

RESOLUTION NO. 222457

DEC 19 1978  
(R.79-780)

VACATION OF A PORTION OF FROST STREET BETWEEN  
BERGER AVENUE AND I-805

WHEREAS, it is proposed that a portion of Frost Street between Berger Avenue and I-805 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 in that this right of way is not needed for public street purposes, a bikeway, or for access to open space; 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 a portion of Frost Street between Berger Avenue and I-805, as more particularly referred to in Resolution of Intention No. 222162, is unnecessary for present or prospective public street purposes.

BE IT FURTHER RESOLVED, that a portion of Frost Street between Berger Avenue and I-805, as more particularly shown on Drawing No. 14492-B on file in the office of the City Clerk as Document No. 764988, which said Drawing is attached hereto and made a part hereof, be, and the same is

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hereby ordered 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 herein-after:

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, 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 Frost Street between Berger Avenue and I-805 vacated by this document and as more particularly shown on Drawing No. 14492-B on file in the office of the City Clerk as Document No. 764988.

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:dm  
10/23/78  
Or. Dept. E&D  
W.O. 27002  
14492-B

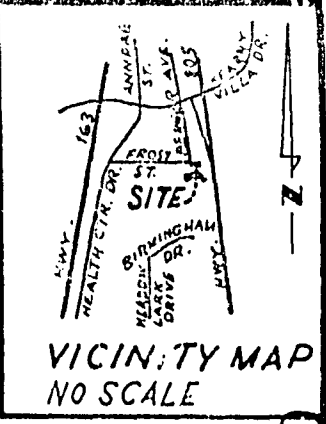
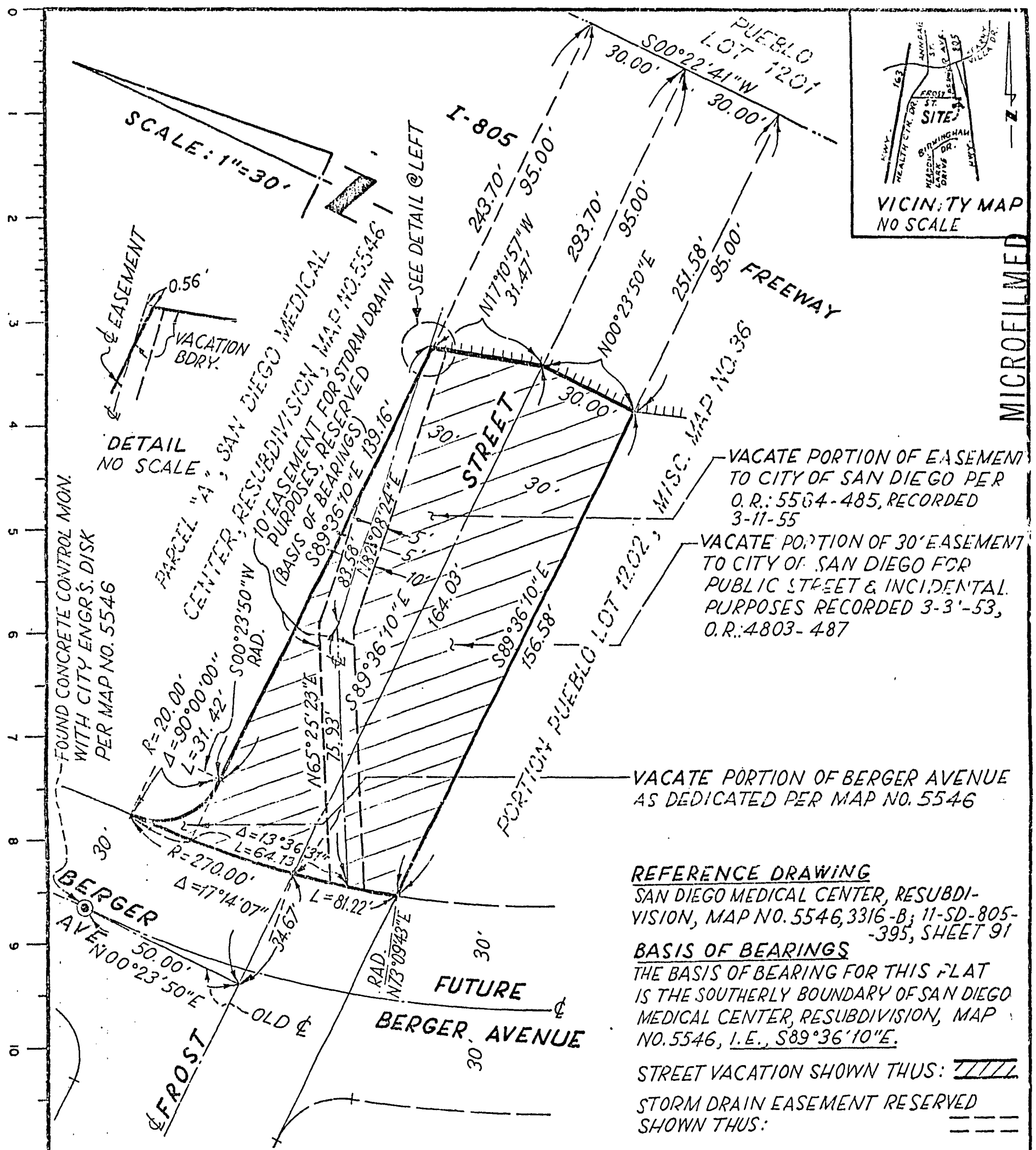
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PREPARED BY:  
**PROJECT DESIGN CONSULTANTS**  
 610 "A" STREET, SUITE 301  
 SAN DIEGO, CALIFORNIA 92101  
 TELEPHONE: (714) 235-6471

DOCUMENT NO. 764988  
 FILED NOV 15 1978  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

**STREET VACATION:** A PORTION OF BERGER AVENUE PER MAP NO. 5546, A PORTION OF FROST STREET PER O.R.: 4803-487 AND O.R.: 5564-485 AND DRAIN EASEMENT RESERVATION

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA  
 SHEET 1 OF 1 SHEET

*J. F. McLaughlin* Nov. 17, 1978  
 FOR CITY ENGINEER DATE

W.O. 78-525  
 NO. 2700

*J. F. McLaughlin* Nov. 17, 1978  
 CONTROL CERTIFICATION

230-1723  
 LAMBERT COORDINATES

14492 - B

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222162

JOB NO. 162-03

Passed and adopted by the Council of The City of San Diego on DEC 19 1978,  
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<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"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<del>James D. Baker</del> Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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.

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By E. H. Cook, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution  
 Number 222457 Adopted DEC 19 1978

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CITY CLERK'S OFFICE  
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SAN DIEGO, CALIF.

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