

RESOLUTION NUMBER R- **291809**

ADOPTED ON **JUN 21 1999**

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 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 said vacation, the City reserves certain easements; and

WHEREAS, the adjacent property owner has requested the vacation of San Clemente Street which is northeast of Voltaire Street, to unencumber this property and facilitate development of the site; 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) 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) 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 San Clemente Street, northeast of Voltaire Street, as more particularly shown on Drawing No. 14340-B, on file in the office of the City Clerk as Document No. RR- 291809 - 1, which drawing is attached hereto and made a part hereof, is 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 sewer and water facilities 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 said easement free and clear of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree and 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 parcel of land for structures, the planting or growing of trees, or the installation of privately owned pipelines.

3. That the easement reserved is in, under, over, upon, along, and across San Clemente Street and that the easement is more particularly shown and delineated on Drawing No. 14340-B, on file in the office of the City Clerk as document No. RR- 291809 - 1.

4. With respect to the street vacation area which is underlain with Lindavista formation soil, The City of San Diego desires and the adjacent property owner agrees that the following requirements be applicable prior to issuance of any building permits:

(a) Development within the street vacation area is subject to an archaeological

survey. Should any cultural resources be encountered, a Research Design and Data Recovery Program shall be implemented. All work shall be done in accordance with The City of San Diego Significant Criteria for Cultural Resources.

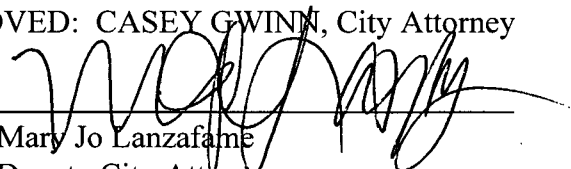
(b) Paleontological monitoring shall be implemented for any grading within the Lindavista formation which exceeds 2,000 cubic yards and where excavation is greater than ten feet deep. All work shall be done in accordance with The City of San Diego Paleontological Guidelines.

5. That the resolution shall not become effective unless and until the City Engineer approves the filing of a consolidation parcel map, Work Order No. 03200, which prevents landlocked parcels. In the event the above consolidation parcel map is not filed within one year following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the aforementioned condition; the City Clerk shall then cause a certified copy of this resolution, attested by him under seal, with drawing, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

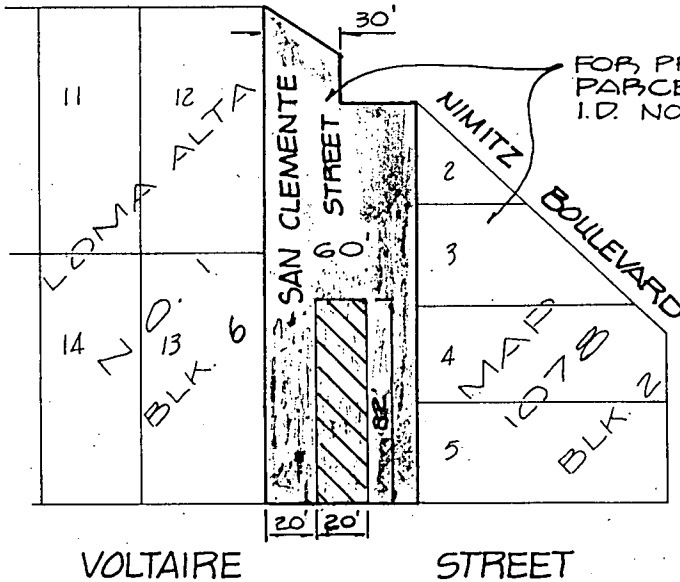
By



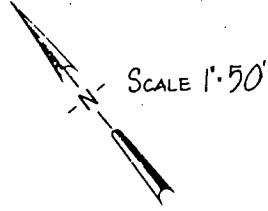
Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
05/25/99
Or.Dept:PDRD
SA:96-536
WO:120102
Dwg:14340-B
R-99-1284
Form=sumv.frm

WHITTIER STREET

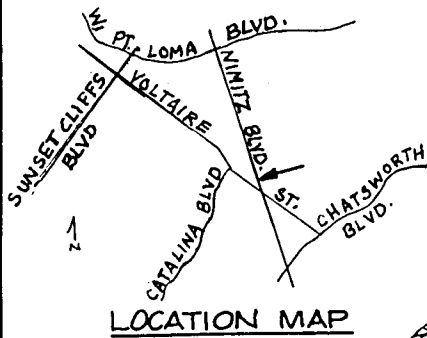


FOR PROPOSED
PARCEL MAP
I.D. NO. 96-263



VOLTAIRE

STREET



LOCATION MAP

NO SCALE

LEGEND

PORTION VACATED SHOWN AS

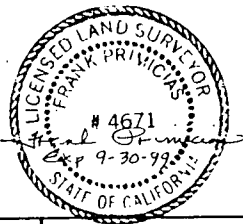
SEWER & WATER EASEMENT
RESERVED AS SHOWN

REFERENCE DRAWINGS

MAP 1078, 2168-D, 2170-D
ORDER OF CONDEMNATION NO. 208025
REC. 4-25-1957 DOC. NO. 61724, BK. 6552,
PG. 190, O.R.

AREA OF STR. VACATED

0.395 AC.



J-P AND ASSOCIATES
13055 SUNDANCE AVE.
SAN DIEGO, CA. 92129
(619) 484-3480

**STREET VACATION SAN CLEMENTE
STREET-BETWEEN VOLTAIRE STREET AND
NIMITZ BOULEVARD.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. SA96-536
ORIGINAL				11-11-97	SHEET 1 OF 1 SHEET	NC 120102
		<i>De Henner</i>	7-28-97		FOR CITY ENGINEER	1850-6257
					DATE	CES 83 COORDINATES
						210-1697
						LAMBERT COORDINATES
						14340 - B
STATUS						

DOCUMENT NO. **Rf-291809-1**

FILED **JUN 21 1999**

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

R-291809