

RESOLUTION NO. 222727 (R.79-970)

VACATION OF MONTECITO WAY BETWEEN FOURTH AND FIFTH AVENUE; FIFTH AVENUE BETWEEN MONTECITO WAY AND LEWIS STREET; LEWIS STREET EASTERLY OF FOURTH AVENUE.

WHEREAS, it is proposed that a portion of Montecito Way between Fourth and Fifth Avenue; Fifth Avenue between Montecito Way and Lewis Street; Lewis Street easterly of Fourth Avenue 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 in that the right-of-way is not needed for public street, bikeway, or open space purposes; 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 Montecito Way between Fourth and Fifth Avenue; Fifth Avenue between Montecito Way and Lewis Street; Lewis Street easterly of Fourth Avenue, as more particularly referred to in Resolution of Intention No. 222367, is unnecessary for present or prospective public street purposes.

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BE IT FURTHER RESOLVED, that a portion of Montecito Way between Fourth and Fifth Avenue; Fifth Avenue between Montecito Way and Lewis Street; Lewis Street easterly of Fourth Avenue, as more particularly shown on Drawing No. 14391-B on file in the office of the City Clerk as Document No. 765161, which said Drawing is attached hereto and made a part hereof, be, and the same is 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 public utilities 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

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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 Montecito Way between Fourth and Fifth Avenue; Fifth Avenue between Montecito Way and Lewis Street; Lewis Street easterly of Fourth Avenue vacated by this document and as more particularly shown on Drawing No. 14391-B on file in the office of the City Clerk as Document No. 765161.

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:brv
11/20/78
Or. Dept.:E&D
W.O.:27002
14391-B

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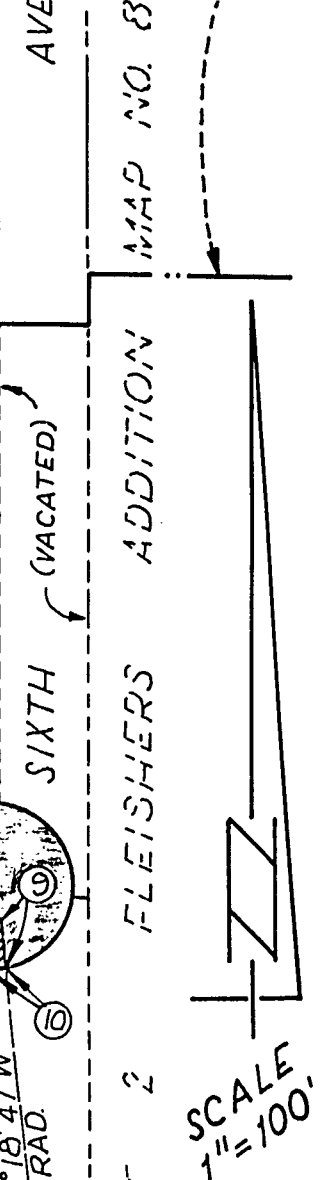
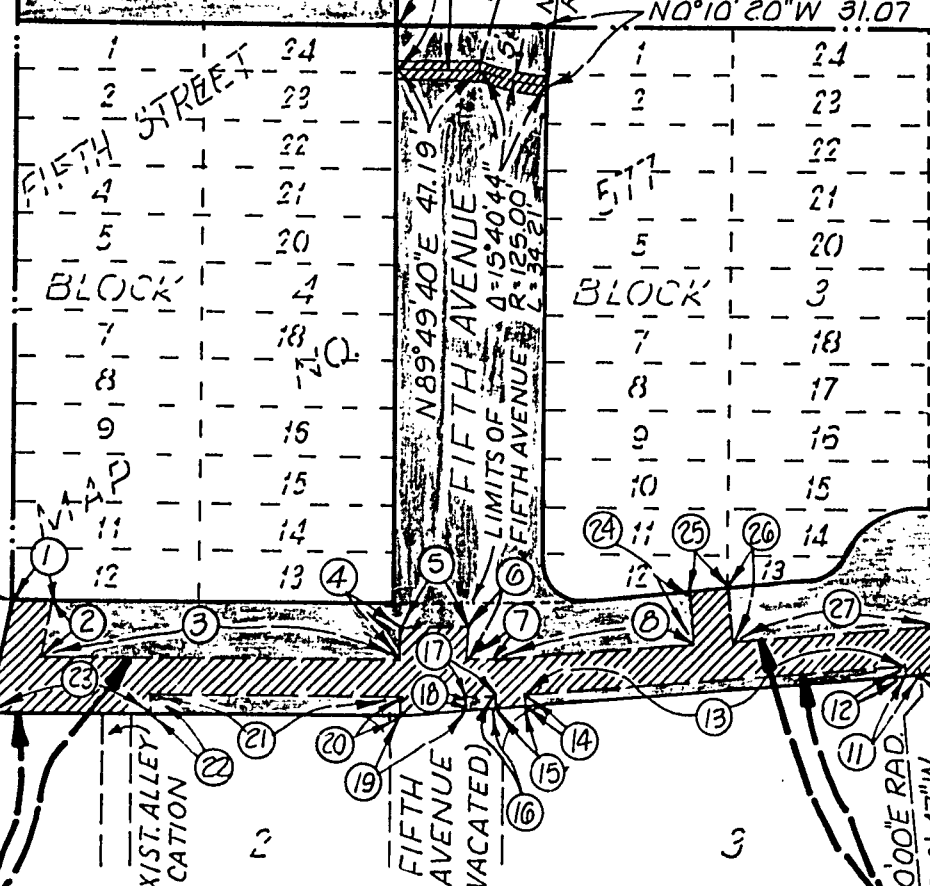
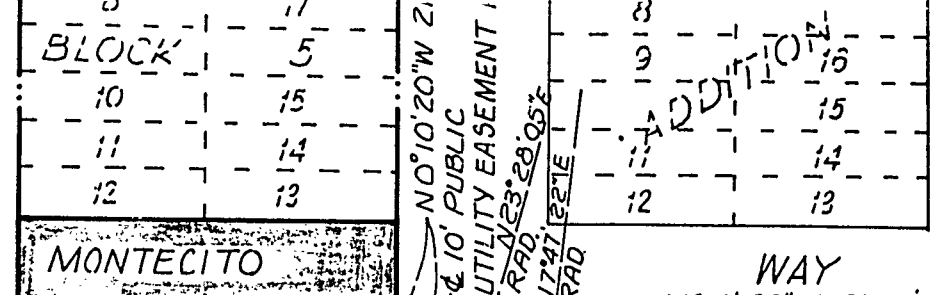
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- (5) N89°49'40"E 35.64'
- (6) S1°59'16"W 17.01'
- (7) N89°49'40"E 17.07'
- (8) N85°00'00"E 101.74'
- (9) S5°00'00"E 24.11'
- (10) Δ=11°18'47" R=45' L=8.89'
- (11) S85°00'00"W 6.17'
- (12) N5°00'00"W 4.99'
- (13) S85°00'00"W 203.00'
- (14) S5°00'00"E 4.99'
- (15) S85°00'00"W 15.00'
- (16) N5°00'00"W 5.21'
- (17) S89°49'40"W 16.00'
- (18) S1°59'16"W 6.61'
- (19) S85°00'00"W 34.11'
- (20) N0°10'20"W 9.47'
- (21) S89°49'40"W 131.30'
- (22) S0°10'20"E 10.00'
- (23) S89°49'40"W 85.00'
- (24) N5°00'00"W 30.00'
- (25) N85°00'00"E 20.00'
- (26) S5°00'00"E 30.00'
- (27) N85°00'00"E 107.76'



LEWIS STREET
 AVENUE
 BLOCK 4
 HILLCREST
 FOURTH
 MAP NO 1069
 BLOCK 3

PUBLIC UTILITY EASEMENT RESERVATION
 MERCY SUBDIVISION MAP NO. 5252

LEGEND

- STREET VACATIONS SHOWN THUS
- STREET VACATION WITH PUBLIC UTILITY EASEMENT RESERVATION SHOWN THUS
- BASIS OF BEARINGS IS A PORTION OF THE NORTHERLY SUBDIVISION BOUNDARY OF MERCY SUBDIVISION, MAP NO. 5252, I.E. N89°49'40"E

REFERENCES: 8918-B
 MERCY SUBDIVISION MAP No. 5252
 ORIGINAL ACQUISITIONS VIA MAPS 577, B11, & 5252,
 AND BY DEED RECORDED AUGUST 5, 1963. FILE/PAGE
 NO. 136762. SERIES 4, BOOK 1963. O.R.

CHARLES W. CHRISTENSEN
 & ASSOCIATES
 233 A STREET, SUITE 1200
 SAN DIEGO, CALIF., 92101
 232-7891

DOCUMENT NO. **765161**
 FILED **DEC 13 1978**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

PRINTED
 OCT 4 1978
 C.W.C. & A.

STREET VACATIONS - MONTECITO WAY - BETWEEN FOURTH AND FIFTH AVENUE
1/2 PUBLIC UTILITY FIFTH AVENUE - BETWEEN MONTECITO WAY AND LEWIS STREET
EASEMENT LEWIS STREET - EASTERLY OF FOURTH AVENUE
RESERVATION ALL FOR: PROPOSED PARCEL MAP, T.M. NO. 78-86

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL CWC & A/RB	5/19/78			
	WTB 8-22-78			

CITY OF SAN DIEGO, CALIFORNIA
 SHEET 1 OF 1 SHEET
 J. W. McLaughlin 10/3/78
 FOR CITY ENGINEER DATE

SA 77-536
 W.O. NO. 27002
 CONTROL CERTIFICATION
 214-1719
 LAMBERT COORDINATES
 14391 - B

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JAN 30 1979

Passed and adopted by the Council of The City of San Diego on _____, 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 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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James D. Hester Lucy Killea	<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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By E. J. Cook, Deputy.

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Office of the City Clerk, San Diego, California

Resolution Number 222727 Adopted JAN 30 1979

RECEIVED
CITY CLERK'S OFFICE
1978 NOV 30 AM 11: 02
SAN DIEGO, CALIF.

505-1110

NOV 30 1978

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