

RESOLUTION NUMBER R-290572

ADOPTED ON AUG 03 1998

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of public street easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner, has requested the vacation of the street easement within Ivy Hill II at Scripps Ranch North to unencumber this property and facilitate development of the site as conditioned in approved Conditional Use Permit 96-7915; 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 street easement 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
- (b) those properties adjoining the street to be vacated will continue to have access; and
- (c) the public will benefit from the vacation through improved utilization of land; and
- (d) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(e) it is necessary and desirable that the vacation adjacent to each abutting property be conditioned upon completion of either a B-sheet drawing, to be recorded as a separate instrument, or a parcel map for the affected parcels; and

(f) 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 Wexford Street in connection with PRD 96-7915, as more particularly shown on Exhibit "A", attached hereto and made a part hereof, is ordered vacated.

2. That The City of San Diego shall reserve and accept through either the filing of a B-sheet drawing or through the recordation of a parcel map, 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, waterline 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 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 reserved. Upon acquisition of an 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 parcels or land for structures, the planting or growing of trees, or the installation of privately owned pipelines.

3. That the easement reserved herein is in, under, over, upon, along, and across a portion

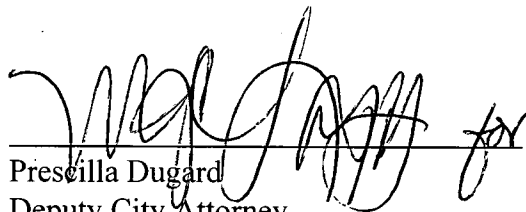
of Wexford Street and that the easement is more particularly shown and delineated on Exhibit "A" attached hereto.

4. That the resolution shall not become effective unless and until either the B-sheet drawing or the parcel map for the vacation of a portion of Wexford Street has been approved by the City Engineer subsequent to this Council action. The vacation of a portion of Wexford Street is not approved within three years from the date of approval of this resolution, 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 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

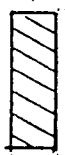


By



Prescilla Dugard
Deputy City Attorney

PD:cdk
07/17/98
Or.Dept:Dev.Svcs.
WO:120101
R-99-132
Form=sumv.frm

LEGEND:

-  PORTION OF EXIST. STREET TO BE VACATED BY OWNER LOT 1- MAP 13261
-  PROPOSED ADDITIONAL STREET DEDICATION
-  PORTION OF EXIST. STREET TO BE VACATED BY OWNER LOT 18 MAP 12911

LOT #19
MAP 12911

LOT #17
MAP 12911

WEXFORD STREET

STREET

SUBDIVISION BOUNDARY

WATER ESM'T

R=58'

LOT B
MAP 13261

LOT A, MAP 13261

EXIST. STREET R/W

EXTEND WATER LINE ESM'T TO FUTURE R/W

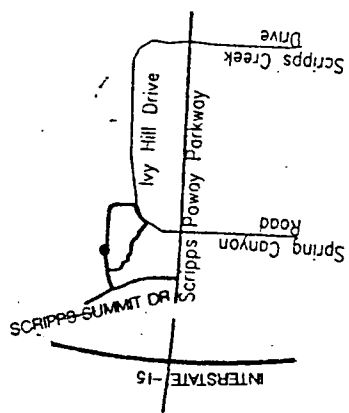
EXIST. STREET R/W

PROPOSED ADDITIONAL STREET /W DEDICATION WITHIN 'LY PROPERTY

PORTION OF EXIST. STREET DEDICATION TO BE RELINQUISHED TO S'LY PROPERTY OWNER.

OPEN SPACE EASEMENT PER MAP 12911

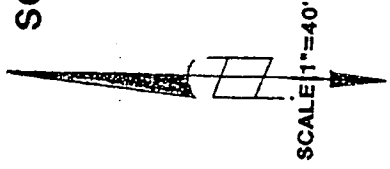
BLDG. RIGHTS RELINQUISHMENT EASEMENT PER MAP 12911



VICINITY MAP

NO SCALE

LOT #1 OF
SCRIPPS RANCH NORTH UNIT 1A
MAP 13261



SCALE 1"=40'

EXHIBIT "A"

**WEXFORD STREET
VACATION EXHIBIT**

CROSBY
MEAD
BENTON
& ASSOCIATES

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R.290572