

(R-83-1757)

RESOLUTION NUMBER R- 258983

Adopted on AUG 1 1983

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of an excess right-of-way of a street or highway not required for street or highway purposes; and 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 of another; and

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

WHEREAS, the abutting property owner has requested the vacation of India Street and a portion of Washington Street adjacent to Lots 8 and 9, Block 178, and Lot 4 and a portion of Lot 5, Block 177, of Middletown Partition, Map 4134-R, and Lot 19 and portions of Lots 18 and 20, Block 13, of Middletown Addition, Map 384, to acquire the land to provide much needed off-street parking; and

WHEREAS, that portion of Washington Street adjacent to Portions of Lots 8 and 9, Block 178, and Lot 4 and a portion of Lot 5, Block 177, of Middletown Partition, Map 4134-R, and Lot 19 and portions of Lots 18 and 20, Block 13, of Middletown Addition, Map 384, is excess right-of-way and no longer needed for present or prospective public street or highway purposes; and

WHEREAS, that portion of India Street adjacent to a portion of Lot 9 of Block 178, Middletown Partition, Map 4134-R, and a portion of Lot 4, Block 177, Middletown Addition, Map 4134-R, and a portion of Lot 4, Block 177, Middletown Addition, Map 384, lies within property under one ownership and does not continue through such ownership or end touching property of another, and is no longer needed for present or prospective public street or highway 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 India Street and a portion of Washington Street adjacent to Lots 8 and 9, Block 178, and Lot 4 and a portion of Lot 5, Block 177, of Middletown Partition, Map 4134-R, and Lot 19 and portions of Lots 18 and 20, Block 13, Middletown Addition, Map 384, as more particularly shown on Drawing No. 15847-B, on file in the office of the City Clerk as Document No. RR- 258983, which is by this reference incorporated herein and 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, pedestrian and nonmotor vehicular use, emergency vehicular and drainage maintenance access and 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 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

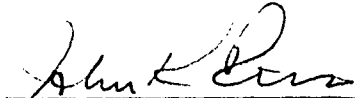
access to protect the property from all hazards in, upon, over, and across the above-described portions of streets to be vacated and abandoned.

4. That the easement reserved herein is in, under, over, upon, along, and across that portion of Washington Street adjacent to Lots 8 and 9, Block 178, and Lot 4 and a portion of Lot 5, Block 177, of Middletown Partition, Map 4134-R, and Lot 19 and portions of Lots 18 and 20, Block 13, Middletown Addition, Map 384, vacated by this document and as more particularly shown on Drawing No. 15847-B, on file in the office of the City Clerk as Document No. RR-258983.-/

5. That the City Clerk shall cause a certified copy of this resolution, with drawing, 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:smm:221.1
5/9/83
Or.Dept:E&D
R-83-1757
SA:82-503
W.O.:120232
Dwg.:15847-B
Form=r.sumv3

RECEIVED
APR 29 1983
SUBDIVISIONS

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE
EASTERLY LINE OF KETNER STREET AS SHOWN
ON FAYMAN SUBDIVISION, MAP 5787
i.e. N35°33'25"W

SCALE: 1"=40'
R=1000'

MIDDLETOWN ADDITION
BLK. 13 16 17
BLK 177

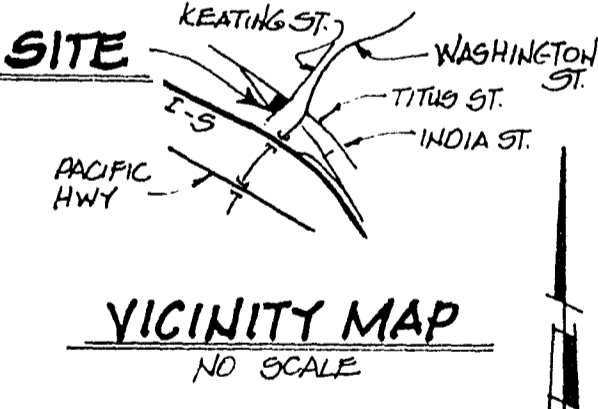
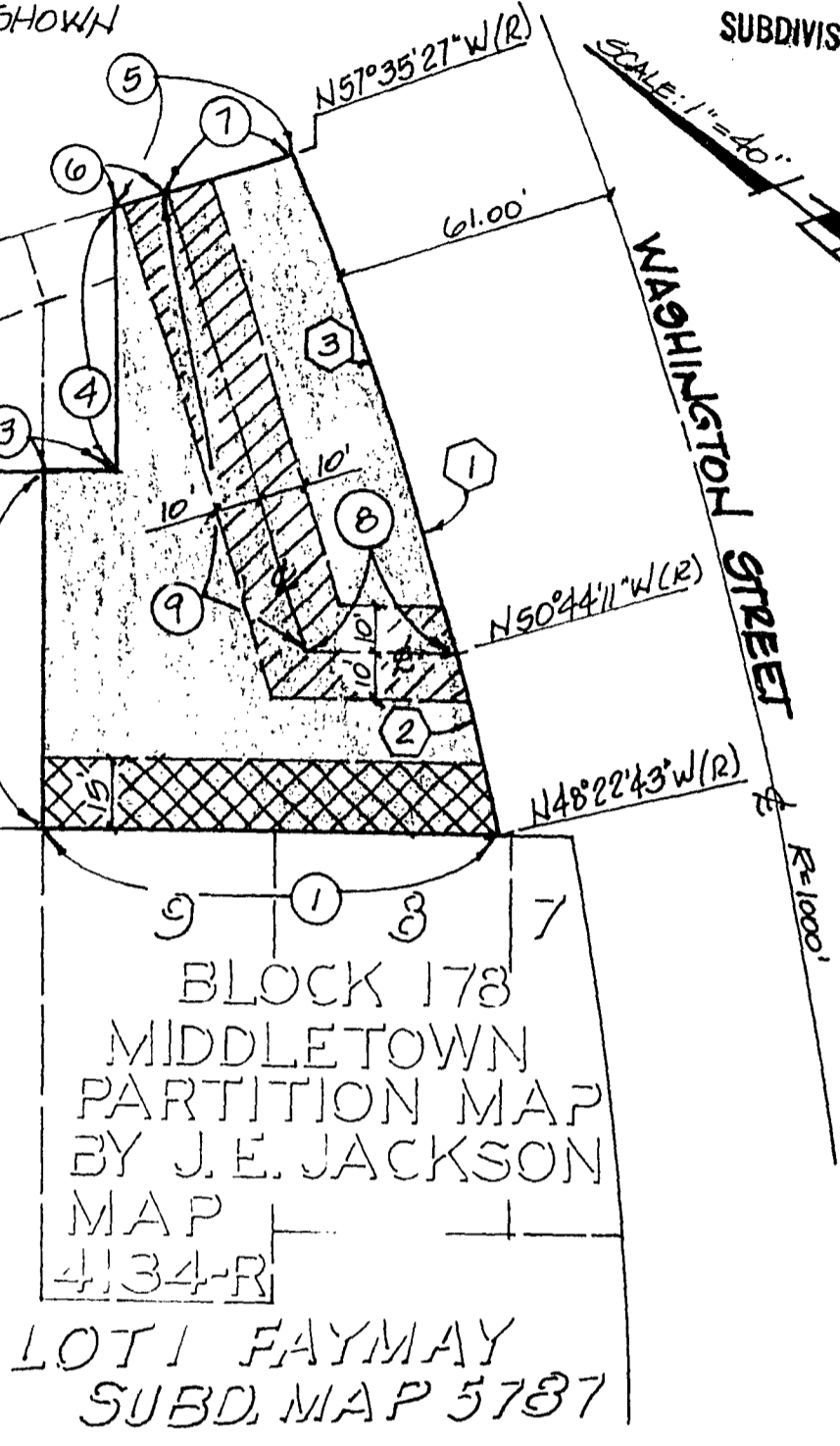
INDIA STREET

WASHINGTON STREET

STREET VACATION

NO.	BEARING	DISTANCE
①	N35°36'25"W	97.91'
②	N54°23'35"E	75.00'
③	S35°36'25"E	15.55'
④	N54°29'05"E	57.00'
⑤	S53°22'08"E	39.09'
⑥	S53°22'08"E	9.06'
⑦	S53°22'08"E	30.03'
⑧	N35°36'25"W	32.00'
⑨	N36°00'35"E	102.50'

NO.	DELTA	RADIUS	ARC LENGTH
①	09°12'44"	939.00'	150.98'
②	02°21'28"	939.00'	38.64'
③	06°51'16"	939.00'	112.34'



LEGEND

- INDICATES AREA VACATED AND RESERVED FOR GENERAL UTILITY EASEMENT-0.266 ACRE
- INDICATES PORTION RESERVED FOR PEDESTRIAN AND NON-MOTOR VEHICULAR EASEMENT
- INDICATES PORTION RESERVED EMERGENCY VEHICULAR AND DRAINAGE MAINTENANCE EASEMENT

CALIFORNIA ENGINEERING CORP.
4233 SPRING STREET #91
LA MESA, CALIF. 92041
PH. 461-2700
Thomas F. Devening
THOMAS F. DEVENING RCE 24168

DOCUMENT NO. RR-258993-1
AUG 1 1983
FILED
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION

INDIA STREET NORTH OF WASHINGTON STREET AND PORTION OF WASHINGTON STREET SOUTH AND EAST OF INDIA STREET AND EASEMENTS FOR GENERAL UTILITY, PEDESTRIAN AND NON MOTOR VEHICULAR USE AND EMERGENCY VEHICULAR AND DRAINAGE MAINTENANCE ACCESS RESERVED.

DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL				

CITY OF SAN DIEGO, CALIFORNIA
SHEET 1 OF 1 SHEET
W. M. Traub April 22, 1983
FOR CITY ENGINEER DATE

W.O. NO. SA 82-503
120232
4-22-83
[Signature]
CONTROL CERTIFICATION

le N35°33'25"W

MIDDLETOWN ADDITION
BLK. 13 16 17

BLK 177

INDIA STREET

WASHINGTON STREET

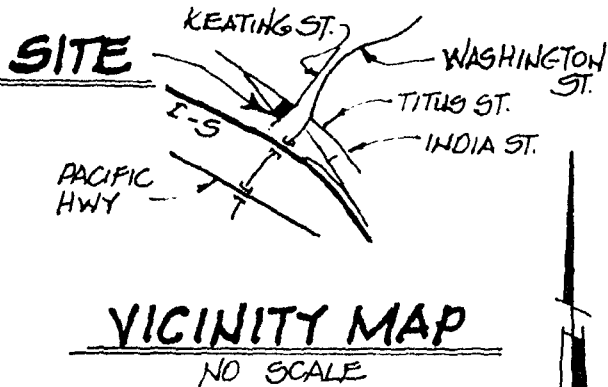
NO. BEARING DISTANCE

- ① — N35°36'25"W — 97.91'
- ② — N54°23'35"E — 75.00'
- ③ — S35°36'25"E — 15.55'
- ④ — N54°29'05"E — 57.00'
- ⑤ — S53°22'08"E — 39.09'
- ⑥ — S53°22'08"E — 9.06'
- ⑦ — S53°22'08"E — 30.03'
- ⑧ — N35°36'25"W — 32.00'
- ⑨ — N36°00'35"E — 102.50'

NO. DELTA RADIUS ARC LENGTH

- ① — 09°12'44" — 939.00' — 150.98'
- ② — 02°21'28" — 939.00' — 38.64'
- ③ — 06°51'16" — 939.00' — 112.34'

BLOCK 178
MIDDLETOWN
PARTITION MAP
BY J. E. JACKSON
MAP 4134-R
LOT 1 FAYMAY
SUBD. MAP 5787



LEGEND

- INDICATES AREA VACATED AND RESERVED FOR GENERAL UTILITY EASEMENT - 0.266 ACRE
- INDICATES PORTION RESERVED FOR PEDESTRIAN AND NON-MOTOR VEHICULAR EASEMENT
- INDICATES PORTION RESERVED EMERGENCY VEHICULAR AND DRAINAGE MAINTENANCE EASEMENT

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DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL					SHEET 1 OF 1 SHEET	SA 82-503
						120232
					<i>Thomas F. Devening</i> FOR CITY ENGINEER	4-22-83
					DATE	CONTROL CERTIFICATION
						210-1713
						LAMBERT COORDINATES
						15847 - B

STATUS

01918

CEC # 82-39

STREET VACATION

Passed and adopted by the Council of The City of San Diego on AUG 1 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By June A. Blackhall, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-258983 Adopted AUG 1 1983