

RESOLUTION NUMBER R- 285910

ADOPTED ON JUN 06 1995

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 owner has requested the vacation of an excess portion of University Avenue, adjacent to Parcels 1 and 3 of Parcel Map 13167, and a portion of Lot 29 of Lemon Villa, Map 734, 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, 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 the excess portion of University Avenue, adjacent to Parcels 1 and 3 of Parcel Map 13167, and a portion of Lot 29 of Lemon Villa, Map 734, as more particularly shown on Drawing No. 18108-B on file in the office of the City Clerk as Document No. RR- 285910, 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 and 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, 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 communication signals, 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 University Avenue and that the easement is more particularly shown on Drawing No. 18108-B on file in the office of the City Clerk as Document No. RR- 285910.

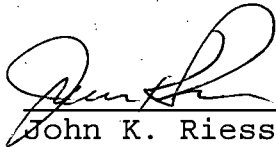
5. That the resolution shall not become effective unless and until the completion and consummation of a land sale for City

fee owned property. In the event consummation of the land sale is not finalized within three years following this resolution, this resolution shall become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the approval of the aforementioned land sale, 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  
Senior Deputy City Attorney

JKR:pev  
04/25/95  
Or.Dept:Eng.  
Dwg:18108-B  
R-95-1575  
Form=r.sumv3

