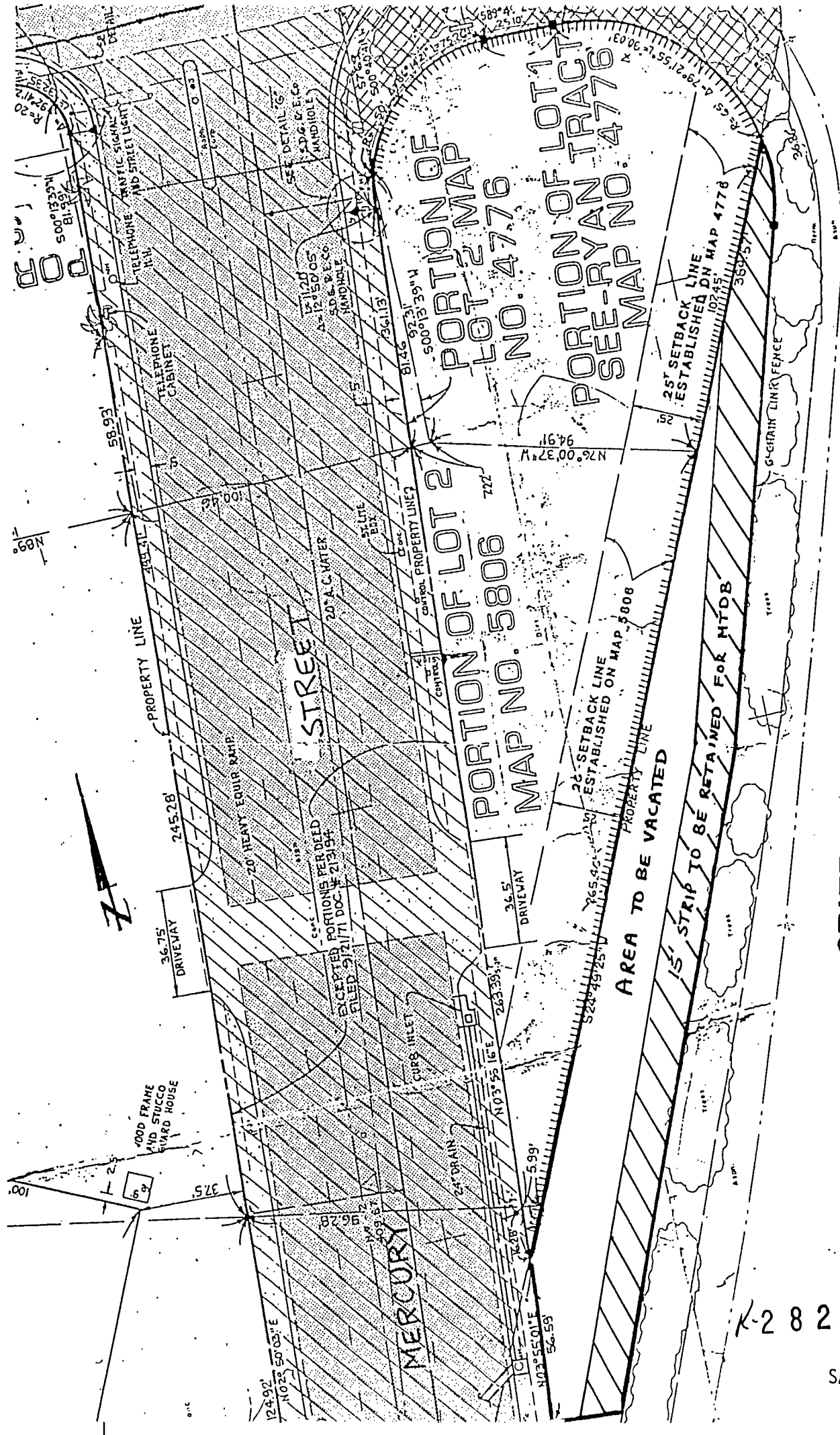


ENGINEER OF WORK:
 NASLAND ENGINEERING
 4740 RUFFNER STREET
 SAN DIEGO, CA. 92111
 (619) 292-7770
 5-24-93
 D.K. NASLAND L.S. 5562

STREET VACATION - KEARNY MESA ROAD
 BETWEEN MERCURY STREET AND ARMOUR STREET.
DRAINAGE EASEMENT AND ACCESS RIGHTS RELINQUISHMENT RESERVED

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	NASLAND			
CITY OF SAN DIEGO, CALIFORNIA				
SHEET 1 OF 1 SHEET				
 L. Ron Abbens CITY ENGINEER				DATE 6/14/93
W O NO. 120102 SA 91-510 CONTROL CERTIFICATION NAD 83C-187B-G284 23B-172A LAMBERT COORDINATES 17989 - B				

2-282505



PORTION OF LOT 1
 PORTION OF TRACT
 SEE MAP NO. 4776

PORTION OF LOT 2
 MAP NO. 5808

AREA TO BE VACATED

15' STRIP TO BE RETAINED FOR MTDB

STATE ROUTE 163

K-282505

SA91-510

5401

Passed and adopted by the Council of The City of San Diego on AUG 09 1993
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"/>
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:

(Seal)

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

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

By Mary Cepeda Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-282505 Adopted AUG 09 1993

RECEIVED
CITY OF SAN DIEGO POLICE
93 JUL 21 PM 3:53
SAN DIEGO, CALIF.