

(R-83-1968)

RESOLUTION NUMBER R- 258817

Adopted on JUL 11 1983

WHEREAS, Section 8330, et seq. of the Streets and Highways Code provides a procedure for the summary vacation of streets by City Council resolution where the portion of street to be vacated consists of a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching property of another; and

WHEREAS, in connection with said vacation, the City desires to reserve certain easements; and

WHEREAS, the abutting property owners have requested the vacation of Bellingham Avenue west of 37th Street adjacent to Lots 6-9 and 16, in Block 119, and Lots 14-17, in Block 114, all of City Heights Subdivision, Map 1007, within the boundaries of Parcel Map TM 82-0285 to facilitate the improvement of their properties; and

WHEREAS, the street to be vacated is not needed for present or prospective public street purposes; and

WHEREAS, those properties adjoining the street to be vacated will continue to have access; and

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

WHEREAS, the vacation is not inconsistent with the General Plan or an approved Community Plan; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That Bellingham Avenue west of 37th Street adjacent to Lots 6-9 and 16, in Block 119, and Lots 14-17, in Block 114, all of City Heights Subdivision, Map 1007, all within the proposed Parcel Map, TM 82-0285, boundaries, as more particularly shown on Drawing No. 15867-B on file in the office of the City Clerk as Document No. RR- 258847 which is by this reference incorporated herein, made a part hereof, be and the same is hereby ordered vacated.

2. That The City of San Diego hereby reserves and excepts 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, general 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 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.

3. That The City of San Diego hereby reserves and excepts the right, from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of electrical or electronic energy and natural gas, and for incidental purposes including access to protect the property from all hazards in, upon, over, and across the above-described portions of streets to be vacated and abandoned.

4. That the easement reserved is in, under, over, upon, along, and across Bellingham Avenue adjance to Lots 8 and 9, in Block 119, of City Heights Subdivision, Map 1007, vacated by this document and as more particularly shown on Drawing No. 15867-B on file in the office of the City Clerk as Document No. RR-258847-1

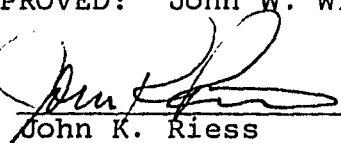
5. That this resolution shall not become effective unless and until the Parcel Map, TM 82-0285, being a consolidation and division of portions of Lots 15 and 16, in Block 114, and portions of Lots 8-16, in Block 119, all of City Heights Subdivision, May 1007, together with portions of 37th Street and Bellingham Avenue vacated, has been recorded. In the event that the final Parcel Map, TM 82-0285, is not recorded by October 4, 1987, this resolution shall become void and be of no further force or effect.

6. That the City Engineer shall advise the City Clerk of

the approval of the aforementioned Parcel Map, and that the City Clerk shall then cause a certified copy of this resolution, attested by him under seal, to be recorded in the office of the County Recorder.

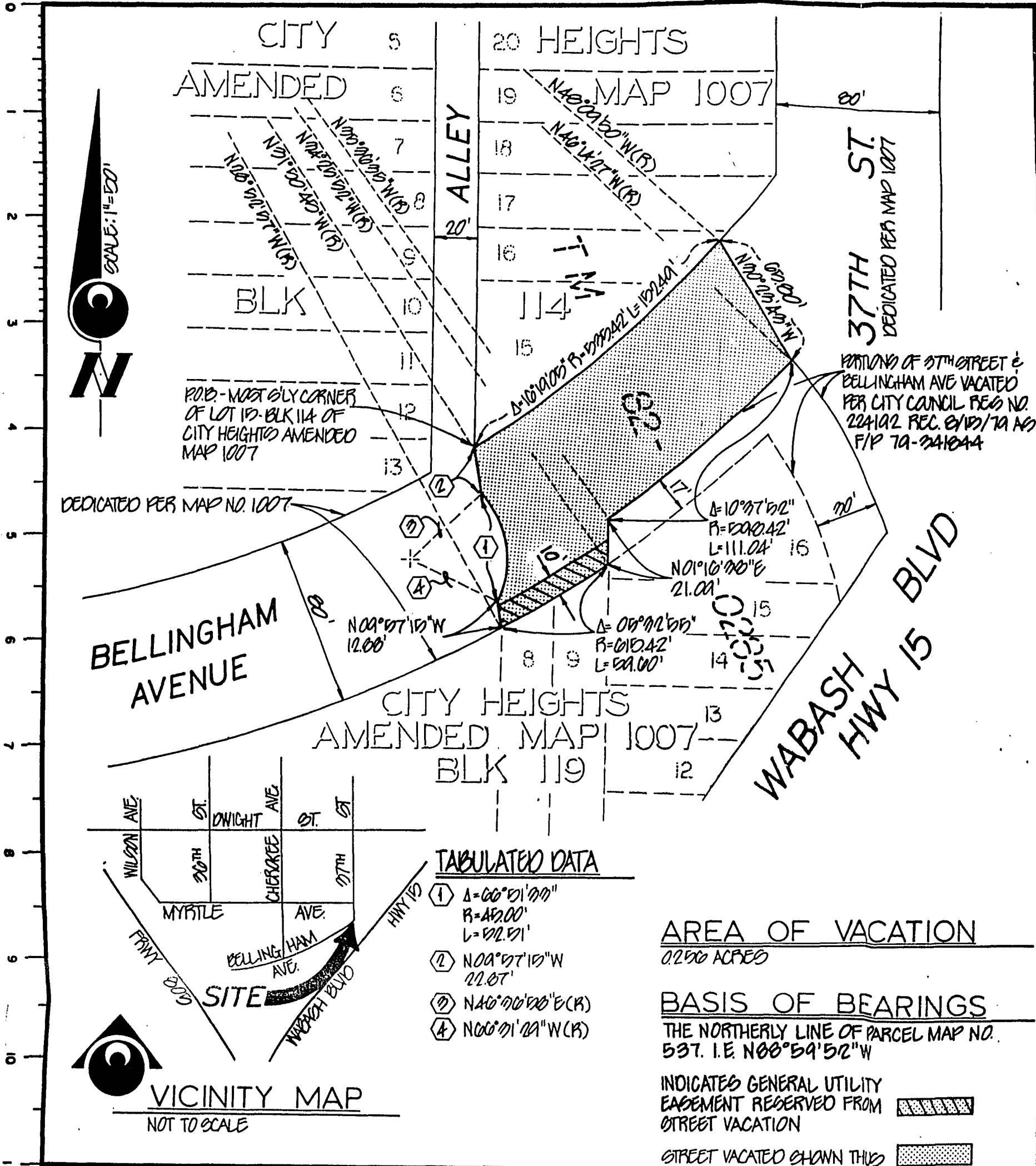
APPROVED: John W. Witt, City Attorney

BY



John K. Riess  
Deputy City Attorney

JKR:mem:221.1  
6/7/83  
Or.Dept:E&D  
R-83-1968  
SA:80-640  
T.M.:82-0285  
W.O.:820285  
Dwg.:15867-B  
Form=r.sumv3



PORTIONS OF 37TH STREET & BELLINGHAM AVE VACATED PER CITY COUNCIL RES NO. 224192 REC. 8/15/79 AGO F/P 79-241844

**burkett & wong**

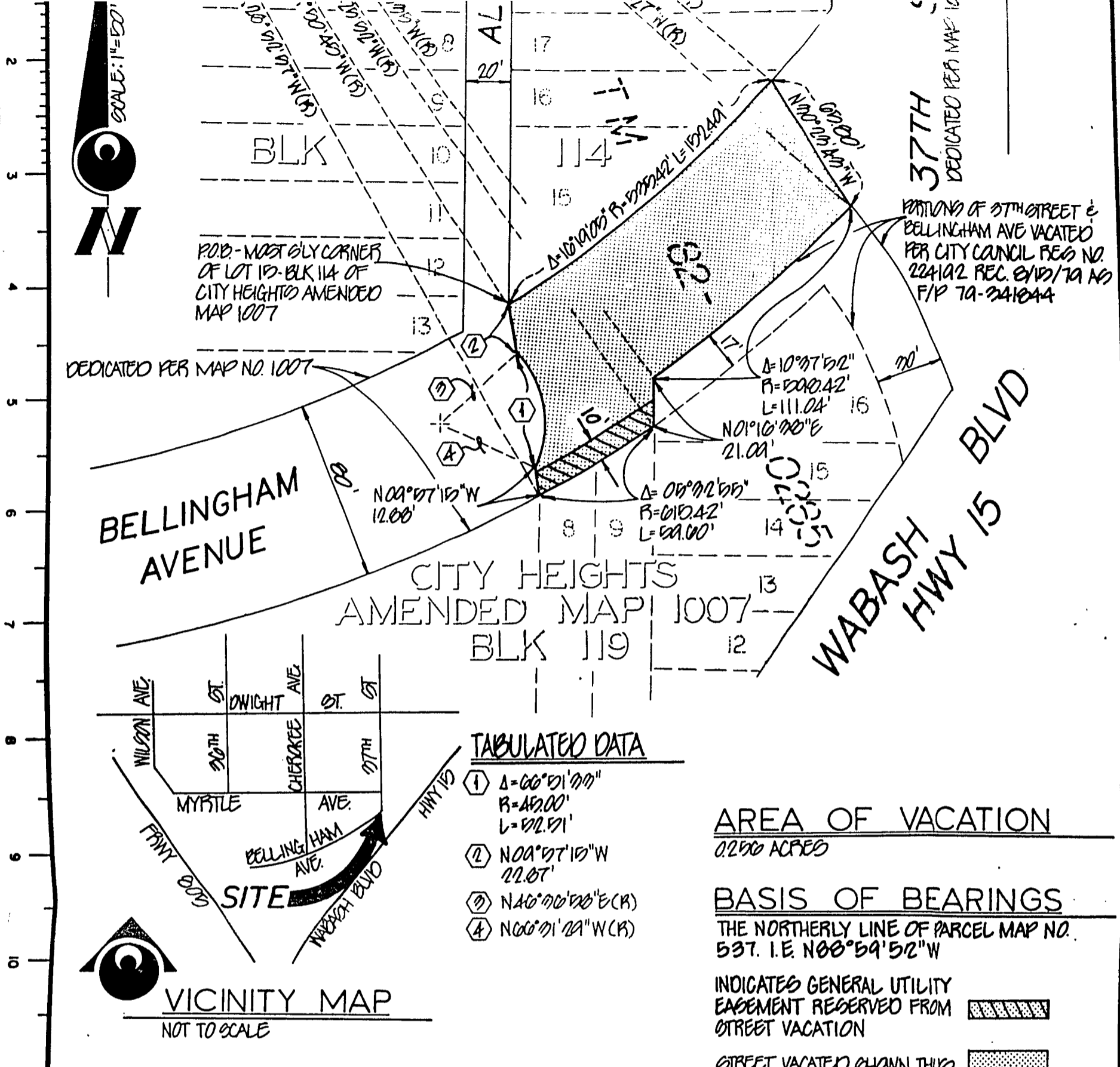
*Stephen Wong* 5-9-83  
 STEPHEN E.C. WONG DATE  
 P.C.E. 27400 PH\*(714)299-5550

DOCUMENT NO. RR-258847-1  
 FILED JUL 11 1983  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

**STREET VACATION & GENERAL UTILITY EASEMENT RESERVATION**

BELLINGHAM AVENUE BETWEEN 37TH STREET AND ALLEY, BLOCK 114, CITY HEIGHTS AMENDED MAP 1007, AND GENERAL UTILITY EASEMENT RESERVED ADJACENT TO LOTS 8 AND 9, BLOCK 119, CITY HEIGHTS AMENDED MAP 1007. FOR PROPOSED PARCEL MAP T.M. 02-0205

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				
CITY OF SAN DIEGO, CALIFORNIA				
SHEET 1 OF 1 SHEET				
			TM. 02-0205 W.O. 020205 NO. 5460-640	May 12, 1983 DATE
			<i>A. J. McLaughlin</i> FOR CITY ENGINEER	<i>Stephen Wong</i> 5-11-83



37TH  
DEDICATED PER MAP 12

PORTIONS OF 37TH STREET & BELLINGHAM AVE VACATED PER CITY COUNCIL RES NO. 224192 REC. 8/15/79 AS F/P 79-241844

DEDICATED PER MAP NO. 1007

P.O.D. - MOST S.W. CORNER OF LOT 15 - BLK 114 OF CITY HEIGHTS AMENDED MAP 1007

**TABULATED DATA**

- ①  $\Delta=00^{\circ}01'07''$   
 $R=49.00'$   
 $L=82.91'$
- ②  $N00^{\circ}07'15''W$   
 $22.07'$
- ③  $N40^{\circ}00'00''E(R)$
- ④  $N00^{\circ}01'29''W(R)$

**AREA OF VACATION**

0.2500 ACRES

**BASIS OF BEARINGS**

THE NORTHERLY LINE OF PARCEL MAP NO. 537. I.E.  $N08^{\circ}59'52''W$

INDICATES GENERAL UTILITY EASEMENT RESERVED FROM STREET VACATION



STREET VACATED SHOWN THUS



**VICINITY MAP**  
NOT TO SCALE

**burkett & wong**

Stephen Wong 5-9-83  
STEPHEN E.C. WONG DATE  
P.C.E. 27400 PH\*(714)299-0550

DOCUMENT NO. 88-258847-1

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SAN DIEGO, CALIFORNIA

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ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA  
SHEET 1 OF 1 SHEET

*J. F. McLaughlin* May 12, 1983  
FOR CITY ENGINEER DATE

T.M. 02-0205  
W.O. NO. 020205  
6A00-640

*J. McLaughlin* 5-11-83  
CONTROL CERTIFICATION

210-1733  
LAMBERT COORDINATES  
15867-B

Passed and adopted by the Council of The City of San Diego on JUL 11 1983,  
 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"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**ROGER HEDGECOCK**  
 Mayor of The City of San Diego, California.

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

(Seal)

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-258847 Adopted JUL 11 1983