

RESOLUTION NUMBER R- **290778**

ADOPTED ON SEP 29 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 streets and easements are no longer required; and

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

WHEREAS, the abutting property owners have requested the vacation of a segment of Road Survey 188, and slope and landscape easements in connection with Scripps Gateway (TM 92-0466) to facilitate the development of their property; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public 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;

(b) those properties adjoining the street to be vacated will continue to have access;

(c) the public will benefit from the vacation through improved utilization of land;

(d) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(e) 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 segment of Road Survey 188, and slope and landscape easements in connection with Scripps Gateway (TM 92-0466), as more particularly shown on the attached Exhibit "A," 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 the right, general utility easements, and rights of any existing franchise facility in slope or landscape easements adjacent to Scripps Poway Parkway, pursuant to any existing franchise or renewals thereof, at any time of 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 for the transportation of communication signals, and for fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes, including access to 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 may be in, under, over, upon, along, and across slope and landscape easements adjacent to Scripps Poway Parkway for Scripps Gateway (TM 92-0466) and that the easement may be located within areas of the slope and landscape easement being abandoned as delineated on the attached Exhibit "A."

4. That the resolution shall not become effective unless and until the final map for Scripps Gateway (TM 92-0466) has been approved by Council action. In the event that the final map is not approved within the time allowance specified under the tentative map conditions or any subsequent time extensions allowed, this resolution shall become void and of no further force or effect.

5. That 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

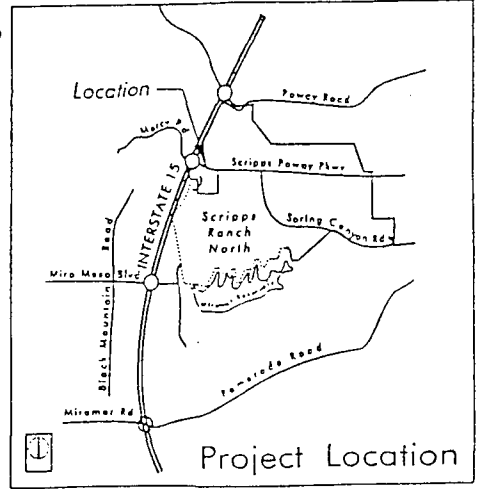
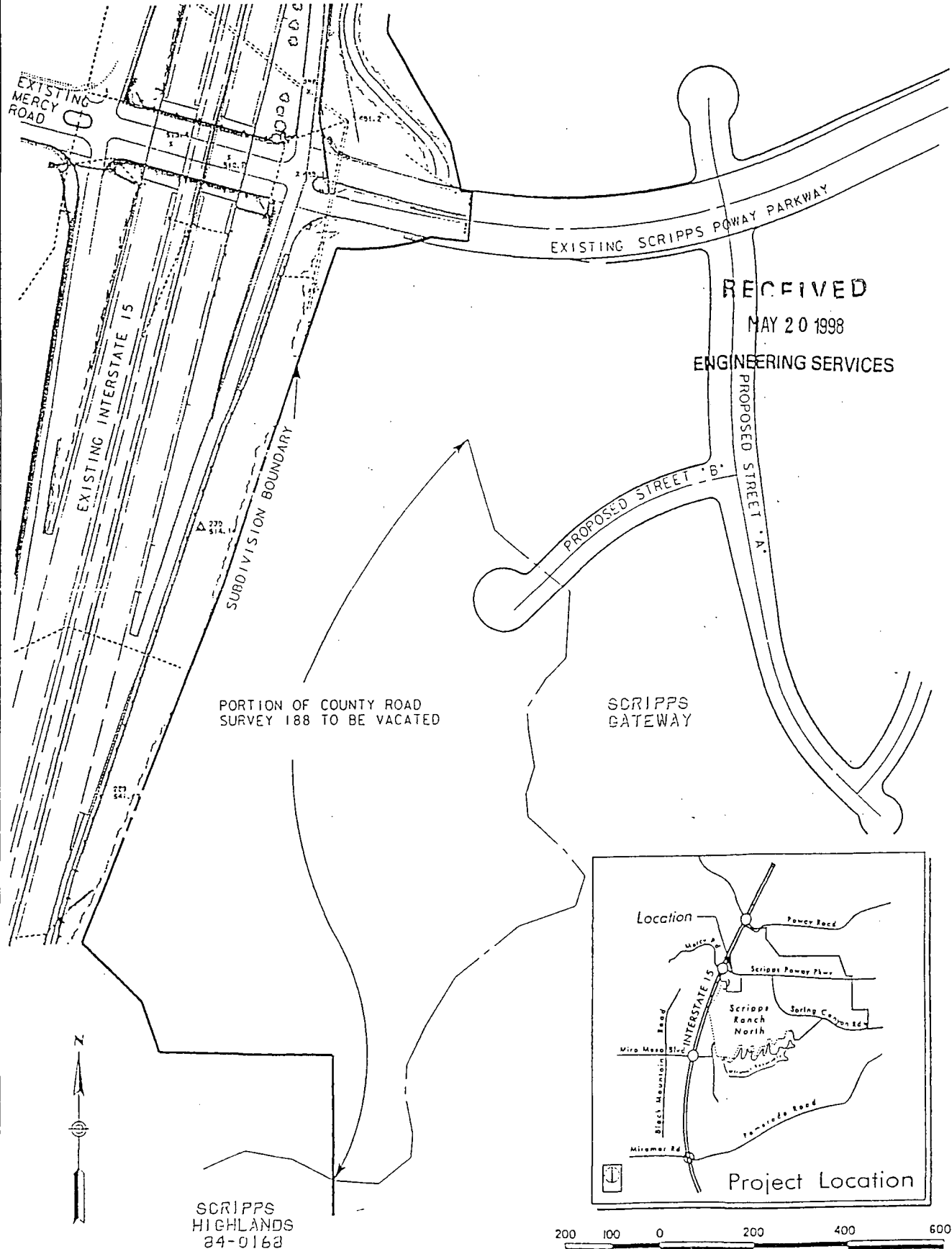
By Prescilla Dugard
Prescilla Dugard
Deputy City Attorney

PD:cdk
09/8/98
Or.Dept:Dev.Svcs.
TM:92-0466
R-99-217
Form=sumv.frm

EXHIBIT "A"

(SHEET 1 OF 2)

STREET VACATION IN SCRIPPS GATEWAY TM NO. 92-0466



RIK ENGINEERING COMPANY

R-290778

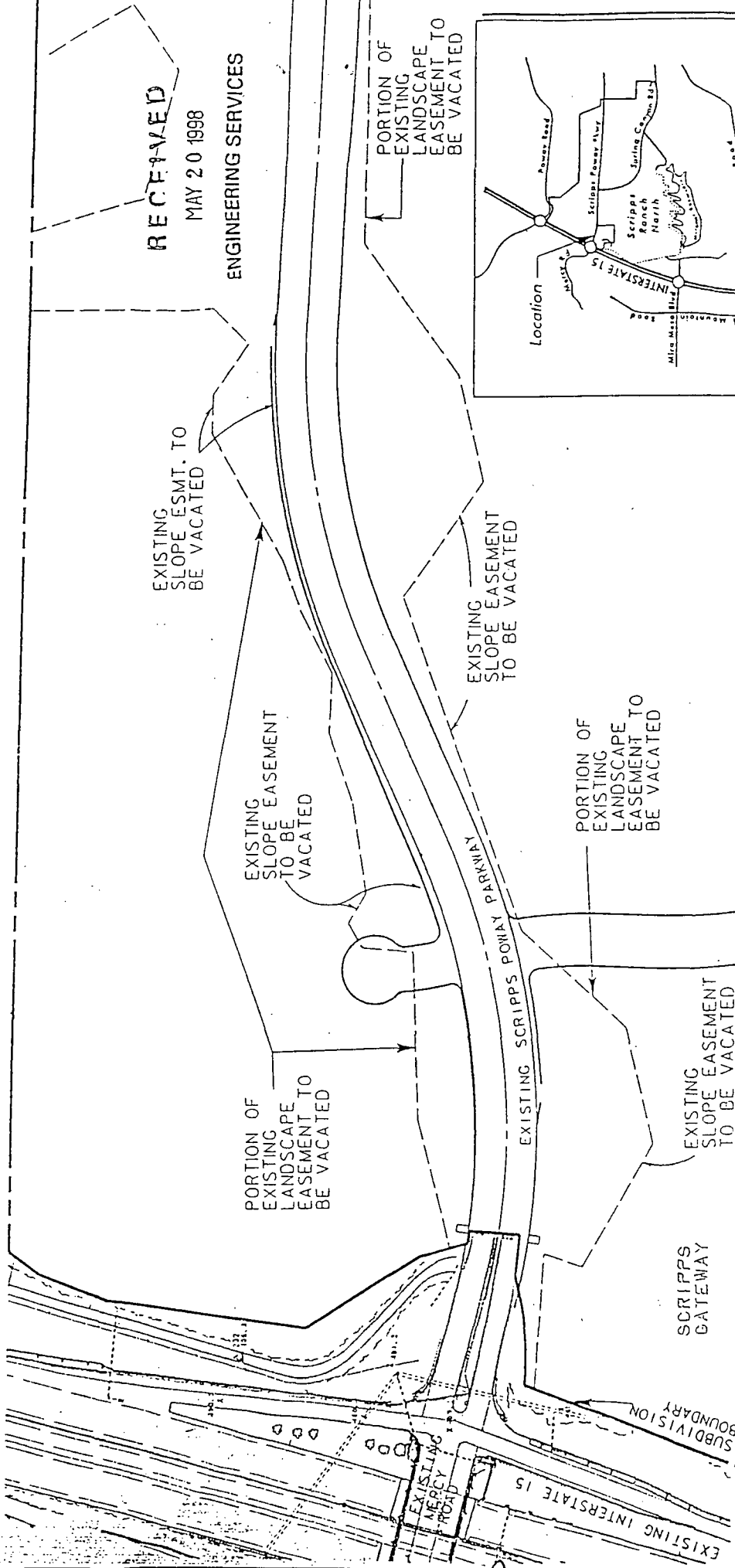
GRAPHIC SCALE 1" = 200'

ATTACHMENT 16

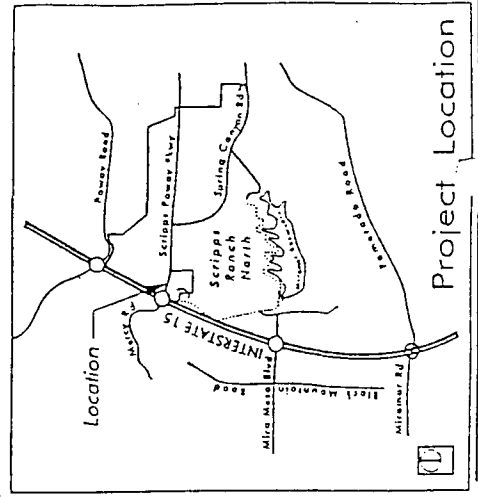
EXHIBIT "A"

(SHEET 2 OF 2)

SLOPE AND LANDSCAPE EASEMENT VACATION IN SCRIPPS GATEWAY TM NO. 92-0466



RECEIVED
MAY 20 1998
ENGINEERING SERVICES



GRAPHIC SCALE 1" = 200'

DATE : 5-18-98 JOB NO. 13103

RICK ENGINEERING COMPANY

5020 Phoebe Road
San Diego, CA 92121-0707



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