

RESOLUTION NUMBER R- **284438**
ADOPTED ON **AUG 08 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 certain easements; and

WHEREAS, the abutting property owner has requested the vacation of an excess portion of Locust Street and an excess portion of Zola 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 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 the issuance of permits for certain public improvements; 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 Locust Street and the excess portion of Zola Street, as more particularly shown on Drawing No. 18178-B on file in the office of the City Clerk as Document No. RR- 284438¹, 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, 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 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, general utility 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 for the transportation of communication signals and for 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 that portion of Locust Street and Zola Street and that the easement is more particularly shown and delineated on Drawing No. 18178-B on file in the office of the City Clerk as Document No. RR- 284438 -!

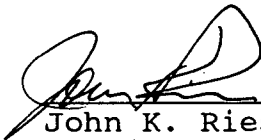
5. That the resolution shall not become effective unless and until the issuance of permits for the required public

improvements has been accomplished in a manner satisfactory to the City Engineer. In the event that the permits are not issued within 18 months following the adoption of this resolution, then this resolution shall become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned issuance of permits, and 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



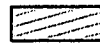
John K. Riess
Deputy City Attorney

JKR:pev
07/18/94
Or.Dept:E&D
SA:93-513
WO:120102
Dwg:18178-B
R-95-114
Form=r.sumv3



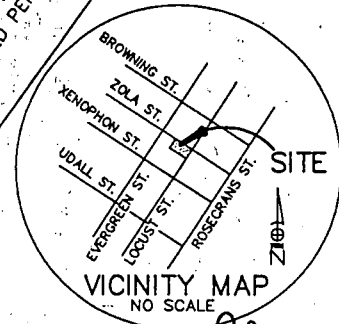
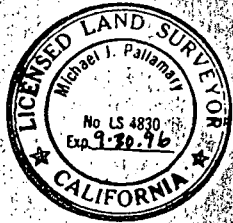
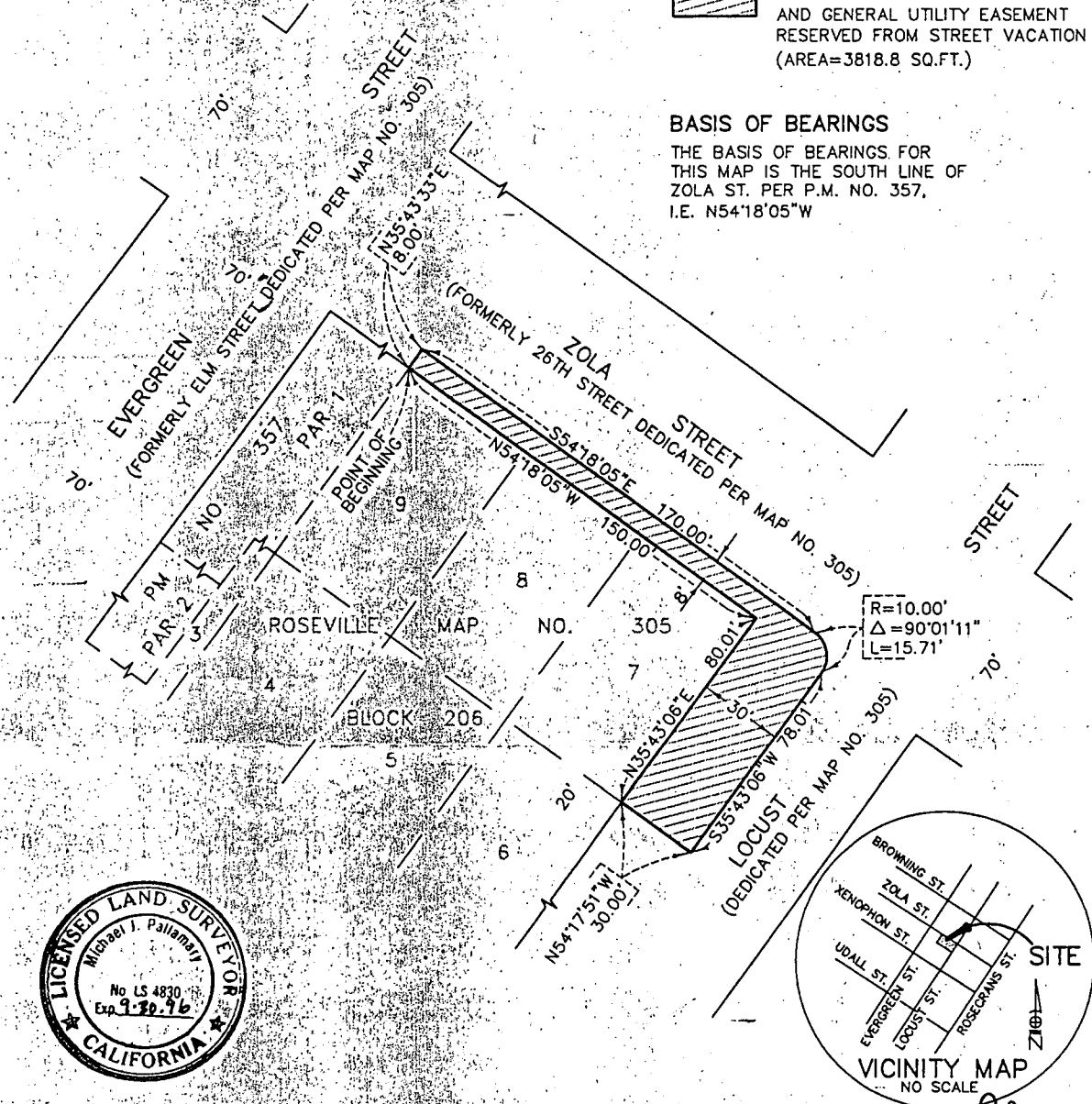
SCALE: 1" = 40'

REFERENCE DRAWING
PARCEL MAP NO. 357

 INDICATES STREET VACATION
AND GENERAL UTILITY EASEMENT
RESERVED FROM STREET VACATION
(AREA=3818.8 SQ.FT.)

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR
THIS MAP IS THE SOUTH LINE OF
ZOLA ST. PER P.M. NO. 357,
I.E. N54°18'05"W



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DOCUMENT NO. RR-284438-1

FILED AUG 08 1994

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION - ZOLA STREET - BETWEEN EVERGREEN STREET AND LOCUST STREET
AND LOCUST STREET - BETWEEN ZOLA STREET AND XENOPHON STREET

GENERAL UTILITY EASEMENT - RESERVED FROM STREET VACATION 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 SHEET	120102
					<i>Leroy C. Heines</i> FOR CITY ENGINEER	1848-6261 CCS (NAD '83C)
					6-21-94 DATE	208 - 1701 LAMBERT COORDINATES
					STATUS	18178 - B