

RESOLUTION NUMBER R- 289998

ADOPTED ON APR 21 1998

WHEREAS, the State Subdivision Map Act, section 66499.20 ½ provides for the vacation and abandonment of public streets and easements by the filing and recordation of a subdivision map; and

WHEREAS, the abutting property owners have requested the vacation of Northside Drive, Old Quarry Road, Questor Place and a portion of Friars Road in connection with Mission City TM 96-0544 to facilitate development of their property; and

WHEREAS, The City of San Diego and H. G. Fenton Material Company have entered into an Exchange Agreement, which in part addresses the vacation of Questor Place; and

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

WHEREAS, those properties adjoining the street to be vacated will continue to have access; and

WHEREAS, in connection with the vacation, the City desires to reserve a certain easement; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use 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

- (b) the public will benefit from the vacation through improved utilization of land; and
- (c) the vacation is not inconsistent with the General Plan or an approved Community Plan; and
- (d) the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; and

WHEREAS, it is necessary that the vacation be conditioned upon the recordation of a final map for Mission City TM 96-0544; NOW, THEREFORE,

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

1. That Northside Drive, Old Quarry Road, Questor Place and a portion of Friars Road, as more particularly shown on Exhibit "A", a copy of which is attached and made a part of this resolution, are ordered vacated.

2. That The City of San Diego 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 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.

3. That the easement reserved herein is in, under, over, upon, along, and across Northside Drive, Old Quarry Road and Questor Place and a portion of Friars Road and the easement is, as more particularly shown on attached Exhibit "A", is ordered vacated.

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

a. Until a final map, that includes the streets to be vacated, for Mission City TM 96-0544, has been approved by City Council.

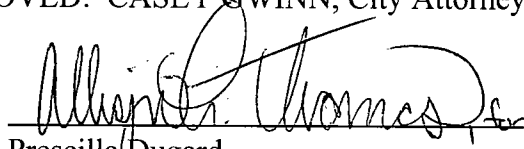
b. That all conditions of the "Exchange Agreement" have been completed.

In the event the above conditions are not completed within the time allowance specified under the tentative map conditions or any subsequent time extensions allowed, then this resolution shall become void and be of no further force or effect.

5. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and the City Clerk shall cause a certified copy of this resolution, with Exhibit "A", attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By

  
Prescilla Dugard  
Deputy City Attorney

PD:cdk  
04/08/98  
Or.Dept:Dev.Svcs.  
R-98-1110  
Form=sumv3.frm

R-289998

# EXHIBIT "A"

## RIGHT OF WAY VACATION EXHIBIT

GENERAL UTILITY EASEMENTS TO BE  
RESERVED FROM STREETS TO BE VACATED

SUBMISSION BOUNDARY

PORTION OF FRIARS ROAD  
PER MAP 11675  
(TO BE VACATED)

R/O  
SAN DIEGO DR  
PER MAP 11675  
(TO REMAIN)

EXISTING FRIARS ROAD  
RW (TO REMAIN)

LOT 27  
MAP 11675

LOT 26  
MAP 11675

NORTHSIDE DR  
PER MAP 11677  
(TO BE VACATED)

OLD QUARRY RD  
PER MAP 11677  
(TO BE VACATED)

LOT "A"

LOT 7

LOT 8

EXISTING NORTHSIDE DRIVE  
(TO REMAIN)

QUESTOR PLACE  
PER MAP 11677  
(TO BE VACATED)



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AND ASSOCIATES,

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