

RESOLUTION NO. 223965

(R.79-2057)

VACATION OF A PORTION OF WITHERBY STREET BETWEEN
CALIFORNIA STREET AND SAN DIEGO AVENUE.

JUL 10 1979

WHEREAS, it is proposed that a portion of Witherby Street 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 Witherby Street, as more particularly referred to in Resolution of Intention No. 223939, is unnecessary for present or prospective public street purposes.

BE IT FURTHER RESOLVED, that a portion of Witherby Street, as more particularly shown on Drawing No. 14232-B on file in the office of the City Clerk as Document No. 766434, which said Drawing is attached hereto and made a part hereof, be, and the same is hereby ordered vacated.

MICROFILMED

01705

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 or water, 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.

MICROFILMED
223965

The easement reserved herein is in, under, over, upon,
along and across that portion of Witherby Street vacated by
this document and as more particularly shown on Drawing No.
14232-B on file in the office of the City Clerk as Document
No. 786434.

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

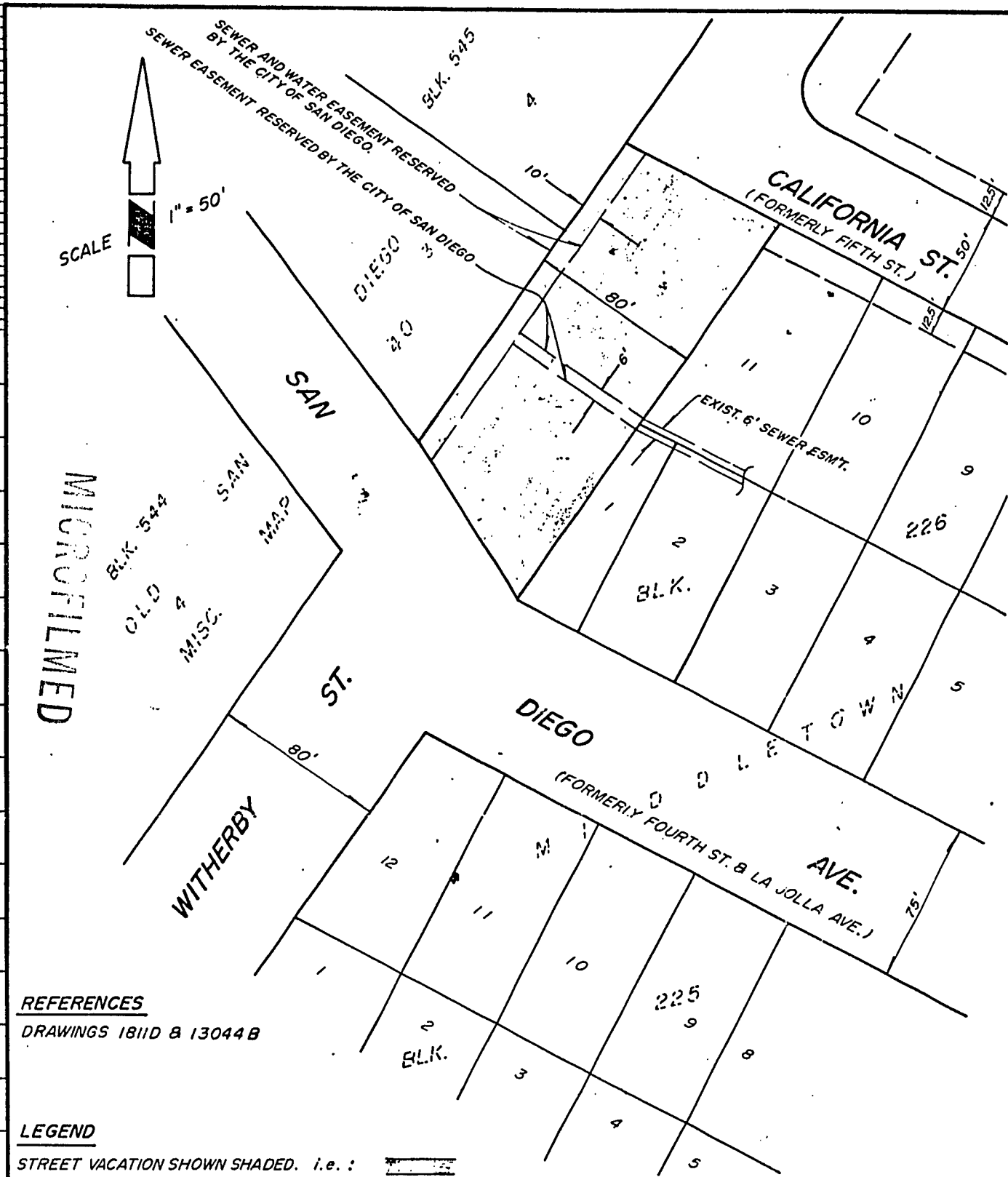
HOV:dm
4/19/79
Or. Dept. E&D
W.O. 27002
14232-B

MICROFILMED

223965

01707

223965



MICROFILMED

REFERENCES
DRAWINGS 1811D B 13044 B

LEGEND
STREET VACATION SHOWN SHADED. i.e. :

PREPARED BY:
POTTS ENGINEERING
111 REA AVE.
EL CAJON, CA. 92020
(714) 440-3158
JOB NO. 335-77 *Walter W. Potts*
WALTER W. POTTS, R.C.E. 18822

DOCUMENT NO. **766434**
FILED **JUL 10 1979**
OFFICE: OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION - WITHERBY STREET BETWEEN SAN DIEGO AVENUE AND CALIFORNIA STREET

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SHEET 1 OF 1 SHEET	
					<i>J. S. McLaughlin</i>	W.O. (77-521) NO. 27002
					FOR CITY ENGINEER	1-27-78 <i>J. S. McLaughlin</i> CONTROL CERTIFICATION
						212-1709
						14232 - B
					STATUS	14232 - B

MICROFILMED

01768 223965

JUL 10 1979

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<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"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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"/>
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 Ellen Board, Deputy.

MICROFILMED

Office of the City Clerk, San Diego, California	
Resolution Number	223965
Adopted	JUL 10 1979