

RESOLUTION NUMBER R- 283260

ADOPTED ON JAN 11 1994

VACATION OF DEL MAR HILLS DRIVE SOUTH OF DEL MAR HEIGHTS ROAD, ADJACENT TO LOT 2 AND WITHIN THE BOUNDARIES OF TM SUBDIVISION MAP 6214.

WHEREAS, it is proposed that Del Mar Hills Drive south of Del Mar Heights Road be vacated; and

WHEREAS, in connection with said vacation, the City desires to reserve a certain easement; 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, it is necessary and desirable that the vacation be conditioned upon completion of a consolidation parcel map for the affected parcels; 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 Del Mar Hills Drive south of Del Mar Heights Road, as more particularly referred to in Resolution of Intention No. R-283176, adopted by the Council on Dec. 7, 1993, is not necessary for present or prospective public street purposes.

2. That Del Mar Hills Drive south of Del Mar Heights Road, as more particularly shown on Drawing No. 17769-B, on file in the office of the City Clerk as Document No. RR-283176, which said drawing is attached hereto and made a part hereof, be and the same is hereby ordered vacated.

3. 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 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, 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 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 easement reserved herein is in, under, over, upon, along and across Del Mar Hills Drive and that the easement is more particularly shown and delineated on Drawing No. 17769-B, on file in the office of the City Clerk as Document No. RR-283176.

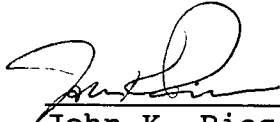
6. That the resolution shall not become effective unless and until the permits and bond for the require public improvements to include curb, gutter, and sidewalk construction across the vacant area have been issued by the City Engineer. In the event that the required permits and bond are not issued within twelve (12) months, 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 issuance of the require permits and bond, 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
11/23/93
Or.Dept:E&D
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