

(R-99-22)

RESOLUTION NUMBER R- 290517

ADOPTED ON JUL 28 1998

WHEREAS, California Government Code section 66499.20 1/2 provides that the filing of the map shall constitute abandonment of all streets and easements not shown on the map; and

WHEREAS, the developers of Mesa Verde Estates (VTM No. 96-0625) have requested the vacation of a segment of Road Survey 65 to facilitate development of their property; and

WHEREAS, in connection with said vacation, the City desires to reserve general utility easements; and

WHEREAS, the segment of street to be vacated will be realigned and superseded by relocation; and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, it is necessary that the vacation be conditioned upon the recordation of a final map for Mesa Verde Estates VTM No. 96-0625, and the map shall provide alternative public right-of-way in order to maintain access for all abutting properties to the segment of Road Survey 65 being vacated; 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 Road Survey 65 in connection with Mesa Verde Estates (VTM No. 96-0625), as more particularly shown on Exhibit A, on file in the office of the City Clerk as Document No. RR- 290517-1, which is by this reference incorporated herein and made a part hereof, is ordered conditionally vacated.

2. 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.

3. That the easement reserved herein is in, under, over, upon, along, and across Road Survey 65 and that the easement is more particularly shown and delineated on Exhibit A.

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

a. Until a final map, that includes Road Survey 65 to be vacated for Mesa Verde Estates (VTM No. 96-0625) has been approved by City Council action; and

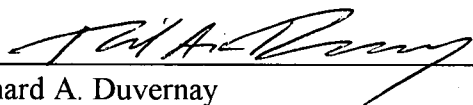
b. That physical access shall be provided from the remaining Road Survey 65 to the new street dedications within Mesa Verde Estates VTM No. 96-0625 satisfactory to the City Manager.

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 and effect.

5. 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, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:lc
07/07/98
Or.Dept:Dev.Svcs.
R-99-22
Form=sumv3.frm

Street Vacation for a segment of Road Survey 65
in Connection with Mesa Verde Estates TM 96-0625

EXHIBIT A (SHEET 1 OF 2)

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

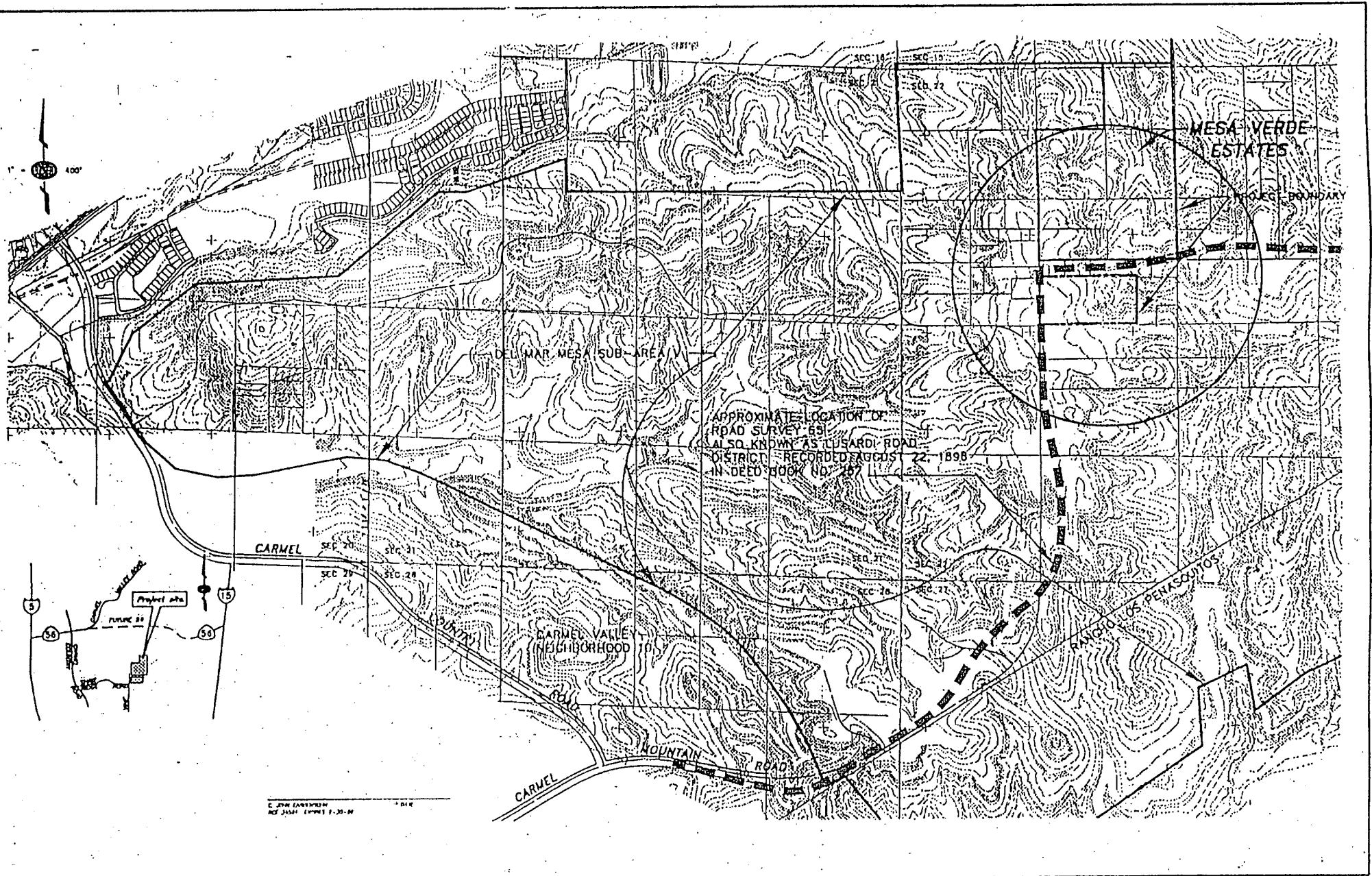
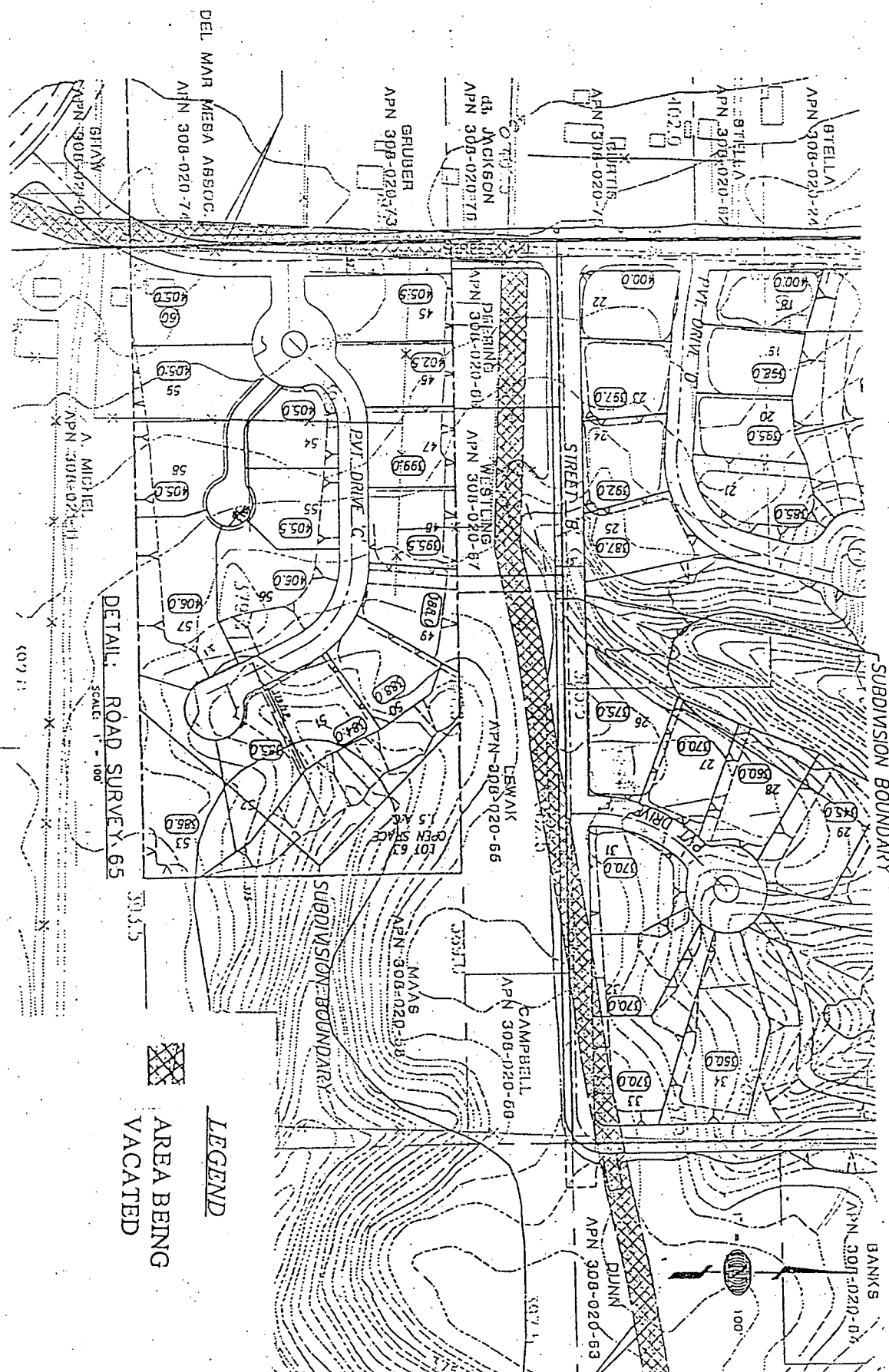
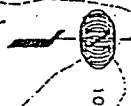


EXHIBIT A (SHEET 2 OF 2)
SA 98-504 SEGMENT OF R.S. 65
IN MESA VERDE ESTATES TM 96-0625



DETAIL: ROAD SURVEY, 65
 SCALE 1" = 100'

LEGEND
 [Cross-hatched box] AREA BEING VACATED



R-290517