

286797

RESOLUTION NUMBER R-

ADOPTED ON JAN 09 1998

VACATION OF CACTUS WAY SOUTHEASTERLY OF PALOMINO CIRCLE.

WHEREAS, it is proposed that Cactus Way southeasterly of Palomino Circle be vacated; and

WHEREAS, in connection with said vacation, the City desires to reserve general utility and emergency access easements; 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, 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 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, California, that Cactus Way southeasterly of Palomino Circle, as more particularly referred to in Resolution of Intention No.

R- 286555, adopted by Council on NOV 20 1995 is unnecessary for present or prospective public street purposes.

BE IT FURTHER RESOLVED, that Cactus Way southeasterly of Palomino Circle, as more particularly shown on Drawing No. 18249-B, on file in the office of the City Clerk as Document No. RR- 286797, which said Drawing is attached hereto and made a part hereof, be, and the same is hereby ordered vacated.

BE IT FURTHER RESOLVED, that The City of San Diego reserves and excepts the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities and emergency access of any kind or nature, 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, or the drilling or digging of any well or wells 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.

R- 286797

BE IT FURTHER RESOLVED, 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 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.

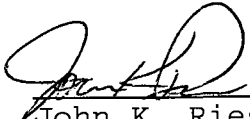
BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along and across Cactus Way and that the easement is more particularly shown and delineated on Drawing No. 18249-B, on file in the office of the City Clerk as Document No. RR- 286797.

BE IT FURTHER RESOLVED, that the resolution shall not become effective unless and until the issuance of permit and bond for the require public improvements to include curb, gutter, sidewalk and a singular driveway across the area of vacation at Palomino Circle and installation of improvements in a manner satisfactory to the City Engineer. In the event that the installation of the required public improvements have not begun within two years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that the City Engineer shall advise the City Clerk of the completion of the conditions of vacation, and that the City Clerk shall then cause a certified copy of this resolution, with drawing, attested by him under seal, with drawings, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney


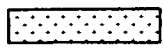
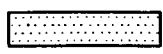
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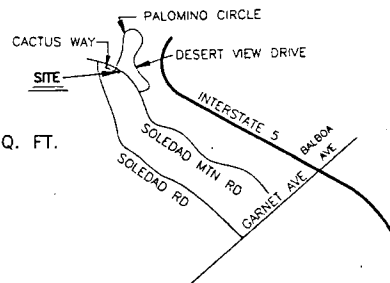


John K. Riess
Senior Deputy City Attorney

JKR:pev
10/30/95
Or.Dept:Eng.
R-96-509
Form=r.stv

LEGEND AND NOTES

-  INDICATES CACTUS WAY VACATED AND GENERAL UTILITY EASEMENT RESERVED, PARCEL 1 AREA=0.11 ACRE
-  INDICATES PALOMINO CIRCLE VACATED AND GENERAL UTILITY EASEMENT RESERVED
PARCEL 2 AREA=85.64 SQ. FT., PARCEL 3 AREA=98.74 SQ. FT.
-  INDICATES 20' EMERGENCY ACCESS EASEMENT RESERVED FROM STREET VACATION, PARCEL 4 AREA= 0.04 ACRE
- () INDICATES RECORD DATA PER MAP NO. 4473

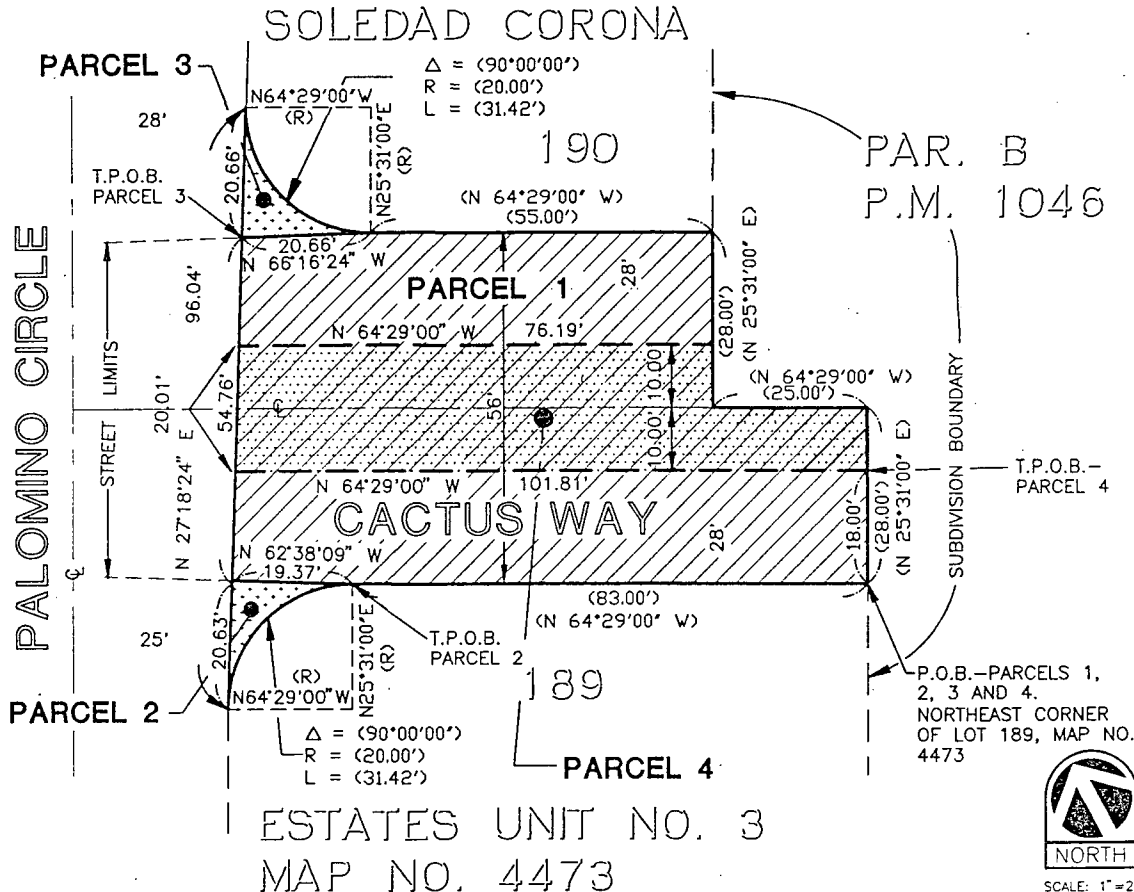


REFERENCE DRAWINGS: MAP NO. 4473, CITY DWG. 8550-D

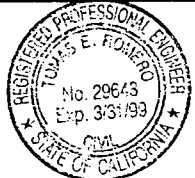
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS A PORTION OF THE EASTERLY BOUNDARY OF SOLEDAD CORONA ESTATES UNIT NO. 1, MAP NO. 4008; I.E. N. 19°08'30" W.

VICINITY MAP
NO SCALE



apec Associates Professional Eng. Corp.
2341 Fifth Avenue
San Diego, Ca. 92101-1610
(619) 239-7501



Tom E. Romero
TOMAS E. ROMERO R.C.E.29648 DATE 8-25-95
LIC. EXPIRES 3-31-99

STREET VACATION - CACTUS WAY - SOUTHEASTERLY OF PALOMINO CIRCLE (GENERAL UTILITY EASEMENT AND EMERGENCY ACCESS ROAD EASEMENT RESERVED)
PALOMINO CIRCLE - NORTH AND SOUTH OF CACTUS WAY (GENERAL UTILITY EASEMENT RESERVED)

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. 120102
ORIGINAL	APEC				SHEET 1 OF 1 SHEET	SA 94-502
		<i>Tom E. Romero</i>	9-5-95		FOR CITY ENGINEER	1880-6255
						CCS NAD 83 COORDINATES
						240-1695
						LAMBERT COORDINATES
						18249-B
STATUS						

DOCUMENT NO. **RR-288797**
 FILED **JAN 09 1996**
 CLERK OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA