

RESOLUTION NUMBER R- 291036

ADOPTED ON DEC 07 1998

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of public streets by City Council resolution where the portion of the street vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, on April 21, 1998, by Resolution No. R-289998, the City Council approved the vacation of Questor Place as shown on Exhibit "A" to R-289998 and conditioned the vacation upon the filing of a final map for Mission City, Tentative Map 96-0544 [Final Map Condition]; and

WHEREAS, based upon the findings below, the City Council is willing to vacate Questor Place without the requirement of the Final Map Condition; and

WHEREAS, the abutting property owner has requested the vacation of Questor Place to facilitate development of the site; and

WHEREAS, The City of San Diego and H.G. Fenton Material have entered into an Exchange Agreement dated November 14, 1997, on file in the office of the City Clerk as Document No. RR-289263-1, which in part addresses the vacation of Questor Place; 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 street 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) 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 Questor Place, located east of Old Quarry Road, as more particularly shown on Drawing No. 18854-B, on file in the office of the City Clerk as Document No. RR- 291036, and Exhibit "A," which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the Final Map Condition is not required for this vacation.

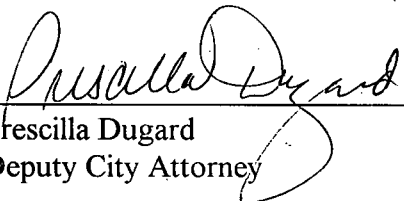
3. That The City of San Diego reserves and excepts the right, from vacation and abandonment, general utility easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, 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 as indicated on Drawing No. 18854-B.

4. That this vacation shall not be effective unless and until all other conditions of the Exchange Agreement have been completed.

5. That the City Engineer shall advise the City Clerk of the completion of the conditions of the Exchange Agreement and the 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
Deputy City Attorney

PD:lc
11/23/98
Or.Dept:Dev.Svcs.
WO:980803
Dwg:18854-B
R-99-521
Form=sumv.frm

R. 291036

LEGEND



INDICATES PORTION OF QUESTOR PLACE VACATED (12,935 S.F.)
(DEDICATED PER CITY RESOLUTION R-267163 ADOPTED 12/8/86
RECORDED 12/19/86 AS FILE NO. 86-595735 O.R.) (DWG. NO. 16649-B)



INDICATES PORTION OF QUESTOR PLACE VACATED (2474 S.F.)
(DEDICATED PER CITY RESOLUTION R-276592 ADOPTED 9/24/90
RECORDED 10/16/90 AS FILE NO. 90-562798 O.R.) (DWG. NO. 17479-2-B)



INDICATES PORTION OF QUESTOR PLACE VACATED (321 S.F.)
(DEDICATED PER CITY RESOLUTION R-276592 ADOPTED 9/24/90
RECORDED 10/16/90 AS FILE NO. 90-562798 O.R.)
(DWG. NO. 17479-1-B)



INDICATES PORTION OF QUESTOR PLACE VACATED (47,648 S.F.)
(DEDICATED PER MAP NO. 11677)



GENERAL UTILITY AND ACCESS EASEMENT
RESERVED FROM STREET VACATION (50,443 S.F.)



(DEDICATED PER CITY RESOLUTION R-276592 ADOPTED 9/24/90
REC. 10/16/90 AS FILE NO. 90-562798 O.R.)
(DWG. NO. 17479-1-B)



(DEDICATED PER MAP NO. 11677)



(VACATED PER CITY RESOLUTION R-276912 ADOPTED
11/26/90, REC. 12/12/90 AS FILE NO. 90-662762 O.R.)
(DWG. NO. 17480-1 & 2-B)

RHO MISSION OF SAN DIEGO
POR. LOT 38

PARCEL "A"

PARCEL "B"

PARCEL "C"

A.P.N. 433-240-18

LOT "A"

MISSION CITY UNIT NO. 3
A.P.N. 433-280-03

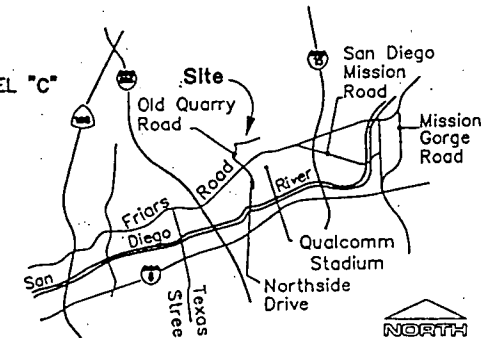
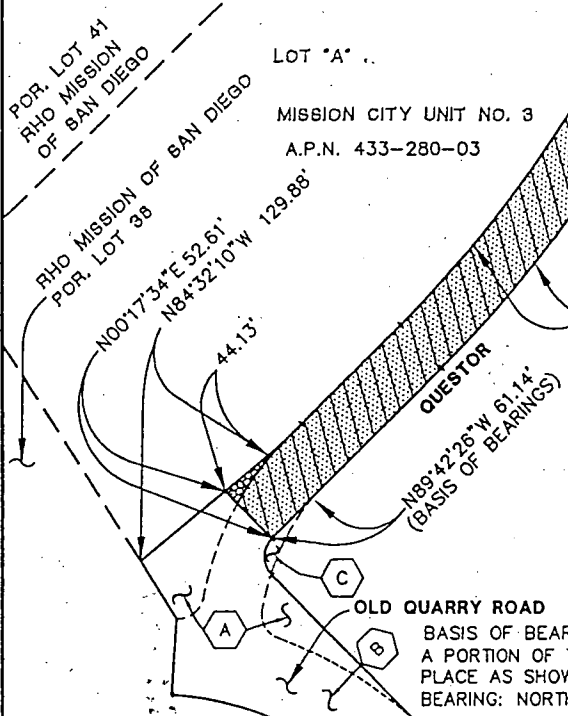
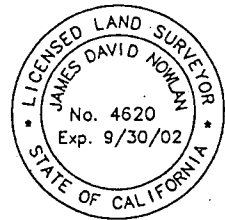
MAP NO. 11677

LOT 7

A.P.N. 433-280-01



SCALE: 1"=100'



Engineering, Planning and Environmental Consultants
517 Fourth Avenue, Suite 201, San Diego, Ca. 92101
Tel: (619) 234-9411 • Fax: (619) 234-9433
James D. Nowlan 9/15/98
JAMES D. NOWLAN L.S. 4620 DATE

DOCUMENT NO. **R-291036**

DEC 07 1998

FILED
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION - QUESTOR PLACE
MISSION CITY UNIT NO. 3 MAP NO. 11677
AND PORTION OF LOT 36, RANCHO MISSION, SAN DIEGO
(WITH GENERAL UTILITY AND ACCESS EASEMENT RESERVED)

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA SHEET 1 OF 1 SHEET	SA 98-514 w.o. No. 980803
ORIGINAL						
			9-22-98		<i>James D. Nowlan</i> FOR CITY ENGINEER	1866-6289 NAD83C COORDINATE
					DIVISION HEAD	226-1729 LAMBERT COORDINATE
					SECTION HEAD	18854-B
STATUS						

R-291036

EXHIBIT "A"
STREET VACATION

THAT PORTION OF LOT 36 OF THE RANCHO MISSION OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF IN CASE NO. 348, SUPERIOR COURT OF SAN DIEGO COUNTY, ENTITLED "JUAN M. LUCO, ET AL, VS. THE COMMERCIAL BANK OF SAN DIEGO, ET AL", FILED IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, TOGETHER WITH THOSE PORTIONS OF MISSION CITY UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 11677 AS FILED IN THE OFFICE OF COUNTY RECORDER ON DECEMBER 12, 1986, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL "A"

THAT PORTION OF QUESTOR PLACE LYING WITHIN SAID LOT 36 AS DEDICATED BY RESOLUTION NO. R-267163, ADOPTED ON DECEMBER 8, 1986, BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, RECORDED IN SAID COUNTY DECEMBER 19, 1986 AS FILE NO. 86-595735 OF OFFICIAL RECORDS.

PARCEL "B"

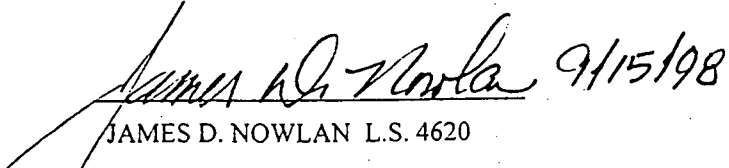
THAT PORTION OF QUESTOR PLACE LYING WITHIN LOT "A" OF SAID MAP NO. 11677, DESCRIBED AS PARCEL "C" OF RESOLUTION NO. R-276592 ADOPTED ON SEPTEMBER 24, 1990, BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, RECORDED IN SAID COUNTY OCTOBER 16, 1990 AS FILE NO. 90-562798 OF OFFICIAL RECORDS.

PARCEL "C"

QUESTOR PLACE AS DEDICATED ON SAID MAP NO. 11677, EXCEPT THEREFROM THAT PORTION THEREOF VACATED BY RESOLUTION NO. R-276912 ADOPTED ON NOVEMBER 26, 1990, BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, RECORDED IN SAID COUNTY DECEMBER 12, 1990 AS FILE NO. 90-662762, TOGETHER WITH THAT PORTION OF QUESTOR PLACE LYING WITHIN LOT "A" OF SAID MAP NO. 11677, DESCRIBED AS PARCEL "A" OF RESOLUTION NO. R-276592 ADOPTED ON SEPTEMBER 24, 1990, BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, RECORDED IN SAID COUNTY OCTOBER 16, 1990 AS FILE NO. 90-562798 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM ALL OF THAT PORTION THEREOF LYING WESTERLY OF A LINE BEARING NORTH 00°17'34" EAST FROM THAT CERTAIN WESTERLY TERMINUS OF THE LINE BEARING "NORTH 89°42'26" WEST 61.14 FEET" IN THE NORTHERLY LINE OF THAT PORTION OF QUESTOR PLACE AS VACATED AND DESCRIBED AS PARCEL "A" IN RESOLUTION NO. R-276912 ADOPTED ON NOVEMBER 26, 1990, BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, RECORDED IN SAID COUNTY DECEMBER 12, 1990 AS FILE NO. 90-662762 OF OFFICIAL RECORDS.

RESERVING THEREFROM A GENERAL UTILITY AND ACCESS EASEMENT OVER, UNDER, ALONG AND ACROSS ALL OF PARCELS "B" AND "C" HEREIN.

 9/15/98
JAMES D. NOWLAN L.S. 4620

FILE: SA 98-514
W.O. 980803
REF: 18854-B



289998

291036