

284225

RESOLUTION NUMBER R-

ADOPTED ON JUL 05 1994

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 Old El Camino Real, in connection with Darby Downs (TM 91-0122), 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 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 final subdivision map; 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 Old El Camino Real, in connection with Darby Downs (TM 91-0122), as more particularly shown on Drawing No. 18176-B, on file in the office of the City Clerk as Document No.

**284225**  
RR-\_\_\_\_\_, 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, sewer 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 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 easement reserved herein is in, under, over, upon, along, and across Old El Camino Real and that the easement is more particularly shown on Drawing No. 18176-B, on file in the office of the City Clerk as Document No. RR- 284225.

4. That the resolution shall not become effective unless and until the final map for Darby Downs 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.

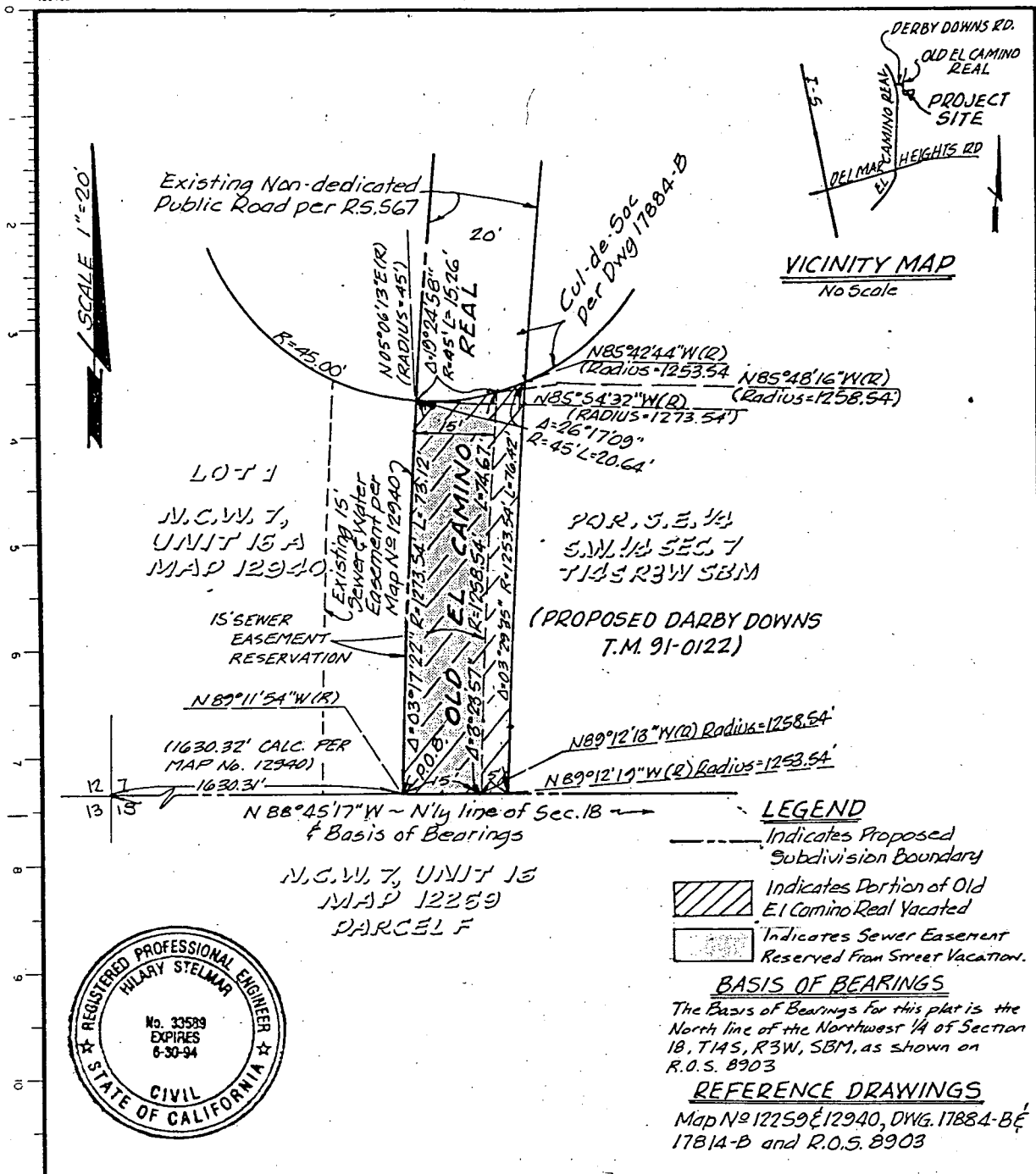
5. That the City Engineer shall advise the City Clerk of the approval of the aforementioned final map for Darby Downs (TM 91-0122) and that the City Clerk shall then cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.



APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:pev  
06/16/94  
Or.Dept:E&D  
SA:93-508  
WO:010122  
Dwg:18176-B  
R-94-1887  
Form=r.sumv3

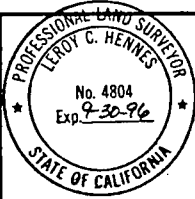


**LEGEND**  
 - - - - - Indicates Proposed Subdivision Boundary  
 Indicates Portion of Old El Camino Real Vacated  
 Indicates Sewer Easement Reserved From Street Vacation.

**BASIS OF BEARINGS**  
 The Basis of Bearings for this plat is the North line of the Northwest 1/4 of Section 18, T.14S, R.3W, S.B.M., as shown on R.O.S. 8903

**REFERENCE DRAWINGS**  
 Map No 12259 & 12940, DWG. 17884-B & 17814-B and R.O.S. 8903

CRAIG, BULTHUIS & STELMAR  
 2611 Adams Ave 297-3974  
 San Diego, CA 92115  
 H. Stelmar R.C.E. 33589 3-29-94



**STREET VACATION AND SEWER EASEMENT RESERVED FROM STREET VACATION**  
 OLD EL CAMINO REAL - SOUTH OF DERBY DOWNS ROAD  
 DARBY DOWNS (FOR PROPOSED T.M. 91-0122)  
 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL					SHEET OF SHEETS	910122
					Leroy C. Hennes	SA 93-508
					5-9-94	1930-6257
					CITY ENGINEER	CCS (NAD83) COORDINATES
						220-1627
						LAMBERT COORDINATES
						18176 - B

DOCUMENT NO. **284225**  
 FILED **JUL 05 1994**  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA