

RESOLUTION NUMBER R- 286897

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Code provides a procedure for the summary vacation of streets by City Council resolution where a street has been /superseded by relocation; and

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 for a period of five consecutive years the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway during such period; and

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 the 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 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 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 San Diego Avenue northeast of Wallace Street, Wallace Street between San Diego Avenue and Congress Street and Congress Street northeast of Wallace Street be vacated; as more particularly shown on Drawing No. 18263-B, on file in the office of the City Clerk as Document No. RR- 286897, 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, water and sewer main easements 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.

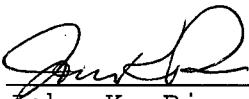
3. That The City of San Diego hereby reserves and excepts the right, from vacation and abandonment, general utility easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures 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.

4. That the easement reserved herein is in, under, over, upon, along, and across segments of San Diego Avenue, Wallace

Street and Congress Street and that the easement is more particularly shown on Drawing No. 18263-B on file in the office of the City Clerk as Document No. RR- 286897.

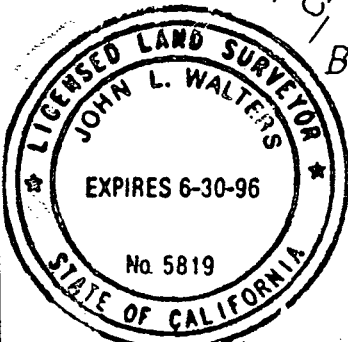
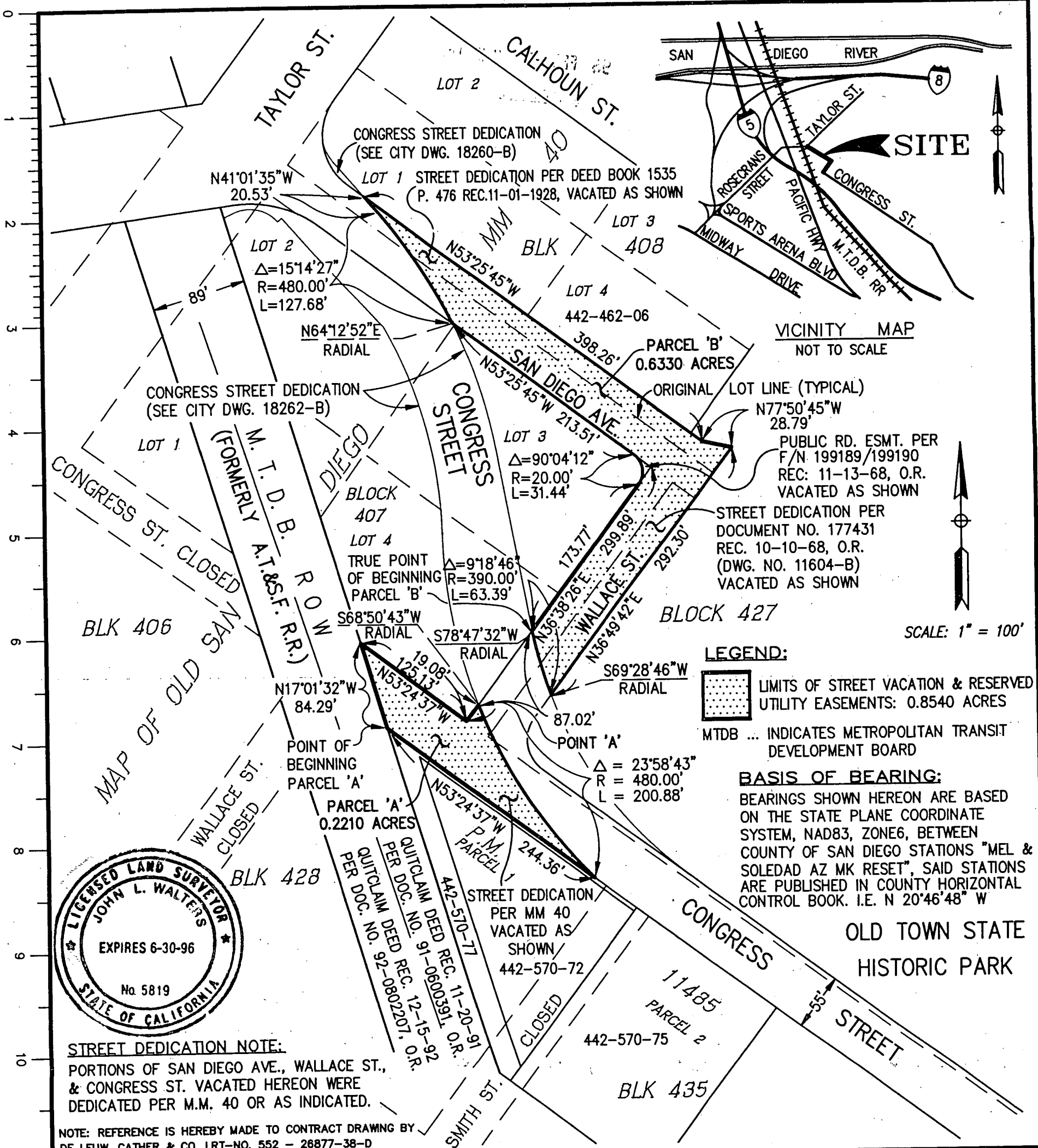
5. That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Senior Deputy City Attorney

JKR:pev
12/22/95
Or.Dept:Eng.
SA:95-506
WO:120102
Dwg:18263-B
R-96-749
Form=r.sumv3



STREET DEDICATION NOTE:
 PORTIONS OF SAN DIEGO AVE., WALLACE ST., & CONGRESS ST. VACATED HEREON WERE DEDICATED PER M.M. 40 OR AS INDICATED.

NOTE: REFERENCE IS HEREBY MADE TO CONTRACT DRAWING BY DE LEUW, CATHER & CO. LRT-NO. 552 - 26877-38-D

FRASER ENGINEERING, INC.
 2191 EL CAMINO REAL, OCEANSIDE, CA. 92054
 TELEPHONE: (619)722-3495

ENGINEER-OF-WORK:
John S. Walters 2/5/96
 JOHN L. WALTERS L.S. 5819 DATE

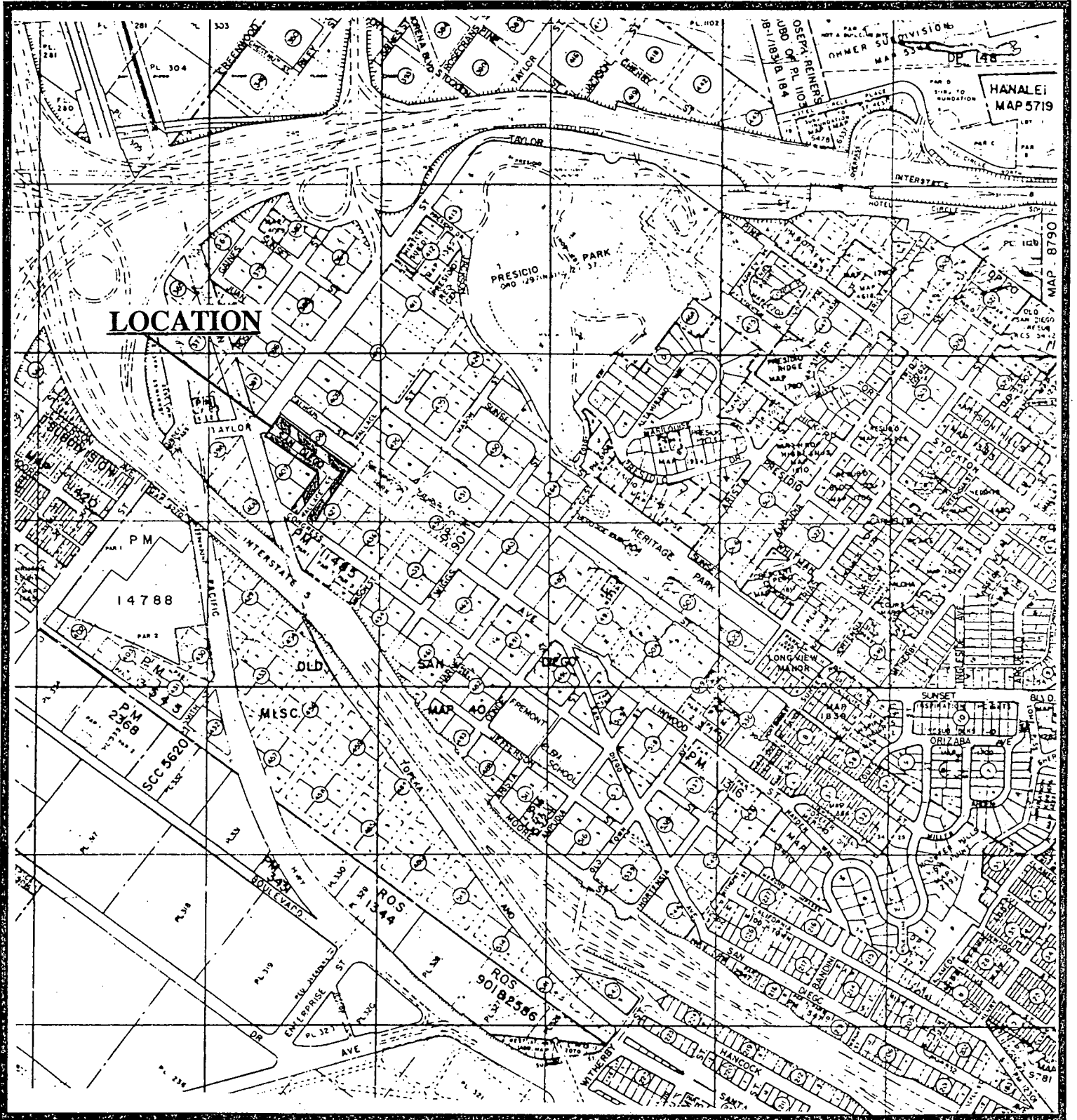
DOCUMENT NO. RR-286897
 FILED FEB 06 1996
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

**STREET VACATION - WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED
 CONGRESS STREET, WALLACE STREET AND SAN DIEGO AVENUE
 BETWEEN WALLACE STREET AND TAYLOR STREET**

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA
 SHEET 1 OF 1 SHEET
John S. Walters 2-6-96
 FOR CITY ENGINEER DATE

W.O. SA 95-506
 NO. 920707
 1854 - 6267
 NAD 83 COORDINATES
 214 - 1707
 LAMBERT COORDINATES
 18263-B



LOCATION



THE CITY OF SAN DIEGO STREET VACATION -- ACCOMODATING THE M.T.D.B. OLD TOWN TROLLEY CTR.

SAN DIEGO

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

LOCATION MAP

R- 286897