

RESOLUTION NUMBER R- 287818

ADOPTED ON SEP 10 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 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 the property of another; and

WHEREAS, the portions of streets to be vacated are not needed for present or prospective public street purposes; and

WHEREAS, there is no present or prospective use for these streets 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 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 the alley in Map 3788 and the Street Reservation in Map 1023, as more particularly shown on Drawing No. 28249-1-D, on file in the office of the City Clerk as Document No. RR-287818 a copy of which is attached hereto and made a part hereof, be and the same is hereby ordered vacated.

2. That the resolution shall not become effective unless and until the following conditional public improvements are implemented by The Vons Companies, Inc. satisfactory to the City Engineer:

- a. Prior to occupancy, the applicant shall assure, by permit and bond, the new construction of northern curbline (five (5) feet to the north of existing) on University Avenue along project's frontage to match the existing curbline, just west of the intersection of University Avenue and Dove Street. An additional two (2) feet, north of the existing property line, shall be dedicated to the City for this project's frontage on University Avenue; and
- b. Prior to occupancy, the applicant shall dedicate necessary new alley right-of-way and shall assure, by permit and bond, the installation of approximately one hundred fifty (150) feet of new alley generally in a north-south alignment at the easternmost portion of the project site) and incorporate a truck turning radius to allow emergency vehicle access eastbound onto the existing alley; and
- c. Prior to occupancy, the applicant shall assure, by

permit and bond, the installation of an alley apron type entrance from University Avenue in accordance with San Diego Regional Standard Drawing No. G-17. This access is indicated as a combined public alley/truck loading driveway opening and shall also serve as a transitional area to accommodate the tapering down of University Avenue from 40 feet curb-to-curb (west of this opening) to 30 feet curb-to-curb (east of this opening). The eastern half of this opening shall be an alley return and the western half of this opening shall be a City standard driveway and shall be distinguished by an acceptable method of demarkation; and

- d. Prior to occupancy, the applicant shall assure, by permit and bond, the demolition of existing alley access onto Dove Street and the installation of curb, gutter and sidewalk across its opening.

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.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions of improvement for the street vacation, and the City Clerk shall then cause a