

(R-87-2092)

RESOLUTION NUMBER R- 268255

ADOPTED ON MAY 4 1987

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 street to be vacated is excess right-of-way of a street or highway not required for street or highway purposes; 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 the westerly excess portion of 28th Street north of Broadway and adjacent to Lot 48, Block 57 of H.M. Higgins Addition, Map 309; 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 the westerly excess portion of 28th Street north of Broadway, as more particularly shown on Drawing No. 16950-B on

file in the office of the City Clerk as Document No.

RR- 268255,<sup>1</sup> which is by this reference incorporated herein and made a part hereof, be and the same is hereby ordered vacated.

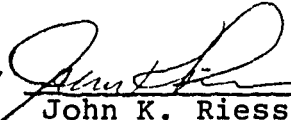
2. That The City of San Diego hereby reserves and excepts the right, easement, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, including, but not limited to, drainage facilities and all necessary and proper fixtures 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 28th Street vacated by this document and as more particularly shown on Drawing No. 16950-B on file in the office of the City Clerk as Document No.

RR- 268255.-/

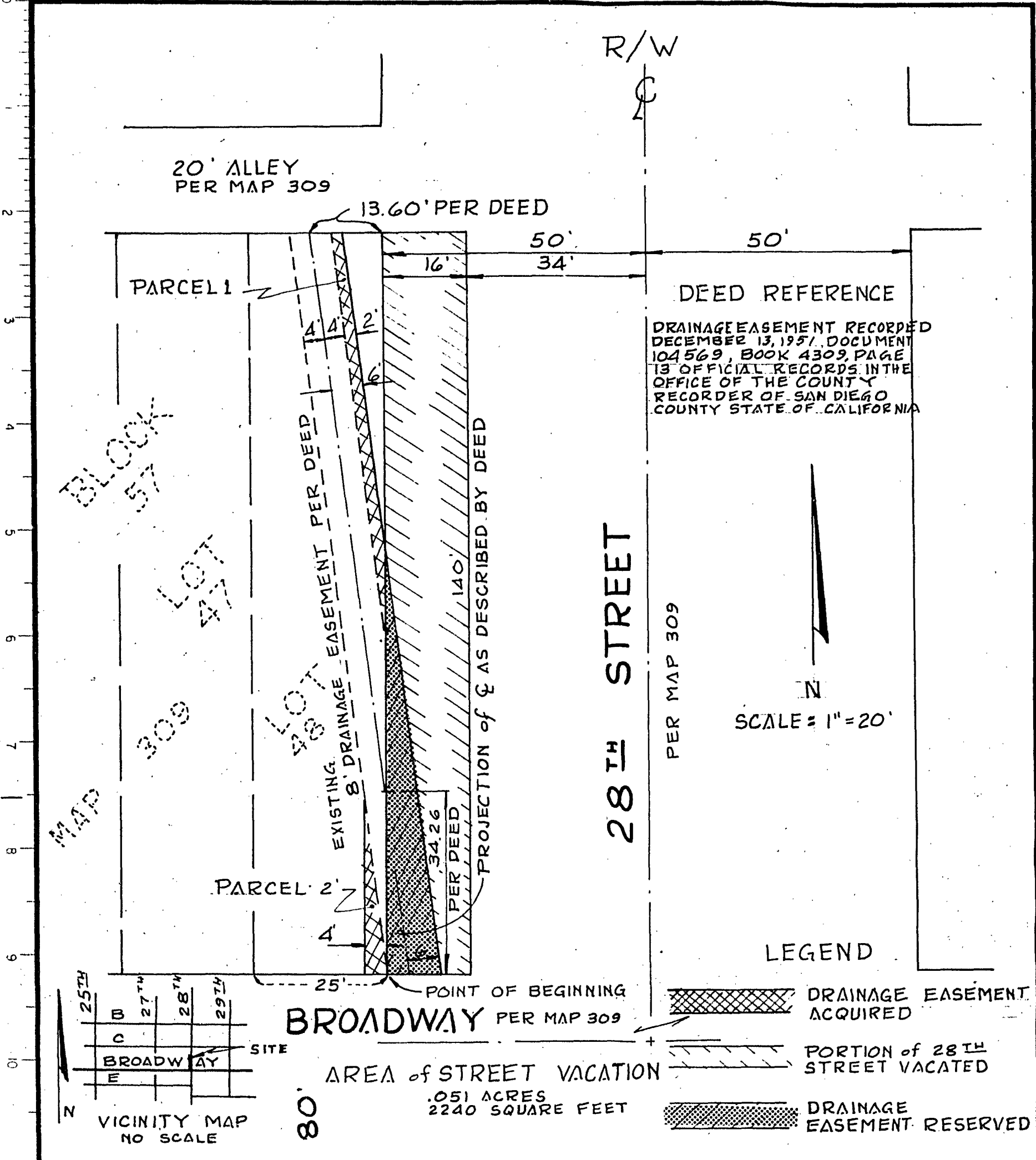
4. That the City Clerk shall cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: John W. Witt, City Attorney

By   
John K. Riess  
Deputy City Attorney

JKR:mrh:221.1  
04/09/87  
Or.Dept:E&D  
SA:86-536  
WO:120232  
Dwg:16950-B  
R-87-2092  
Form=r.sumv3

103203



PLAT PREPARED BY  
*Walter T. Schwerin*  
 WALTER T. SCHWERIN, RCE 22139  
 LICENSE EXPIRES 3/30/89

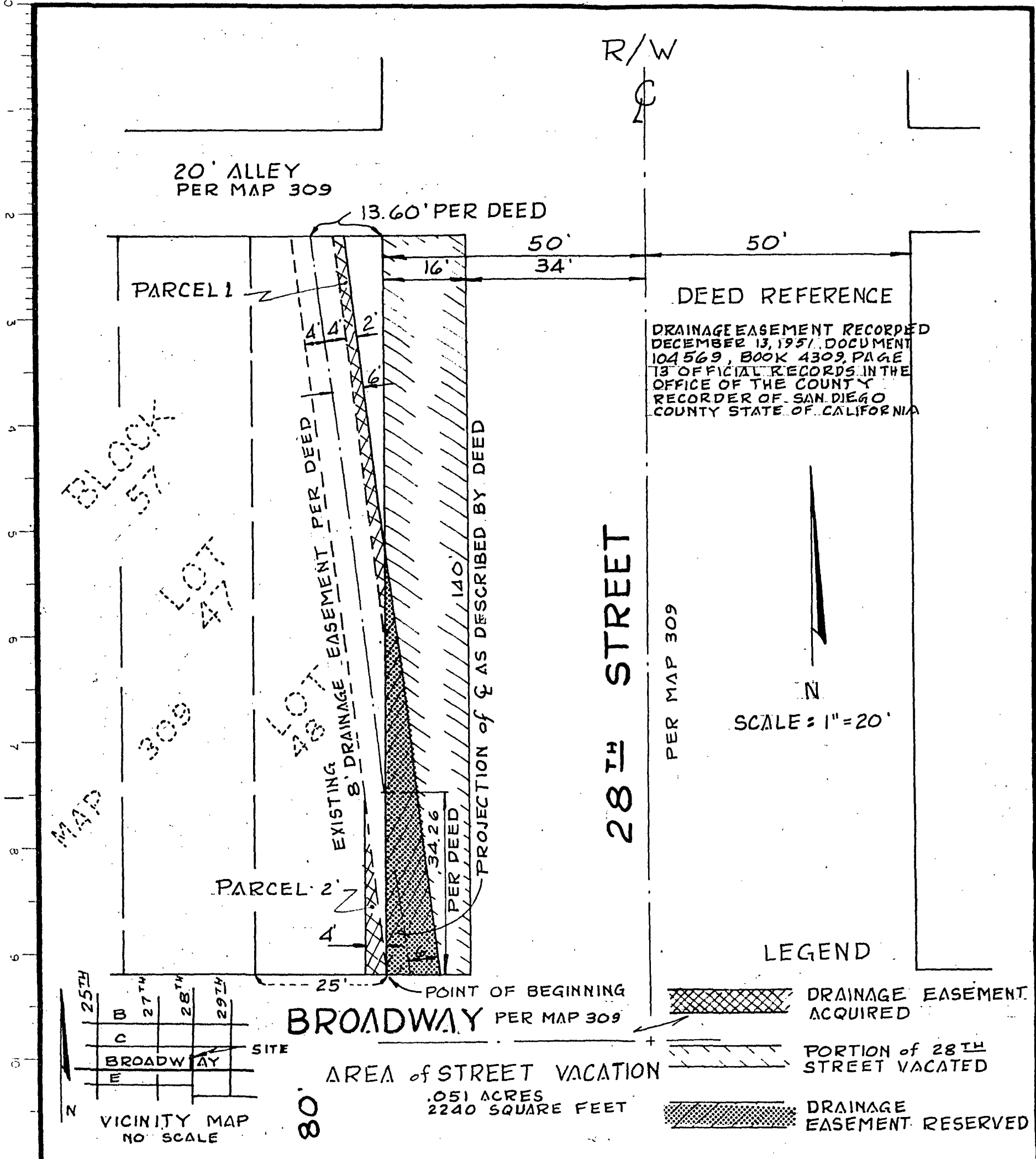
DOCUMENT NO. RR-268255-1  
 FILED MAY 4 1987  
 OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

**STREET VACATION AND DRAINAGE EASEMENT RESERVATION AND ACQUISITION**

OF A PORTION OF 28<sup>TH</sup> STREET ADJACENT TO LOT 48, BLOCK 57, MAP 309  
 H.M. HIGGINS ADDITION

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL				
CITY OF SAN DIEGO, CALIFORNIA				W.D. NO. 120232
SHEET 1 OF 1 SHEETS				SA 86-536
<i>J. J. McLaughlin</i>			<u>Mar. 17, 1987</u>	<i>Ralph C. Adams</i>
CITY ENGINEER			DATE	CONTROL CERTIFICATION
				200-1727
				LAMBERT COORDINATES
				16950 - B


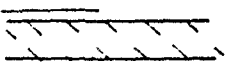

103203

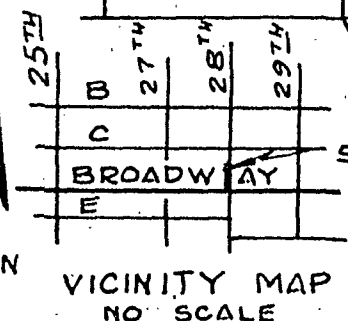


DEED REFERENCE  
 DRAINAGE EASEMENT RECORDED  
 DECEMBER 13, 1957, DOCUMENT  
 104569, BOOK 4309, PAGE  
 13 OFFICIAL RECORDS IN THE  
 OFFICE OF THE COUNTY  
 RECORDER OF SAN DIEGO  
 COUNTY STATE OF CALIFORNIA

N  
 SCALE = 1" = 20'

LEGEND

-  DRAINAGE EASEMENT ACQUIRED
-  PORTION of 28<sup>TH</sup> STREET VACATED
-  DRAINAGE EASEMENT RESERVED



POINT OF BEGINNING  
 BROADWAY PER MAP 309  
 AREA of STREET VACATION  
 .051 ACRES  
 2240 SQUARE FEET

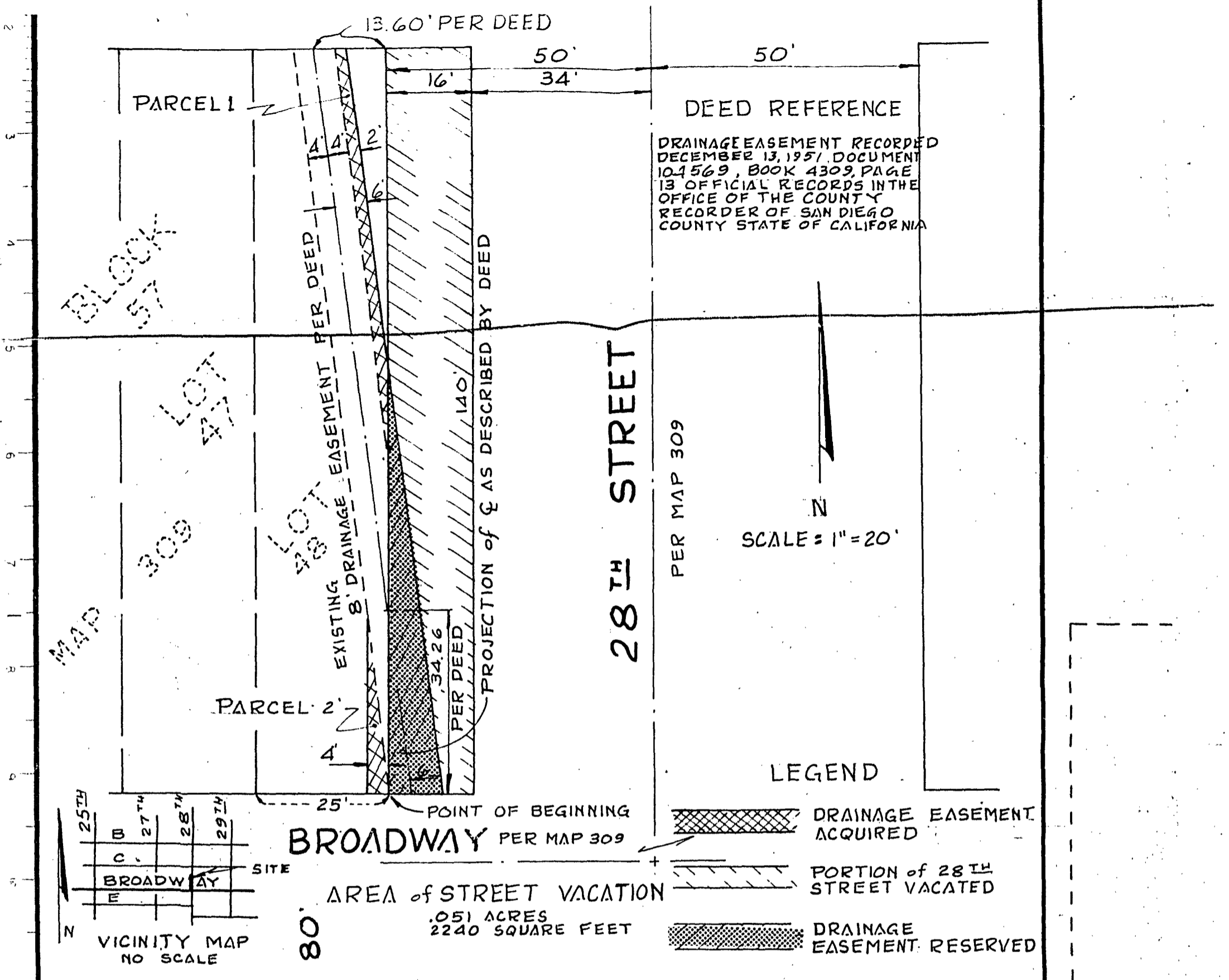
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 WALTER T. SCHWERIN, RCE 22139  
 LICENSE EXPIRES 3/30/89

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ORIGINAL				SHEET 1 OF 1 SHEETS	SA 86-536
				<i>Walter T. Schwerin</i> <u>May 17, 1987</u>	<i>Ralph J. Adams</i>



DRAINAGE EASEMENT RECORDED  
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 COUNTY STATE OF CALIFORNIA

- DRAINAGE EASEMENT ACQUIRED
- PORTION of 28<sup>TH</sup> STREET VACATED
- DRAINAGE EASEMENT RESERVED

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OF A PORTION OF 28<sup>TH</sup> STREET ADJACENT TO LOT 48, BLOCK 57, MAP 309  
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DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SHEET 1 OF 1 SHEETS	
					<i>J. J. McLaughlin</i> CITY ENGINEER	<u>Mar. 17, 1987</u> DATE
						<i>Ralph C. Adams</i> CONTROL CERTIFICATION
						<u>200-1727</u> LAMBERT COORDINATES
						<u>16950 - B</u>

RS 111

#106 (14)

**MAY 4 1987**

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.

(Seal)

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

*Charles G. Abdelnour*  
Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-268255 Adopted MAY 4 1987

RECEIVED  
CITY CLERK'S OFFICE  
1987 APR 22 PM 1:59  
SAN DIEGO, CALIF.

1987