

RESOLUTION NUMBER R- 286896

ADOPTED ON FEB 06 1996

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, the abutting property owners have requested the vacation of Elm Avenue between Hollister Avenue and the San Diego Trolley right-of-way for a driveway and private parking 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, 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 Elm Avenue east of Hollister Avenue, as more particularly shown on Drawing No. 18252-B on file in the office of the City Clerk as Document No. RR-286896, which said drawing is attached hereto and made a part hereof, be and the same is hereby ordered vacated subject to the conditions listed in 4. below.

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, water and sewer facilities 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.

3. That the easement reserved herein is in, under, over, upon along, and across Elm Avenue and that the easement is more particularly shown and delineated on Drawing No. 18252-B, on file in the Office of the City Clerk as Document No. RR-286896.

4. That the resolution shall not become effective unless and until the following conditions have been met:

a. City standard curb and gutter and sidewalk across the opening of Elm Avenue on the east side of Hollister Street are assured by permit and bond satisfactory to the City Engineer.

b. City standard driveway within the newly constructed east portion of Hollister Street right-of-way is assured by permit and bond satisfactory to the City Engineer.

c. 12-foot widening of Hollister Street with an AC overlay on the east side starting 40 feet south of Elm Avenue and ending 180 feet north of Elm Avenue is assured by permit and bond satisfactory to the City Engineer.

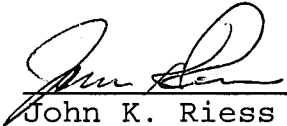
d. Planting of six Jacaranda Trees, 15 Chinese Evergreen Elm Trees and various landscaping treatments on property fronting Hollister Street and the segment of Elm Avenue proposed for vacation (the installation of which will be field verified).

In the event the above conditions are not completed within one year following the adoption of this resolution, then this

resolution shall become void and be of no further force or effect.


5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions of public improvements, 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

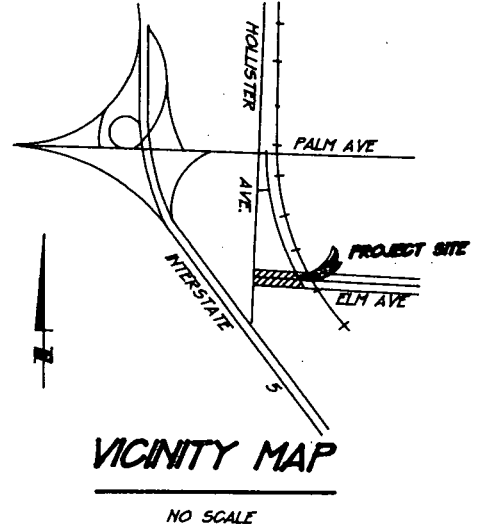
By 
John K. Riess
Senior Deputy City Attorney

JKR:pev
01/02/96
01/25/96 Cor.Copy
Or.Dept:Eng,
SA:94-506
WO:120102
Dwg:18252-B
R-96-756
Form=r.sumv3

LEGEND

 INDICATES AREA TO BE VACATED - 0.51 ACRES

 INDICATES SEWER AND WATER EASEMENT RESERVED FROM STREET VACATION - 0.21 ACRES



BASIS OF BEARING

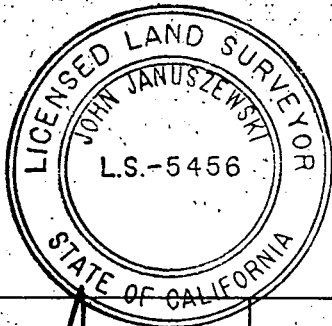
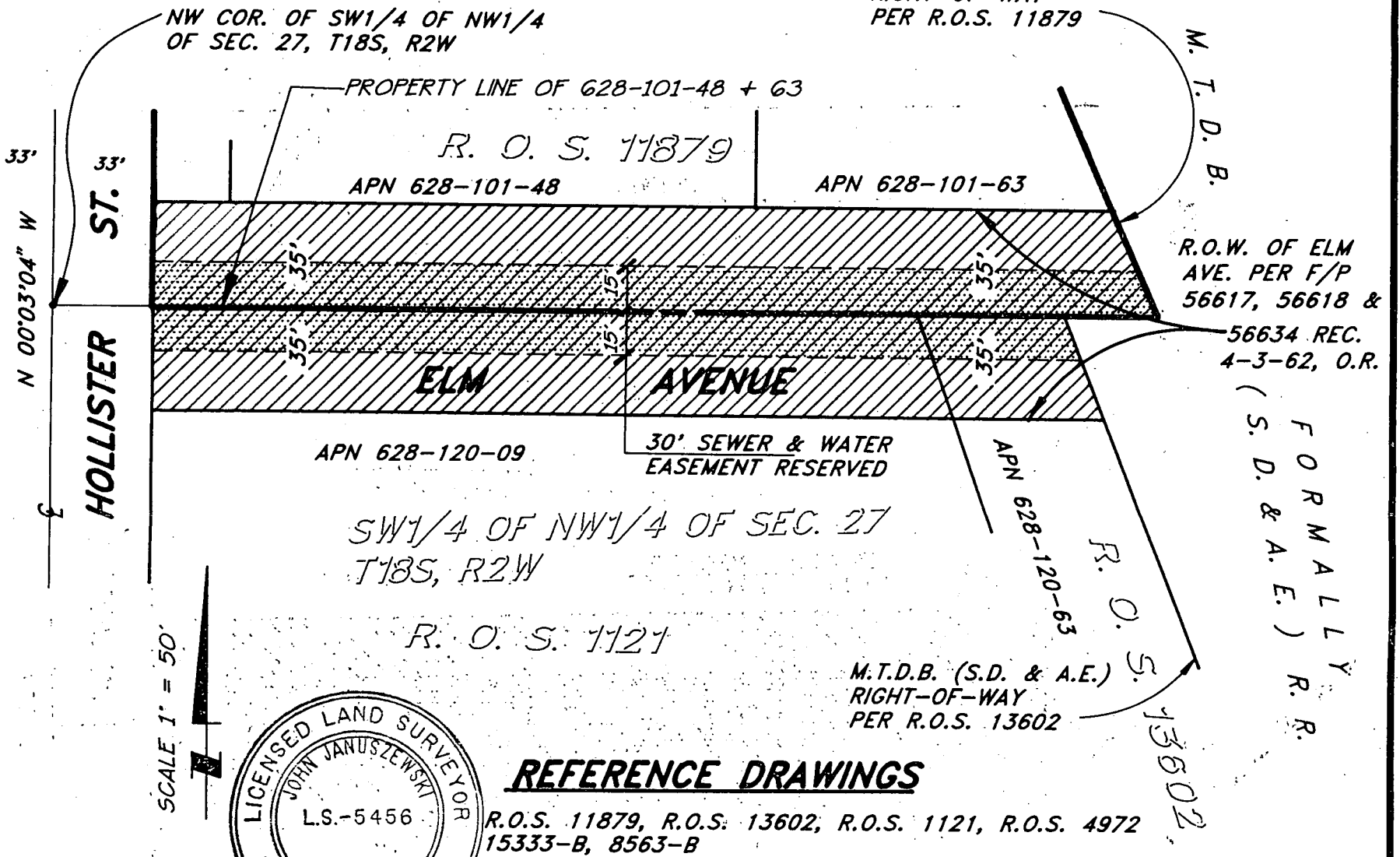
THE BASIS OF BEARING IS A PORTION OF THE CENTERLINE OF ELM AVE. AS SHOWN ON R.O.S. 11879; IE. N89°58'27"E

ASSESSOR'S PARCEL NUMBER

628-101-48, 63
628-120-09, 63

NW1/4 OF NW1/4 OF SEC. 27
T18S, R2W

M.T.D.B. (S.D. & A.E.)
RIGHT-OF-WAY
PER R.O.S. 11879



REFERENCE DRAWINGS

R.O.S. 11879, R.O.S. 13602, R.O.S. 1121, R.O.S. 4972
15333-B, 8563-B

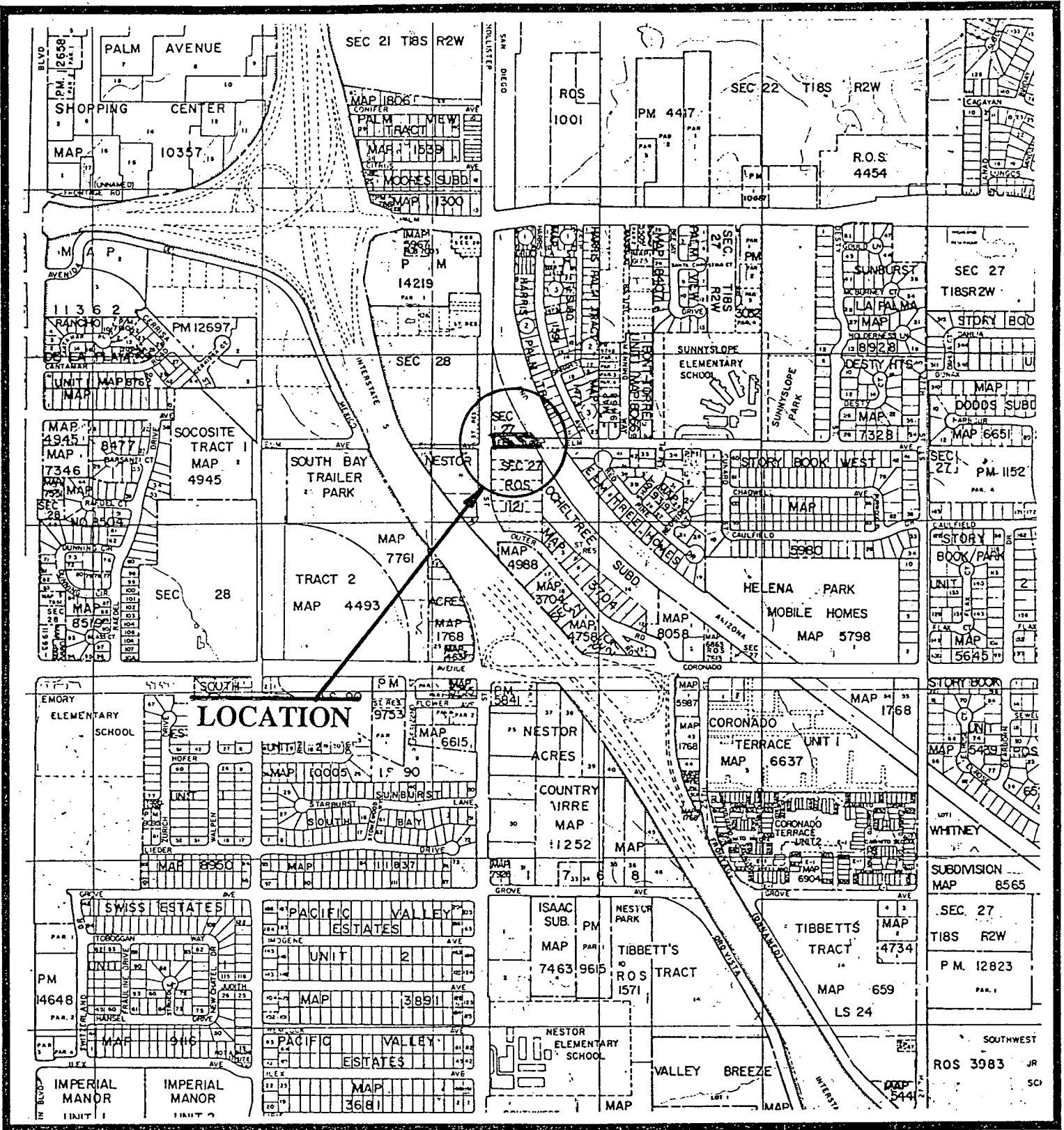
P & Associates
John Januszewski 3/1/95
JOHN JANUSZEWSKI DATE
LICENSE EXPIRES 9/30/96
4100 Ruffin Road, Suite 230
San Diego, California 92123 (619) 292-4694

DOCUMENT NO. *RL-286896*
FILED FEB 06 1996
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION - ELM AVENUE, EASTERLY OF HOLLISTER STREET

30' SEWER AND WATER EASEMENT RESERVATION FROM STREET VACATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA		W.O. NO.
ORIGINAL					SHEET OF SHEET		120102
					<i>John Januszewski</i>	3-25-95	SA 94506
					FOR CITY ENGINEER	DATE	1790-6303
					DIVISION HEAD		NAD 83 COORDINATES
					SECTION HEAD		150-1743
							LAMBERT COORDINATES
							18252 -B



THE CITY OF
SAN DIEGO

DEVELOPMENT SERVICES DEPARTMENT
 1222 FIRST AVENUE -- M.S. 507 -- SAN DIEGO, CALIFORNIA 92101-4154

LOCATION MAP

R 286896