

RESOLUTION NUMBER R- 287489

ADOPTED ON JUN 10 1996

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 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets by City Council resolution where the portion of street to be vacated consists of a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another; and

WHEREAS, in connection with said vacation, the City desires to reserve a certain easement; 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, it is necessary and desirable that the vacation be conditioned upon completion of a consolidation parcel map for the affected parcels; 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 Union Street, north of Date Street, as more particularly shown on Drawing No. 18302-B, on file in the office of the City Clerk as Document No. RR- 287489, 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 mains 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 easement reserved herein is in, under, over, upon, along, and across Union Street, north of Date Street and that the easement is more particularly shown on Drawing No. 18302-B, on file in the office of the City Clerk as Document No. RR- 287489.

4. That the resolution shall not become effective unless and until the filing of a consolidation parcel map. In the event the above map is not filed within one year following the adoption of this resolution, this resolution shall become void and of no further force or effect.

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

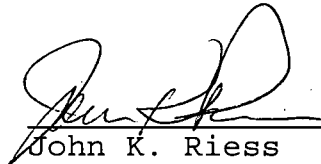
- a. The applicant shall install full-height curb, gutter and sidewalk on the northern portion of Date Street across the Union Street opening satisfactory to the City Engineer.
- b. The applicant shall install a standard driveway for the remnant pavement to be utilized for limited access satisfactory to the City Engineer.
- c. The applicant shall install stripping, signing and submit plans for the new traffic channelization for the one-way eastbound Date Street traffic onto Front Street.

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.

6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned 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
05/21/96
Or.Dept:DSD
SA:95-504
WO:950244
Dwg:18302-B
R-96-1505
Form=r.sumv3

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS DRAWING IS THE EASTERLY 7 FOOT OFFSET LINE ALONG STATE STREET AS SHOWN ON R.O.S. 12526 i.e. N09°21'50"W

R.O.S. 12526

PORTIONS OF ELM STREET AND UNION STREET VACATED BY CITY RESOLUTION NO. 167003 AUGUST 1, 1961

REFERENCE DRAWINGS

R.O.S. 12526
MAP NO. 247
MIDDLETOWN MAP 4134-R
CALTRANS RW MAP
NOS. 3543 & 3544
ROUTE 11-SD-5

SCALE: 1" = 40'

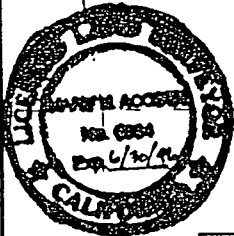
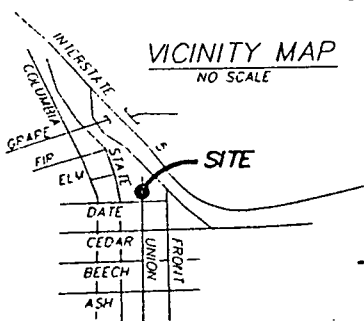
LEGEND

PARCEL "A"
INDICATES UNION STREET (PER MAP OF MIDDLETOWN AND PER MAP NO. 247) VACATED (AREA = 0.525 AC.)

PARCEL "B"
INDICATES GENERAL UTILITY EASEMENT RESERVED FROM STREET VACATION (AREA = 0.109 AC.)

① R=21' Δ=06°27'06" L=2.36'
② R=21' Δ=32°56'56" L=12.08'
③ N59°00'49"W 13.14'
④ N59°00'49"W 34.55'
⑤ N00°05'14"E 21.02'

VICINITY MAP
NO SCALE



DATE STREET
DEDICATED PER MAP OF
MIDDLETOWN NO. 4134-R

P.O.B. PAR. "A"
SW'LY CORNER LOT. 6
MAP NO. 247

ENGINEER OF WORK:
POUNTNEY & ASSOCIATES, INC.
4455 MURPHY CANYON RD., STE. 200
SAN DIEGO, CA 92123
(619)576-9200 FAX(619)565-1738
Mary M. Acosta 7-12-95
MARY M. ACOSTA L.S. 6664 DATE
LICENSE EXPIRES 06/30/96

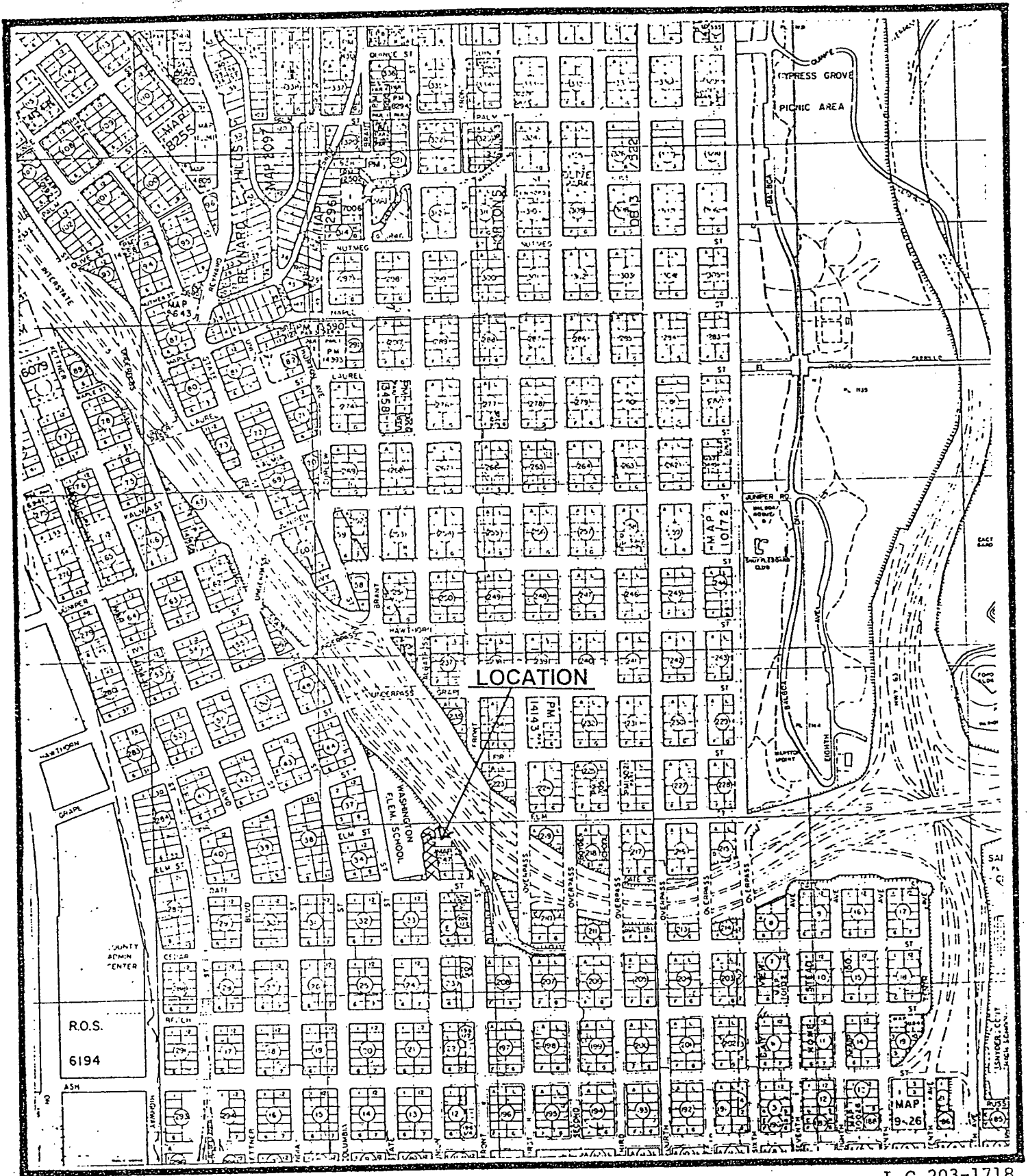
**STREET VACATION - UNION STREET
AND GENERAL UTILITY EASEMENT RESERVED FROM STREET VACATION
NORTH OF DATE STREET**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SA 95-504	
					SHEET 1 OF 1 SHEET	
					W.O. NO. 950244	
					1842-6277	
					MAD 63 COORDINATES	
					202-1717	
					LAMBERT COORDINATES	
					18302-B	
					DIVISION HEAD	
					SECTION HEAD	

DOCUMENT NO. **RR-287489**

FILED **JUN 10 1996**

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA



L.C 203-1718

SA95-504 STREET VACATION--UNION ST. NORTH OF DATE ST.

THE CITY OF
SAN DIEGO
 ENGINEERING AND DEVELOPMENT DEPARTMENT

LOCATION MAP

R-287489

