

RESOLUTION NUMBER R- **290597**

ADOPTED ON AUG 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 for a period of five consecutive years the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway during such period and 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, in connection with the vacation, the City desires to reserve a certain easement; and

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

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public streets, for which the right-of-way was originally acquired, or for any other public use of a like nature that can be anticipated;

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 Cass Street and Rutgers Road north of Van Nuys Street, as more particularly shown on Drawing No. 18445-1-B on file in the office of the City Clerk as Document No.

RR- 290597-1, incorporated by this reference, be and the same are ordered vacated.

2. That The City of San Diego reserves and excepts 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, general utilities 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 Cass Street and Rutgers Road and is more particularly shown and delineated on Drawing No. 18445-1-B, on file in the office of the City Clerk as Document No. RR-290597-1.

5. That the resolution shall not become effective unless and until the completion of a land sale, for the City's fee interest the Rutgers Road right-of-way as more particularly shown on Drawing No. 18445-2-B, has been approved by City Council action. If the land sale is not approved within the three (3) years following the adoption of this resolution, this resolution shall be come void and be of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned land sale, and City Clerk shall then 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

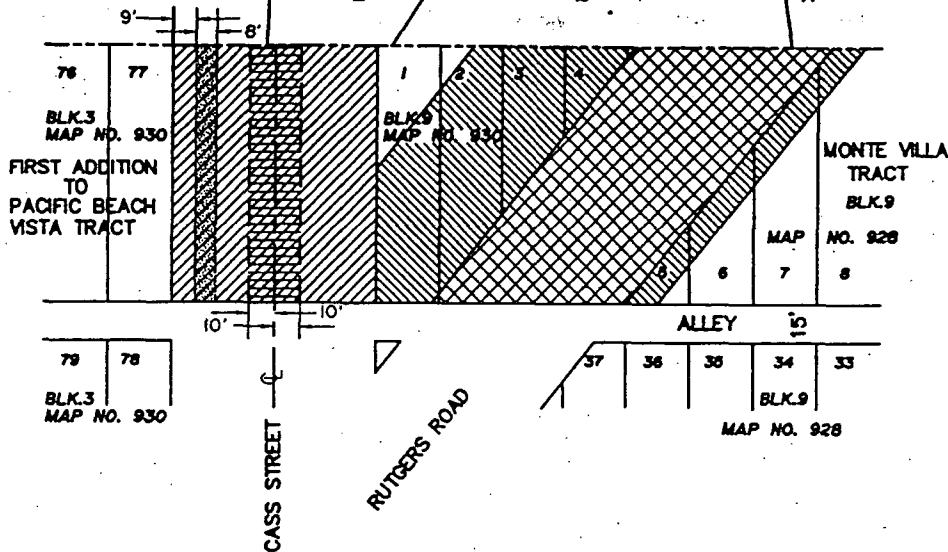
By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

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Or.Dept:Dev.Svcs.
WO:120101
Dwg:18455-1-B
R-98-1041
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

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LA JOLLA MESA VISTA NO.2
MAP NO. 4851

LA JOLLA/PALISADES UNIT NO. 4

MAP NO. 12339



LEGEND

-  PORTION OF RUTGERS ROAD VACATED 7731 S.F.
(DEDICATED PER DOC. NO 99213 BOOK 6647 PAGE 376 O.R. REC. 7/3/57 & DOC NO. 62918 BOOK 7045 PAGE 78 O.R. REC 4/18/58)
-  SLOPE EASEMENT ABANDONED 6830 S.F.
(GRANTED PER DOC NO. 99213 BOOK 6647 PAGE 376 O.R. REC. 7/3/57 & DOC NO. 62918 BOOK 7045 PAGE 78 O.R. REC 4/18/58)
-  PORTION OF CASS STREET VACATED 8003 S.F.
(DEDICATED PER MAP NO. 930)
-  GENERAL UTILITY AND ACCESS EASEMENT RESERVED FROM STREET VACATION 2001 S.F.
-  SDG&E/PACIFIC BELL EASEMENT RESERVED FROM STREET VACATION 800 S.F.



SCALE: 1"=50'

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SLOPE EASEMENT ABANDONMENT IN LOTS 4, 5, 6, 7 & 8, BLOCK 9 MONTE VILLA TRACT MAP NO. 928 & IN LOTS 1, 2, 3 & 4 BLOCK 9 FIRST ADDITION TO PACIFIC BEACH VISTA MAP NO. 930
STREET VACATION - RUTGERS ROAD AND CASS STREET - NORTH OF VAN NUYS STREET (WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED)

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SA 96-507
ORIGINAL					SHEET 1 OF 1 SHEET	NO. 120102
			3-6-98		<i>James D. Nowlan</i> FOR CITY ENGINEER	1876-6351 NAD83 COORDINATE
					RYSON HEAD	236-1791 LAMBERT COORDINATE
					SECTION HEAD	18445-1-B

R- 290597

DOCUMENT NO. R-290597-1

FILED AUG 04 1998

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA