

RESOLUTION NUMBER R- 286256

ADOPTED ON AUG 15 1995

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 66499.20½ of the California Government Code provides that the filing of the map shall constitute abandonment of all streets and easements not shown on said 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Code provides a procedure for the summary vacation of streets by City Council Resolution where a street has been superseded by relocation; and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, in connection with said vacation, the City desires to reserve a certain easement; and

WHEREAS, the abutting property owners have requested the vacation of a segment of Beta Street, portions of Alpha Street and alley in Block F of Map 1793 in connection with the realignment of Alpha Street, the eastern segment of which is found in Route 252-Phase I Residential (TM 94-0622), to facilitate development of their property; 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, 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 a segment of Beta Street, portions of Alpha Street and alley in Block F, Map 1793 in connection with Route 252-Phase I Residential (TM 94-0622), as more particularly shown on Drawing No. 27609, on file in the Office of the City Clerk as Document No. RR- 286256, which is by this reference incorporated herein and made a part hereof, be, and the same is hereby ordered, vacated.

2. That portions of Alpha Street: one at the northeast corner of Alpha Street and 40th Street, and another fronting lots 25-36 of Block 420, Map 403 under the Public Streets, Highways and Service Easement Vacation Law, Section 8330 as more particularly shown on Drawing No. 27609-D, on file in the Office

of the City Clerk as Document No. RR- 286256, which is by this reference incorporated herein and made a part hereof, be, and the same is hereby ordered, summarily 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, water lines, sewer lines, and storm drains 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, 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,

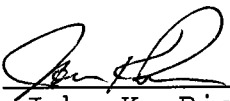
and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and for the transportation of communication signals, and for fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes, including access to 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 a segment of Beta Street, portions of Alpha Street, and alley in Block F, Map 1793 within boundaries of TM94-0622; and two portions of Alpha Street: one at the northeast corner of Alpha Street and 40th Street and another fronting lots 25-36 of Block 420, Map 403 and that the easement is more particularly shown and delineated on Drawing No. 27609-D, on file in the Office of the City Clerk as Document No. RR- 286256.

6. That those streets within the Tentative Map as well as those streets outside of the boundaries of the Tentative Map shall not become effective unless and until the filing of a consolidation map or other appropriate map to eliminate the landlocked parcels which will exist upon vacation of the rights-of-way. In the event the above map is not filed within one year following the adoption of this Resolution, 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 completion of the aforementioned approval of final map, 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:ps
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Or.Dept:Dev.Svcs.
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