

(R-87-890)

RESOLUTION NUMBER R- 267102  
ADOPTED ON NOV 24 1986

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets by City Council resolution where the portion of the street and alley to be vacated for a period of five consecutive years has been impassable for vehicular travel and no public money was expended for maintenance on the street or alley during such period; 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 Cedar Street between 39th Street and 40th Street and the portion of the north/south alley adjacent to Lots 7 through 10 in Block 21 of Marilou Park, Map 517 to facilitate development of their property; and

WHEREAS, the portion of 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:

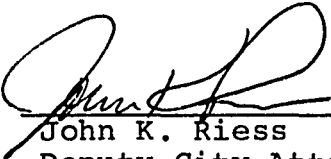
1. That Cedar Street between 39th Street and 40th Street and the portion of the north/south alley adjacent to Lots 7 through 10 in Block 21 of Marilou Park, Map 517 as more particularly shown on Drawing No. 16783-B on file in the office of the City Clerk as Document No. RR- 267102-1, which is by this 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, sewer and water facilities 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.

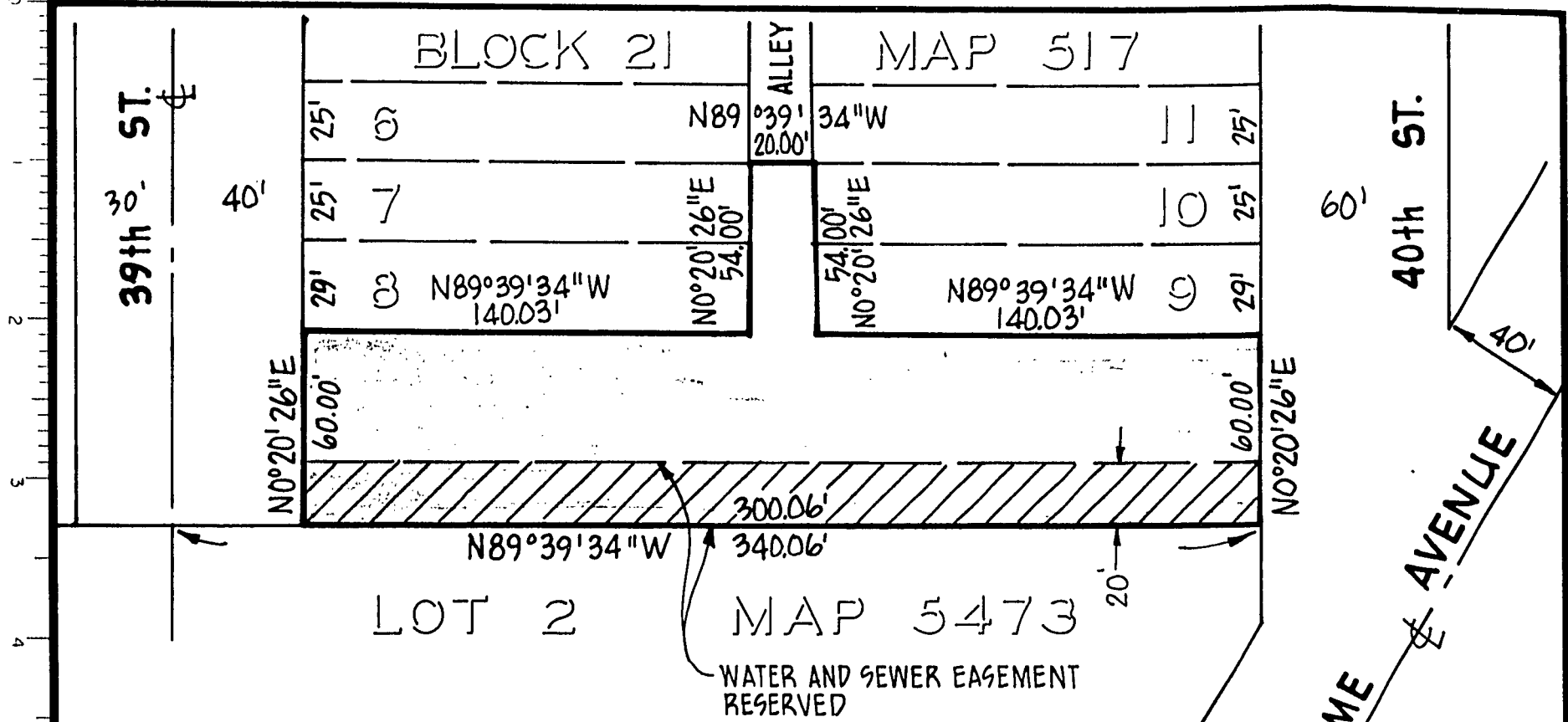
3. That the easement reserved herein is in, under, over, upon, along, and across that portion of Cedar Street between 39th Street and 40th Street, vacated by this document and as more particularly shown on Drawing No. 16783-B, on file in the office of the City Clerk as Document No. RR- 267102-1.

4. That the City Clerk shall cause a certified copy of this resolution, attested by him under seal, with drawing, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

By   
\_\_\_\_\_  
John K. Riess  
Deputy City Attorney

JKR:mrh  
11/05/86  
Or.Dept:E&D  
R-87-890  
Form=r.none




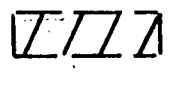
**NOTE:**

PORTIONS OF CEDAR STREET AND ALLEY SHOWN HEREON WERE DEDICATED PER MAP 517.

**BASIS OF BEARINGS:**

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE NORTHERLY LINE OF MAP 5473.

**LEGEND:**

-  PORTION OF CEDAR STREET AND ALLEY VACATED
-  WATER AND SEWER EASEMENT RESERVED



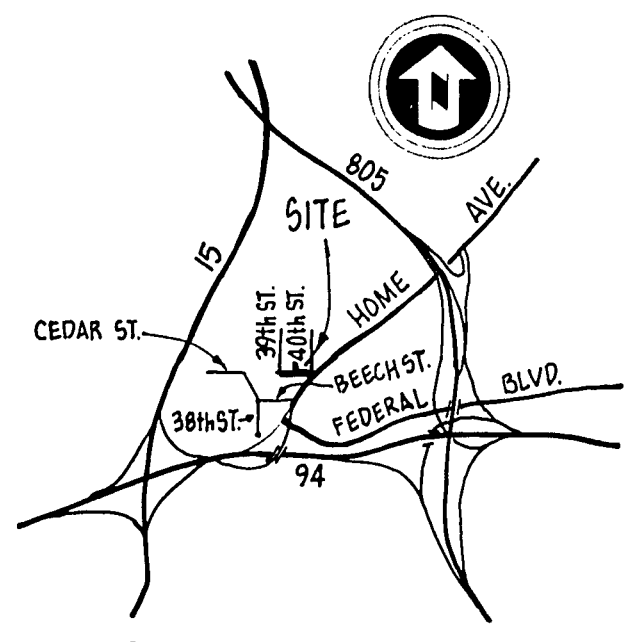
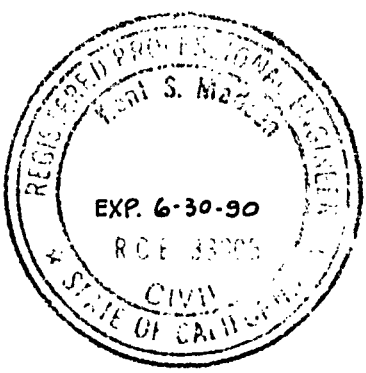
SCALE: 1" = 50'

**REFERENCE DRAWINGS:**

PARCEL MAP NO. 12040

**AREA OF VACATION:**

19083.60 SQ.FT. 0.438 ACRES



**VICINITY MAP**

NO SCALE

*Kent S. Madgen* 24 July 1986

KENT S. MADGEN R.C.E. 33805 DATE

**HALL** PLANNING  
Engineering CIVIL ENGINEERING  
LAND SURVEYING

2802 JUAN STREET ■ SAN DIEGO  
CALIFORNIA ■ 92110  
(619) 298-6183

W.D.10940-1

DOCUMENT NO. **RR-267102-1**  
FILED **NOV 24 1986**  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

**STREET VACATION** - CEDAR STREET BETWEEN 39th STREET AND 40th STREET

**ALLEY VACATION** - ALLEY ADJACENT TO LOTS 7 THROUGH 10 IN BLOCK 21, MAP 517

AND WATER AND SEWER EASEMENT RESERVATION

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL	BAS				SHEET 1 OF 1 SHEET	120232
						5A85-549
					<i>J.F. McLaughlin</i> FOR CITY ENGINEER	<i>Ralph C. Adams</i> CONTROL CERTIFICATION
						202-1735
						LAMBERT COORDINATES
						16783 - B

01445

R-267102

NOV 24 1986

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

Council Members	Yeas	Nays	Not Present	Ineligible	
Abbe Wolfsheimer	<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 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"/>	
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
District 8	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	VACANT
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

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

(Seal)

By *Charles G. Abdelnour* Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-* 267102      NOV 24 1986

Number ..... Adopted .....