

RESOLUTION NUMBER R- 288715

ADOPTED ON MAY 27 1997

VACATION OF YERBA SANTA DRIVE (NORTH OF MESQUITE ROAD), MESQUITE ROAD (WEST OF YERBA SANTA DRIVE), NORRIS ROAD, ARMIN WAY, TOYON DRIVE, TOYOFF WAY, LE BARRON ROAD, AVION WAY, FREMONTIA LANE, PALO VERDE TERRACE, AND AN UNIMPROVED STREET RESERVATION.

WHEREAS, a petition to vacate Yerba Santa Drive (north of Mesquite Road) in Maps 2789 and 2823, Mesquite Road (west of Yerba Santa Drive) in Map 2789, Norris Road in Maps 5185 and 3509, Armin Way in Map 3509, Toyon Drive and Toyoff Way in Map 2823, Le Barron Road and Avion Way in Map 5185, Fremontia Lane and Palo Verde Terrace in Map 2823, and an unimproved street reservation in Map 2879 has been submitted pursuant to California Streets and Highways Code Section 8321; and

WHEREAS, there is no present or prospective use for the streets, either for the public street system for which the rights-of-way were 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 reduced maintenance and liability; 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; and

WHEREAS, in connection with said vacation, the City desires to reserve certain public service and emergency access easements; and

WHEREAS, the owners of the properties which abut the streets have, in addition to the rights of the public, certain private rights which belong to them as owners of the abutting property, including rights-of-way for ingress and egress to the general system of public streets; and

WHEREAS, pursuant to the California Streets Highways and Code Sections 8352 and 8353 the vacation will not affect nor extinguish the abutting property owners' private easements of ingress or egress; and

WHEREAS, the recording of a certified copy of this resolution shall serve as the verified notice referred to in the California Streets Highways and Code Sections 8352 and 8353 for private easements, other than private easement of ingress and egress, claimed by reason of the purchase of a lot; and

WHEREAS, the abutting property owners intend to grant to the Alvarado Estates Homeowner's Association (the "Association") the right to maintain their private easements of ingress and egress, the right to maintain all existing drainage facilities within and adjacent to the private easements of ingress and egress, the obligation of trash collection and the obligation of holding the City harmless for such maintenance and obligations; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That Yerba Santa Drive (north of Mesquite Road) in Maps 2789 and 2823, Mesquite Road (west of Yerba Santa Drive) in Map 2789, Norris Road in Maps 5185 and 3509, Armin Way in Map 3509, Toyon Drive and Toyoff Way in Map 2823, Le Barron Road and Avion Way

in Map 5185, Fremontia Lane and Palo Verde Terrace in Map 2823, and an unimproved street reservation in Map 2879, as more particularly shown on the attached drawing marked Exhibit "A", on file in the office of the City Clerk as Document No. RR- 288715-1, which drawing is made a part hereof, be, and the same is hereby ordered, vacated.

2. That The City of San Diego hereby reserves and excepts from this vacation:

a. An easement for constructing, maintaining, and operating public utilities and all necessary appurtenances thereto, together with the right to protect from all hazards the use of any right hereby reserved including the right to maintain said easement free and clear of any excavation or fills, the erection of any building or other structures, the planting of trees thereon, or the drilling or digging of any wells thereon.

b. An access easement with the right of ingress and egress for City construction or maintenance vehicles and emergency vehicles of all kinds.

c. General utility easements, for 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, for the transmission of communication signals, and the distribution of electrical energy and natural gas, and incidental purposes, including access to the easement area for installation, inspection, or maintenance of facilities together with the right to maintain the easement area free from all hazards conflicting with the safe enjoyment of the easement rights.

3. That the easements reserved herein are in, under, over, upon, along and across those portions of Yerba Santa Drive (north of Mesquite Road), Mesquite Road (west of Yerba Santa

Drive), Norris Road, Armin Way, Toyon Drive, Toyoff Way, Le Barron Road, Avion Way, Fremontia Lane, Palo Verde Terrace, as more particularly shown and delineated on the attached drawing marked Exhibit "A", on file in the Office of the City Clerk as Document No. RR-
288715-1

4. That pursuant to the provisions of the Municipal Code, the City Engineer may issue an Encroachment Permit for the construction of designated and necessary private improvements within the reserved easement which do not conflict with the City's or other easement holder's enjoyment of their rights.

5. That the community known as Alvarado Estates and further identified and shown on said Exhibit "A" is approved by this Council as a limited access, gated community subject to the specific provisions of this document, the Municipal Code, and existing Council Policy.

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

a. The applicant has assured by permit and bond, the design and installation of the entry gate configuration with supporting improvements to include curbs, gutters, pedestrian ramps, sidewalks, paving, dedication of public right-of-way as necessary and street signs for the private streets satisfactory to the City Engineer and the Fire Chief (except as approved by the City Council in paragraph 7 below) .

b. The Association shall provide keyed access through the gate to the interior streets satisfactory to the City Engineer and components acceptable to the Fire Department and Police Departments for emergency access and to franchise utilities for the maintenance of their facilities.

c. The existing street names shall be retained. Any change shall require City Council approval under Council Policy 600-12. In addition, a specific sign(s) shall be installed at the main gate entry identifying the streets within the gated area as private and providing that the liability and responsibility for the streets are that of the Association. The sign(s) shall be permanently posted and clearly visible to the public at large in a location satisfactory to the City Engineer.

d. The Association has entered into an agreement with the City to maintain all of the vacated improved rights-of-way, and associated infrastructure including pavement, curb, gutter and sidewalk, maintain all existing drainage facilities within and adjacent to the areas proposed for vacation, maintain street lights, and to pay costs for electrical power for the street lights, to provide for private trash collection, and shall hold the City harmless from any litigation directly or indirectly related to the street vacations. The agreement shall be in a form approved by the City Attorney.

7. The City Council hereby finds that there is adequate stacking and turnaround areas provided on Alvarado Estates Street Vacation and Controlled Access Gates Design dated April 24, 1977 (a copy of which is attached as Exhibit "A" hereto) provided that:

a. The Association shall agree to provide an attendant located at the controlled access gate's kiosk during normal business hours or shall have telephone numbers listed at the kiosk for a driver to call if access through the gate is needed (such as a large vehicle turnaround).

b. The Association shall provide in its controller access gate regulations that "any Alvarado Estates resident intending to hold an event attended by more than fifty (50) people is required to have an attendant maintain the controlled access gate opened from thirty (30) minutes

before the start of the event until one (1) hour after the start of the event.”

8. That if the above conditions are not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

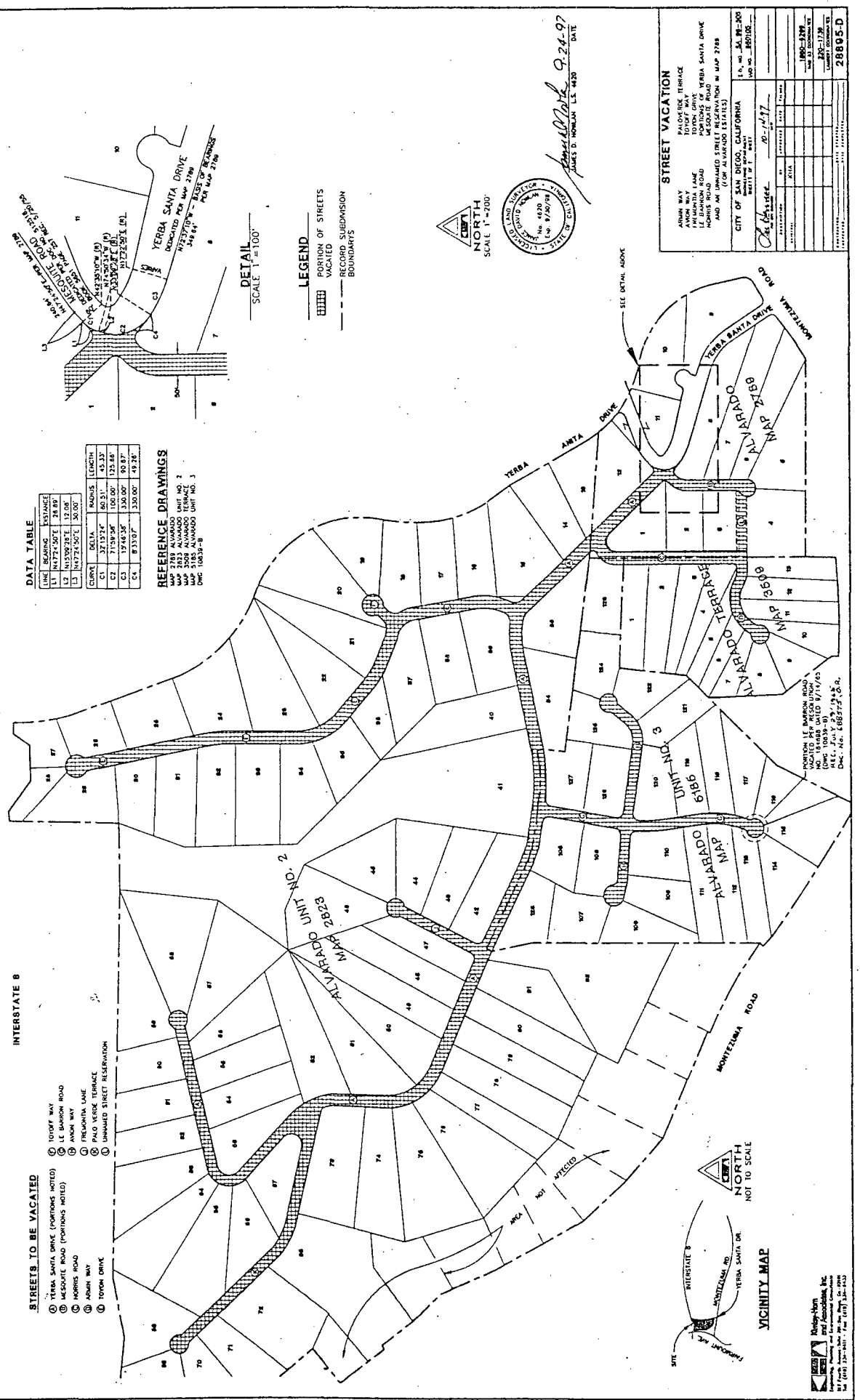
9. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and that the City Clerk shall then cause a certified copy of this resolution, attested by him under seal, with drawing, to be recorded in the Office of the County Recorder. The certified copy shall serve and constitute as verified notice referred to in the California Streets and Highway Code Section 8353.

APPROVED: CASEY GWINN, City Attorney

By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk
Or.Dept:Dev.Svcs
05/22/97
06/13/97 REV. 1
W.O. 960105
R-97-1028
Form=stve.res

EXHIBIT "A"



DATA TABLE

LINE	BEARING	DISTANCE
L1	N47°15'00"E	28.85'
L2	N15°09'30"E	12.00'
L3	N47°15'00"E	30.00'

CURVE	DELTA	RADIUS	LENGTH
C1	37.1574°	60.31'	45.33'
C2	17.9398°	100.00'	125.65'
C3	17.4635°	330.00'	90.87'
C4	83.107°	330.00'	49.28'

REFERENCE DRAWINGS
 MAP 2188 ALVARADO UNIT NO. 2
 MAP 2189 ALVARADO UNIT NO. 3
 MAP 5185 ALVARADO UNIT NO. 3
 DMC 10838-B

STREETS TO BE VACATED

- ① YERBERA SANTA DRIVE (PORTIONS NOTED)
- ② MESSOURIE ROAD (PORTIONS NOTED)
- ③ MORRIS ROAD
- ④ JARVIS WAY
- ⑤ TOWN DRIVE
- ⑥ TOWN DRIVE
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DETAIL
 SCALE 1"=100'

LEGEND

- ▬ PORTION OF STREETS VACATED
- ▬ RECORD SUBDIVISION BOUNDARIES

CITY OF SAN DIEGO
 NORTH
 SCALE 1"=200'

LAND SURVEYOR
 JAMES D. NOLAN, L.S. 4420
 No. 4820
 Exp. 8/30/98

James D. Nolan
 JAMES D. NOLAN, L.S. 4420
 DATE: 9.24.97

STREET VACATION

ADRIAN WAY
 PALMDALE TERRACE
 TOWN OF WAY
 PORTIONS OF YERBERA SANTA DRIVE
 LE BARON ROAD
 MORRIS ROAD
 JARVIS WAY
 TOWN DRIVE
 (OF ALVARADO UNIT NO. 2)

CITY OF SAN DIEGO, CALIFORNIA

U.S. SA. 84-94-200
 MAP NO. 480105E

DATE: 10-11-97

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