

(R. 77-1728)

RESOLUTION NO. 218629

JUN 15 1977

WHEREAS, it is proposed that NUTMEG STREET between Kettner Boulevard and Atchison, Topeka & Santa Fe Railroad right-of-way be vacated; and

WHEREAS, 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; and

WHEREAS, the public will benefit from the vacation through improved utilization of land; and

WHEREAS, the vacation or abandonment is not inconsistent with the General Plan or an approved Community Plan; and

WHEREAS, 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, California, that NUTMEG STREET between Kettner Boulevard, and Atchison, Topeka & Santa Fe Railroad right-of-way, as more particularly referred to in Resolution of Intention No. 218294, is unnecessary for present or prospective public street purposes.

BE IT FURTHER RESOLVED, that the public interest, convenience and necessity of said City requires the reservation of certain public easement(s), as more particularly referred to in

Resolution of Intention No. 218294.

BE IT FURTHER RESOLVED, that NUTMEG STREET between Kettner Boulevard, and Atchison. Topeka & Santa Fe Railroad right-of-way, as more particularly shown on Map No. 13687-B, on file in the office of the City Clerk as Document No. 759174, which said map is attached hereto and made a part hereof, be, and the same is hereby vacated.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from the foregoing vacation the permanent easement(s) as more particularly described hereinafter:

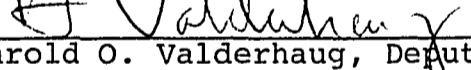
Reserving the excepting to the City of San Diego the right easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature, including, but not limited to, drainage, and all necessary and proper fixtures and equipment for use 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 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. 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. The City of San Diego shall have the right to permit the use of the easement or easements herein described by any public utility either by conveyance of the necessary right to so use or by permitting such utility to utilize such right under and pursuant to a franchise with the City of San Diego.

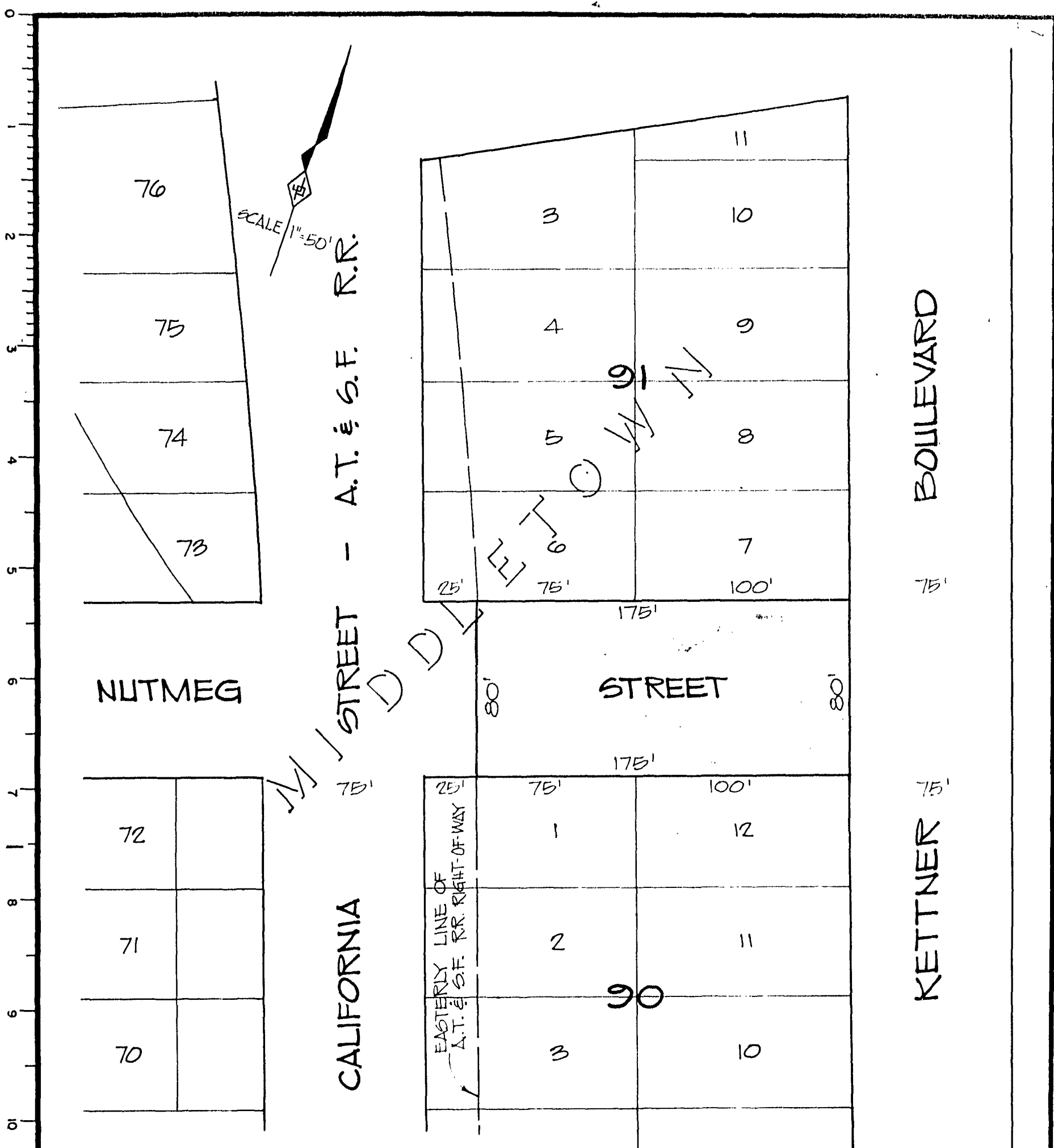
The easement reserved herein is in, under, over, upon, along and across that portion of Nutmeg Street, vacated by this document and as more particularly shown on Map No. 13687-B, on file in the office of the City Clerk as Document No. 759174.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:sml
3-18-77
Or.Dept.:E&D
W.O.:27002



STREET VACATION SHOWN SHADED THUS

AREA: 0.32 ACRES

DOCUMENT NO. **759174**

FILED **MAY 5 1977**
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

JEFFERIES, PHILLIPS & ASSOC.
CIVIL ENGINEERING • SURVEYING • PLANNING
8262 UNIVERSITY AVENUE (714) 464 0644
LA MESA CALIFORNIA 92041

STREET VACATION - NUTMEG STREET

BETWEEN THE WESTERLY LINE OF KETTNER BLVD. AND THE EASTERLY LINE OF THE A.T. & S.F. RY. RIGHT-OF-WAY ACROSS NUTMEG STREET

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SHEET 1 OF 1 SHEET	
					<i>C. Stocker</i> FOR CITY ENGINEER	6-4-76 DATE
						<i>R. Stearns</i> CONTROL REVISION
						200 1/15 LAMBERT REVISION
						130001 - B
STATUS						

JUN 15 1977

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
Mayor of The City of San Diego, California.

EDWARD NIELSEN
City Clerk of The City of San Diego, California.

By *Stephen Martinez*, Deputy.

(Seal)

RECEIVED OFFICE
CITY CLERK'S OFFICE
APR 25 AM 8 19
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **218629** Adopted **JUN 15 1977**