

RESOLUTION NO. 219107 (R. 78-5)

VACATION OF MYRTLE AND SPOKANE AVENUES, COLFAX
STREET, 39TH STREET, AND ALLEY, BLOCK 111, MAP 1007.

AUG 17 1977

WHEREAS, it is proposed that Myrtle and Spokane Avenues, Colfax Street, 39th Street, and Alley, Block 111, Map 1007, be vacated; and

WHEREAS, there is no present or prospective use for the streets, 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 Myrtle and Spokane Avenues, Colfax Street, 39th Street, and Alley, Block 111, Map 1007, as more particularly referred to in Resolution of Intention No. 218847 are 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 easements, as more particularly referred to in Resolution of Intention No. 218847.

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BE IT FURTHER RESOLVED, that Myrtle and Spokane Avenues, Colfax Street, 39th Street, and Alley, Block 111, Map 1007, as more particularly shown on Drawing No. 17150-D, on file in the office of the City Clerk as Document No. 760244, which said drawing is attached hereto and made a part hereof, be, and the same are hereby vacated.

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

Reserving and 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, sewer, water, drainage, gas, electric and telephone 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 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

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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 Myrtle and Spokane Avenues, Colfax Street, 39th Street and Alley, Block 111, Map 1007, vacated by this document and as more particularly shown on Drawing No. 17150-D, on file in the office of the City Clerk as Document No. 760244.

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
7-5-77
Or.Dept.:E&D
W.O.:27002

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Passed and adopted by the Council of The City of San Diego on AUG 17 1977,
 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Joel M. Strobl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.
 CHARLES G. ABDELNOUF
 -EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

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 CITY CLERK'S OFFICE
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Office of the City Clerk, San Diego, California

Resolution Number 219107 Adopted AUG 17 1977

CC-1276 (REV. 12-76)

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