

RESOLUTION NUMBER R- 284193

ADOPTED ON JUN 28 1994

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 66499.20 1/2 of the California Government Code provides that the filing of the map shall constitute abandonment of all streets and easements not shown on the map; and

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets by City Council resolution where a street has been superseded by relocation; and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 for a period of five consecutive years the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway during such period; 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 Alpha Street, Boston Avenue, 42nd Street, a portion of Beta Street, a section of the alley in Block "C," Map 1793, a section of the alley in Block "D," Map 1793, and a section of the

alley in Block "F," Map 1793, in connection with Southcrest Park Plaza (VTM 93-0557), to facilitate development of their property; and

WHEREAS, there is no present or prospective use for the streets either for the public street system, for which the rights-of-way were originally acquired, or for any other public use of a like nature that can be anticipated in that the rights-of-way are 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 Alpha Street, Boston Avenue, 42nd Street, a portion of Beta Street, a section of the alley in Block "C," Map 1793, and a section of the alley in Block "F," Map 1793, all within the boundaries of Southcrest Park Plaza (VTM 93-0557), and a section of 42nd Street (a portion of Lot 68, Map 283), a section of the alley in Block "C," Map 1793, and a section of the alley in Block "D," Map 1793, all outside the boundaries of Southcrest Park

Plaza (VTM 93-0557), as more particularly shown on Drawing No. 27392-D, on file in the office of the City Clerk as Document No. RR-284193-1, which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered summarily 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 storm drain, 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 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.

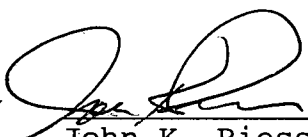
3. That the easements reserved herein are in, under, over, upon, along, and across Alpha Street, Boston Avenue, 42nd Street, a portion of Beta Street, a section of the alley in Block "C," Map 1793, a section of the alley in Block "D," Map 1793, and a

section of the alley in Block "F," Map 1793, and that the easements more particularly shown and delineated on Drawing No. 27392-D, on file in the office of the City Clerk as Document No. RR- 284193-1 .

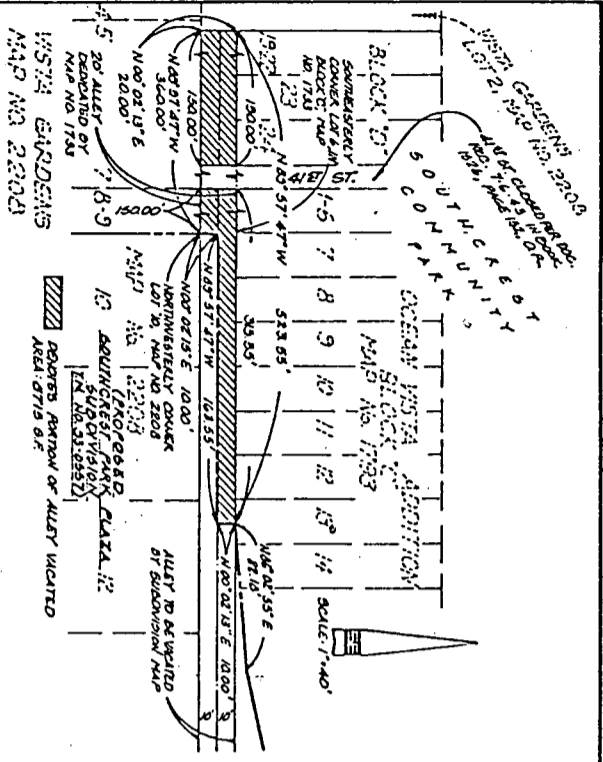
4. That the resolution shall not become effective unless and until the final map for Southcrest Park Plaza (VTM 93-0557) has been approved by Council action. In the event that the final map is not approved within the time allowance specified under the tentative map conditions or any subsequent time extensions allowed, this resolution shall become void and of no further force or effect.

5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned final map, and that 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.

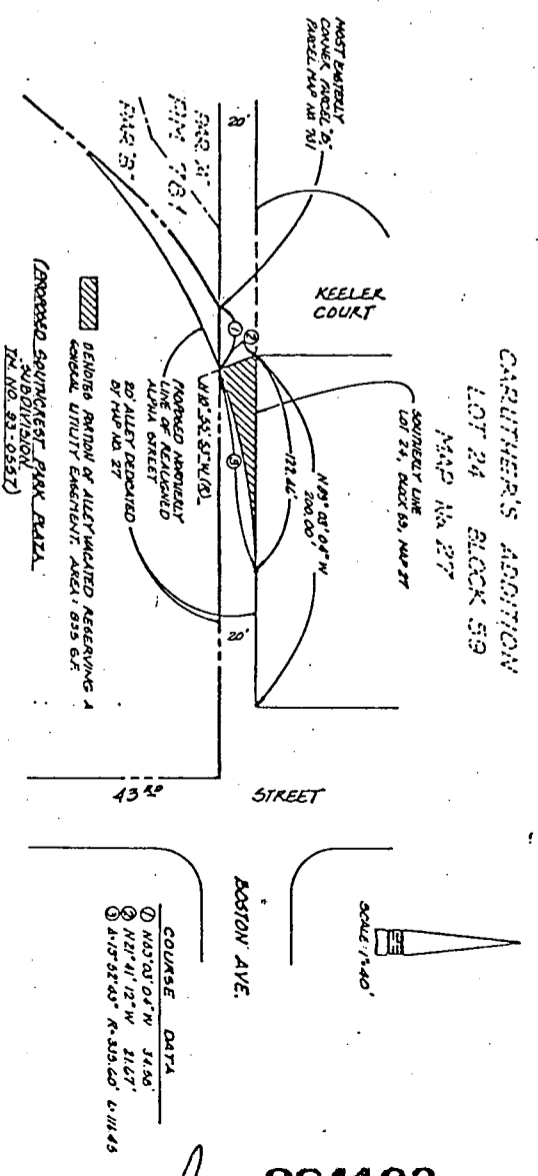
APPROVED: JOHN W. WITT, City Attorney

By   
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John K. Riess  
Deputy City Attorney

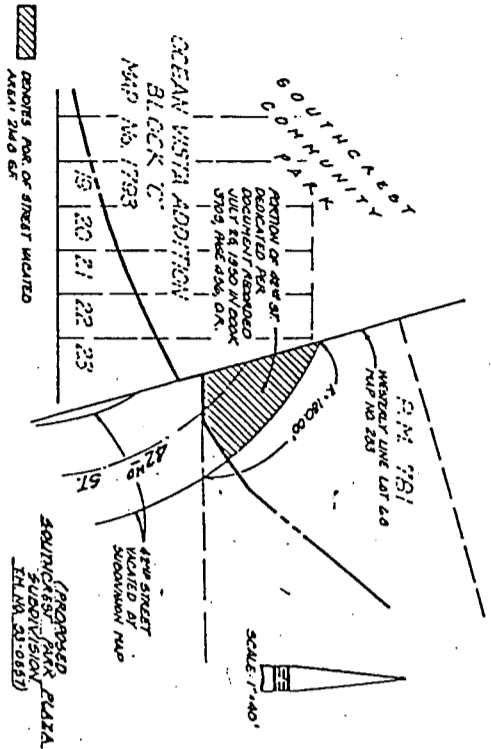
JKR:lc  
06/22/94  
Or.Dept:Plan.  
WO:112499  
Dwg:27392-D  
R-94-1994  
Form=r.sumv3



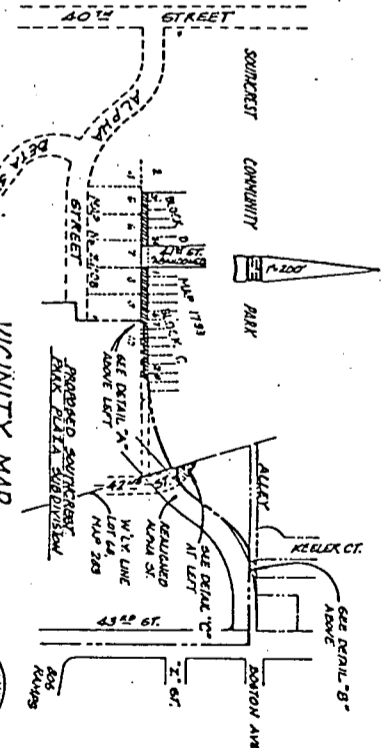
DETAIL 'A'



DETAIL 'B'



DETAIL 'C'



VICINITY MAP

FILED  
DOCUMENT NO. **RR-284193-1**  
JUN 28 1994  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

**BASIS OF BEARINGS**  
THE BASIS OF BEARINGS FOR THIS DRAWING IS THE  
MAD 43 2nd & 3rd PLANNING ZONING  
253-044 GOV. AND GRAND 253-047 GOV.  
AS SAID ZONINGS ARE FILED IN THE SAN  
DIEGO COUNTY HORIZONTAL CONTROL BOOK 1,  
1E, N 89° 45' 67" W

**ALLEY VACATION & GENERAL UTILITY EXTENSION - II**  
BLOCKS 57 & 58, OCEAN VISTA ADDITION, MAP NO. 17931  
BLOCK 59, CARUTHER'S ADDITION, MAP NO. 27  
CITY OF SAN DIEGO, CALIFORNIA  
THEM. NO. 93-0857

**PROPOSED EQUINEST PARK PLAZA SUBDIVISION**  
STREET VACATION - 42<sup>ND</sup> STREET  
NORTH OF ALPHA STREET

**STUART ENGINEERING**  
3223 METROPOLITAN DRIVE, STE. 204  
SAN DIEGO, CA 92108 (619) 244-1010  
STUART ENGINEERING, INC. (S.E.C. 7713)  
STUART ENGINEERING, INC. (S.E.C. 7713)  
DATE: 7/15/94

PROJECT	E.M.
DATE	7/15/94
SCALE	AS SHOWN
BY	E.M.
CHECKED	E.M.
DATE	7/15/94



DATE	7/15/94
BY	E.M.
CHECKED	E.M.
DATE	7/15/94
PROJECT	27392-D

284193