

RESOLUTION NUMBER R- 290043

ADOPTED ON MAY 04 1998

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, the abutting property owners have requested the vacation of a portion of Lebon Drive in connection with PRD/CPZ 96-0638 to facilitate development of their property; and

WHEREAS, the portion of street to be vacated is 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; NOW, THEREFORE,

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

1. That a portion of Lebon Drive in connection with PRD/CPZ 96-0638, as more particularly shown on Drawing No. 18546-B, on file in the office of the City Clerk as Document No. RR-290043-1, which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That The City of San Diego reserves and excepts a general utility easement to place, construct, repair, replace, maintain, use, and operate public utilities of any kind or nature, including, but not limited to, San Diego Gas & Electric and Pacific Bell facilities 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 and egress, together with the right to maintain the 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, or the drilling or digging of any well or wells thereon, together with the right to otherwise protect from all hazards the operation and use of any right hereby reserved. After obtaining an encroachment permit from the City Engineer pursuant to the Municipal Code of the City, the owners of the underlying fee may use the above-described parcel of land for structures, the planting or growing of trees, or the installation of privately owned pipelines.

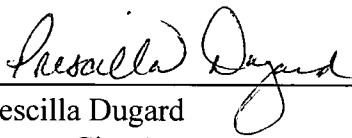
3. That The City of San Diego reserves and excepts the right, from vacation and

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.

4. That the easement reserved is in, under, over, upon, along, and across a portion of Lebon Drive and that the easement is more particularly shown and delineated on Drawing No. 18546-B, on file in the office of the City Clerk as Document No. RR- 290043-1

5. That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

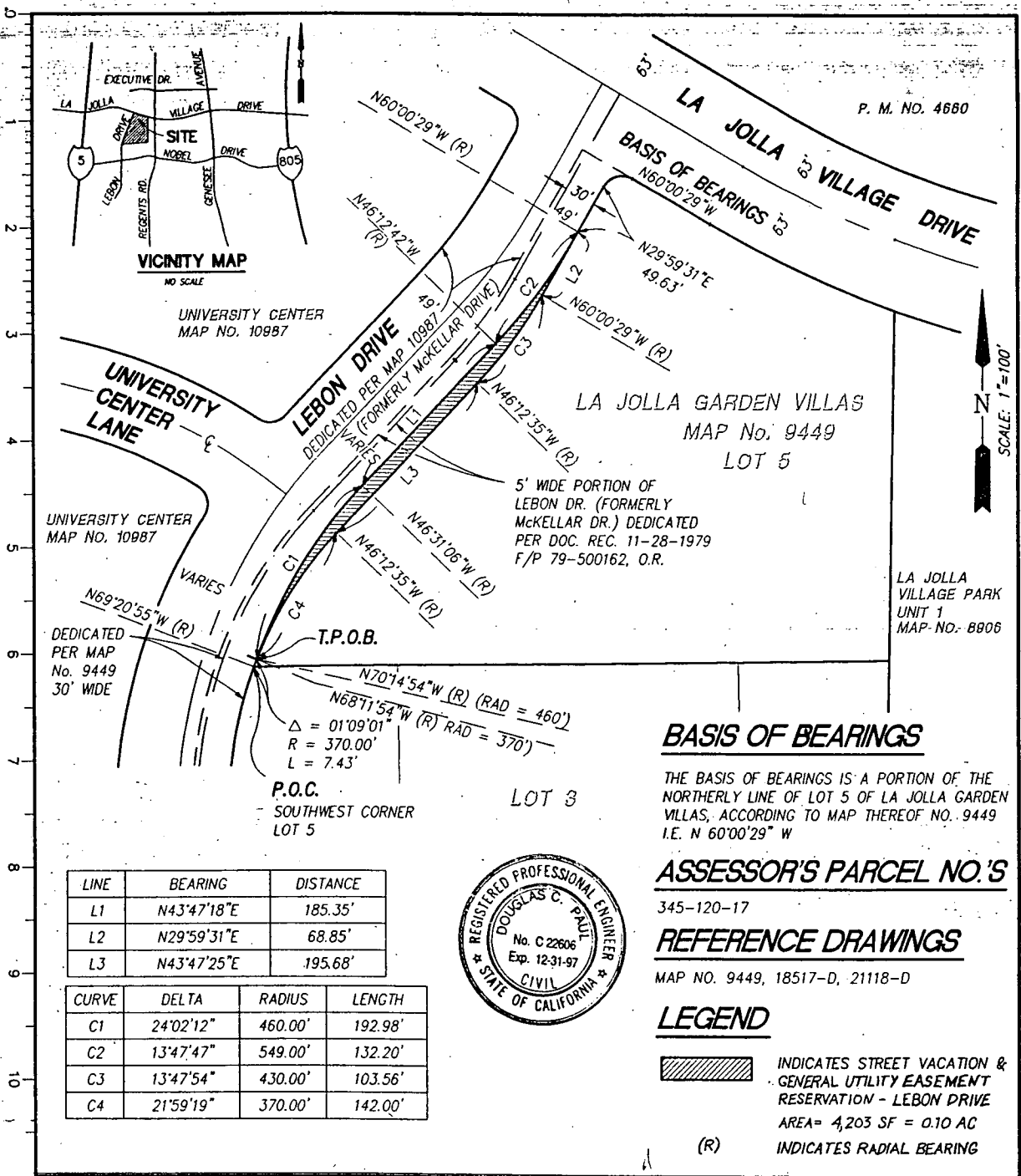
By 
Prescilla Dugard
Deputy City Attorney

PD:cdk
04/06/98
Or.Dept:Dev.Svcs.
WO:120101
Dwg:18455-1-B
R-98-1085
Form=sumv3.frm

DOCUMENT NO. R290043-1

FILED MAY 04 1998

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA



Project Design Consultants
PLANNING ENGINEERING SURVEYING
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619-235-6471 FAX 234-0349

DCP 5/4/98

DOUGLAS C. PAUL R.C.E. 22606 DATE
MY REGISTRATION EXPIRES 12-31-97

STREET VACATION & GENERAL UTILITY EASEMENT RESERVATION
PORTION OF LEBON DRIVE
SOUTH OF LA JOLLA VILLAGE DRIVE

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	PDC			

CITY OF SAN DIEGO, CALIFORNIA		W.O. NO. 120102
SHEET 1 OF 1 SHEET		SA 97-502
<i>Richard Korman</i>	6-11-97	1896-6261
FOR CITY ENGINEER	DATE	CCS '83 COORDINATES
		256-1701
		LAMBERT COORDINATES
		18546-B

R 290043