

RESOLUTION NUMBER R- 287952

ADOPTED ON OCT 22 1996

WHEREAS, the provisions of Council Policy No. 600-15 require that a notice 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, 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 certain easements; 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 J Street west of 1st Avenue and Front Street north of J Street, as more particularly shown on Drawing No. 18404-1-B, on file in the office of the City Clerk as Document No. RR- 287952-1, 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, sewer 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.

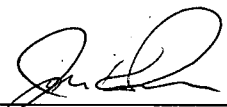
3. That The City of San Diego hereby reserves and excepts the right, from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge 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 protect 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 Front Street and that the easement is more particularly shown on Drawing No. 18404-2-B, on file in the office of the City Clerk as Document No. RR- 287952-2.

5. That the resolution shall cause the revestment of land to Centre City Development Corporation. The area of vacation combined with adjacent park property will provide a correct right-of-way perimeter for the Childrens Park

6. That the City Clerk shall then 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

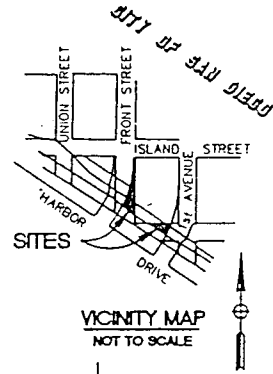
By 

John K. Riess
Deputy City Attorney

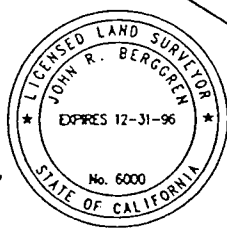
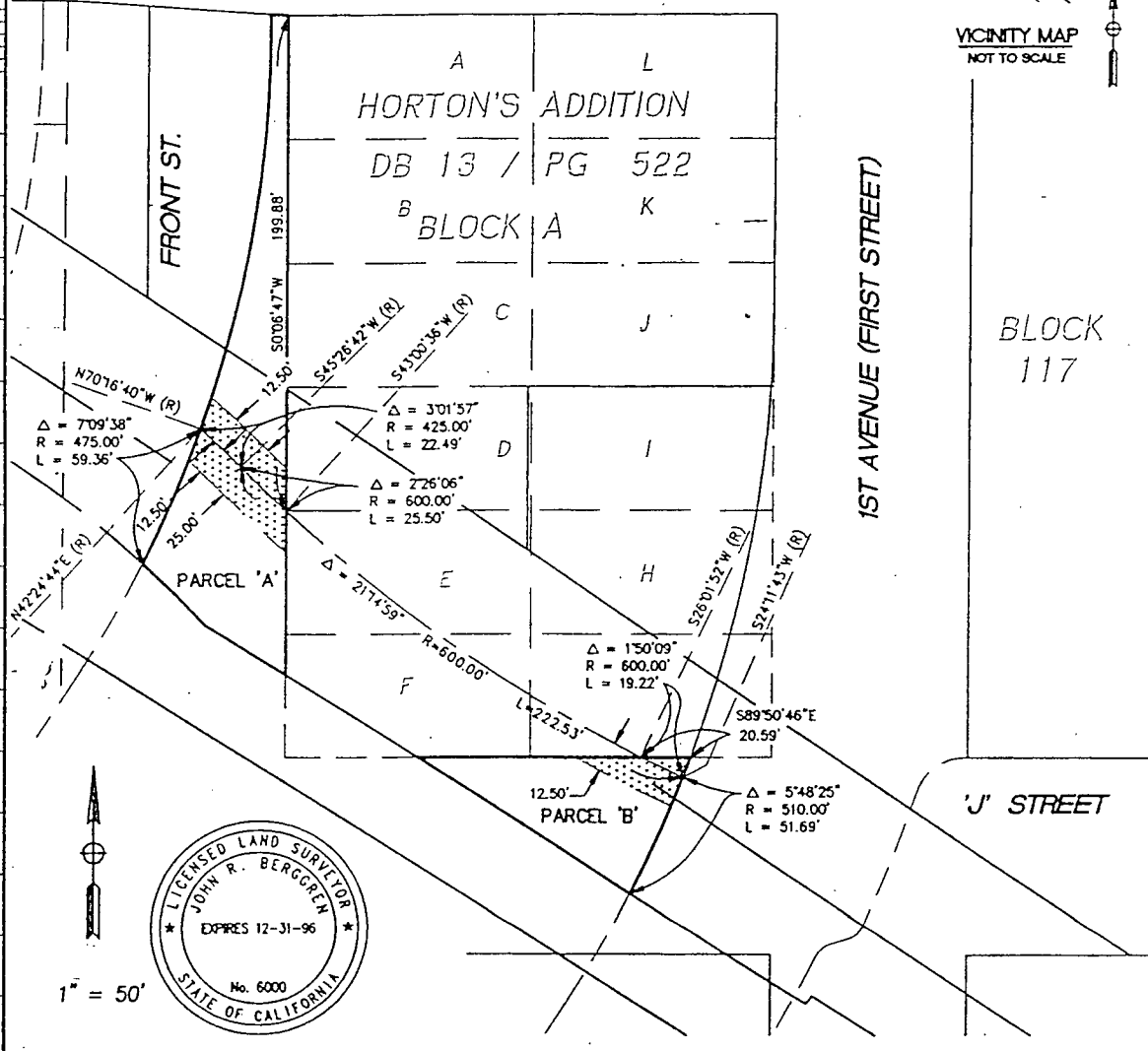
JKR:pev
09/03/96
10/29/96 Cor.Copy
Or.Dept:DSD
SA:95-532
WO:120102
Dwg:18404-B
R-97-261
Form=sumv3.res

LEGEND

 INDICATES SEWER EASEMENT RESERVED FROM STREET VACATION



ISLAND AVENUE



1" = 50'

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

SURVEYOR OF WORK: *John R. Berggren*
JOHN R. BERGGREN, LS 6000 DATE: 7/15/96

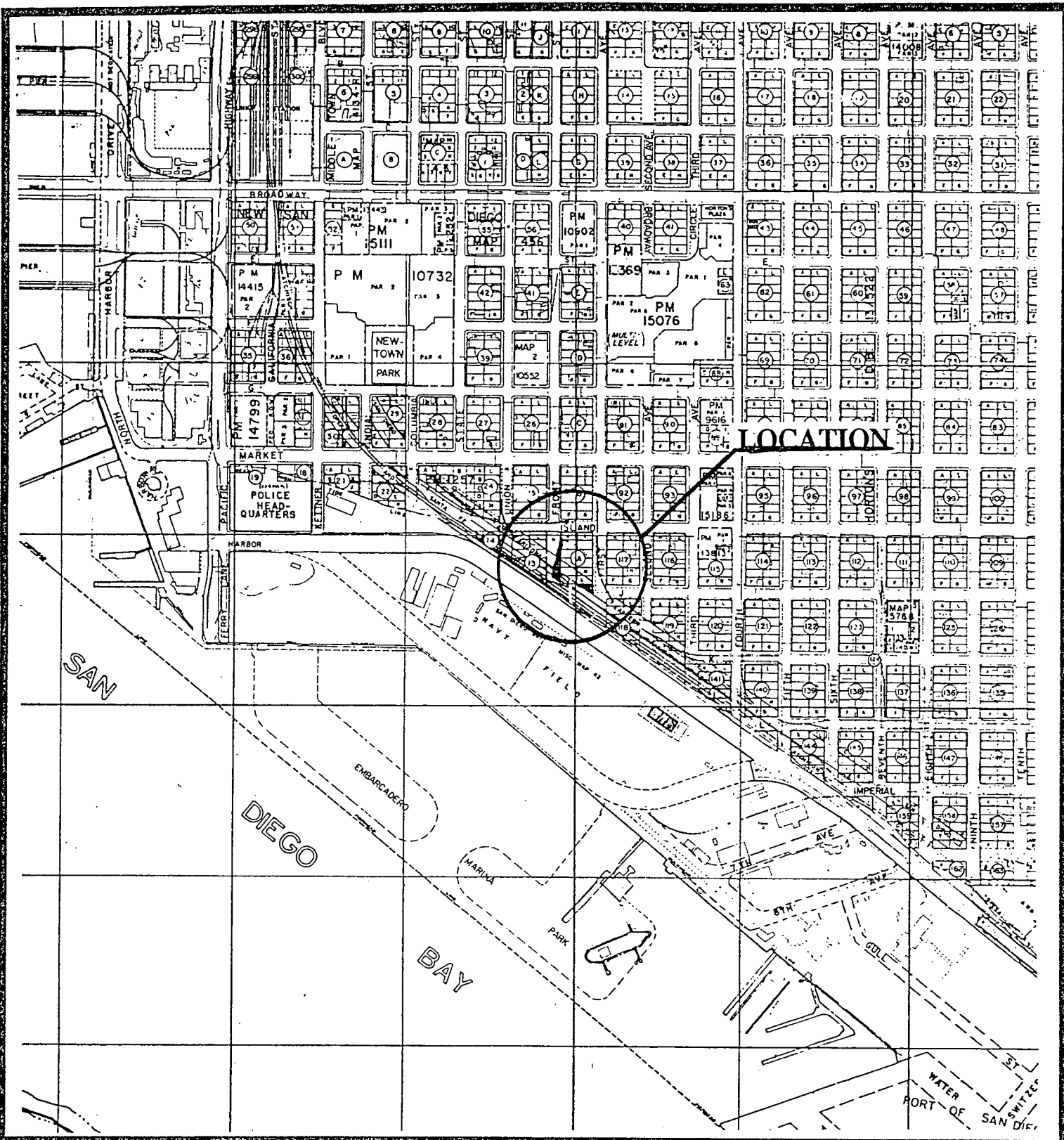
STREET VACATION
WITH SEWER EASEMENT RESERVED FROM STREET VACATION
FRONT STREET-South of Island Avenue
'J' STREET-West of 1st Avenue

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL					SHEET 2 OF 2 SHEET	950333
					<i>John R. Berggren</i>	SA 95-532
					FOR CITY ENGINEER	1838-6277
					DATE: 7-15-96	HAD 83 COORDINATES
					DIVISION HEAD	198-1717
					SECTION HEAD	LAMBERT COORDINATES
						18404-2-B

DOCUMENT NO. *RL-287952-2*

FILED OCT 22 1996

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA



THE CITY OF
SAN DIEGO

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

LOCATION MAP

Portion of J Street and Front Street
 to be Vacated (SA 95-532) **2-287952**