

(R-88-1332)

RESOLUTION NUMBER R- 270114

ADOPTED ON JAN 11 1988

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 has been impassable to vehicular travel for a period of five (5) consecutive years and no public money was expended for maintenance 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 Evergreen Street between Quimby Street and Russell Street to facilitate development of their property; 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; 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; NOW, THEREFORE,

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

1. That Evergreen Street between Quimby Street and Russell Street, as more particularly shown on Drawing No. 17139-B on file

in the office of the City Clerk as Document No. RR- 270114-1, 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 rights, easements, and privilege of placing, constructing, repairing, replacing, maintaining, using, and operating public utilities of any kind or nature, including, but not limited to, sewers 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 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.

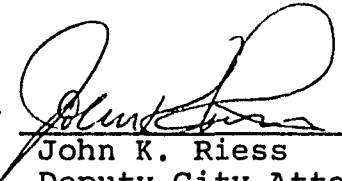
3. That The City of San Diego hereby reserves and excepts the right from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge 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 sewer and general utility easements reserved herein are in, under, over, upon, along, and across portions of Evergreen Street vacated by this document and that the easements are more particularly shown on Drawing No. 17139-B, on file in the office of the City Clerk as Document No. RR- 27011.4-1.

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

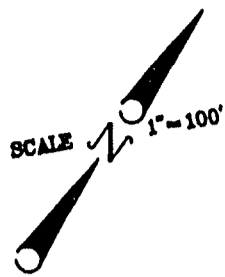
By 
John K. Riess
Deputy City Attorney

JKR:wk:221.1
12/19/87
Or.Dept:E&D
SA:81-627
WO:120232
Dwg:17139-B
R-88-1332
Form=r.sumv




R-27011.4

REFERENCE DRAWINGS

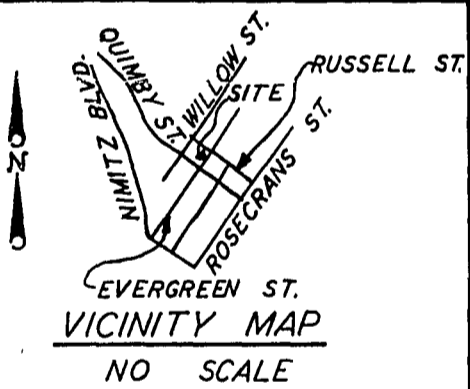
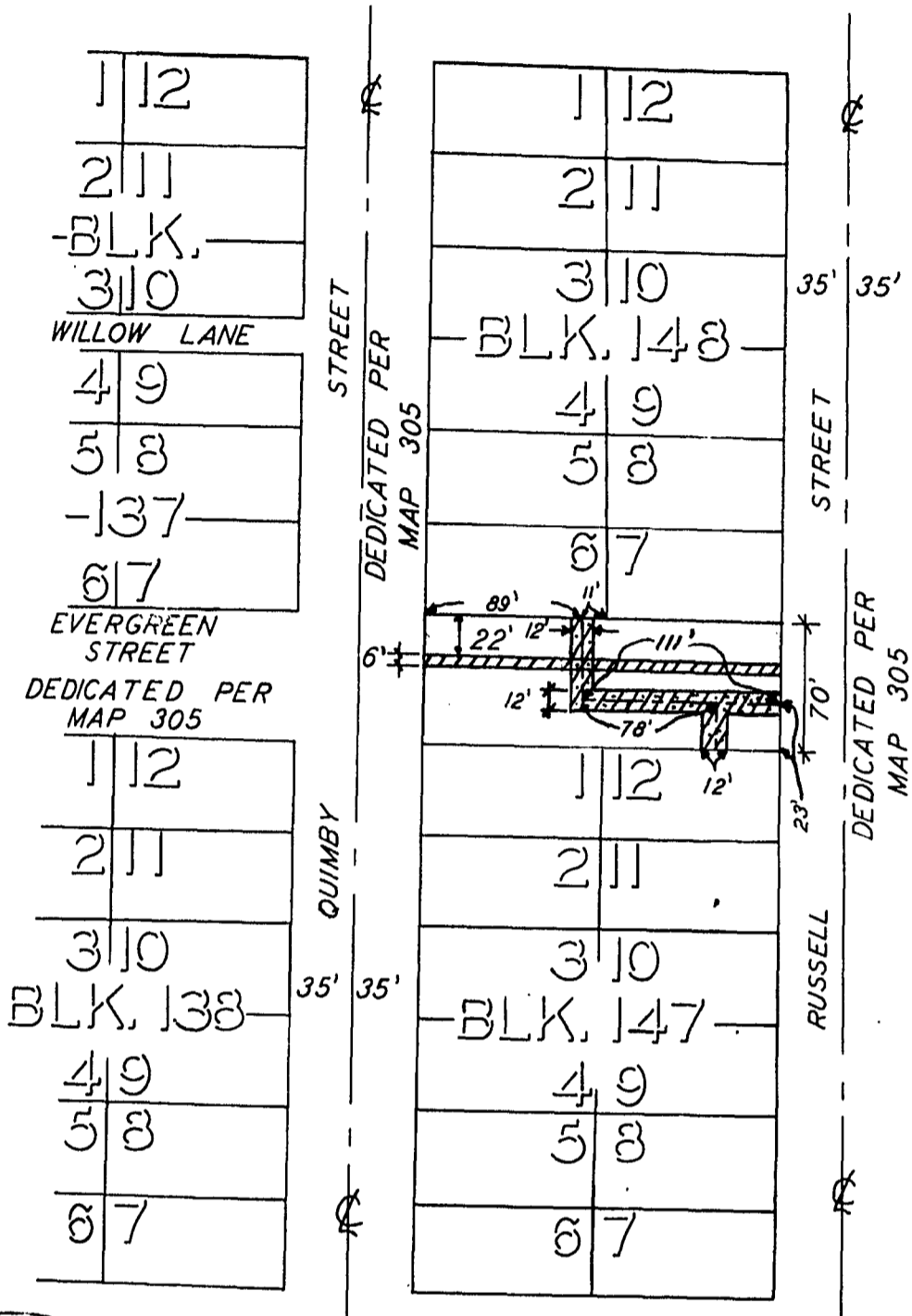
MAP NO. 305
WO 26655



LEGEND

-  STREET VACATION SHOWN THUS AREA = 321 AC.
-  GENERAL UTILITY EASEMENT RESERVATION SHOWN THUS
-  WATER EASEMENT RESERVATION SHOWN THUS

MAP NO. 305



CECS
COLE ENGINEERING SERVICES
 2870 Fourth Avenue, Suite 101
 San Diego, CA 92103
 (619) 260-0420
Lawrence E. Cole 11/06/87
 LAWRENCE E. COLE L.S. 5097 EXP. 6/30/91

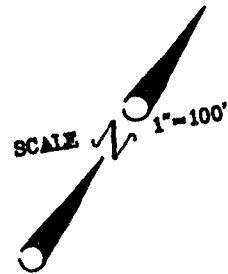
**STREET VACATION AND WATER EASEMENT AND GENERAL UTILITY EASEMENT RESERVATIONS:
 EVERGREEN STREET BETWEEN QUIMBY STREET AND RUSSELL STREET AND ADJACENT TO
 BLOCKS 147 AND 148 ROSEVILLE MAP 305**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	L.E.C.	CES			S.A. 81-627 W.O. NO. 120232	
					SHEET 1 OF 1 SHEET	
					<i>J. F. McLaughlin</i> Nov. 19, 1987 CITY ENGINEER DATE	
					<i>Ralph C. Adams</i> CONTROL CERTIFICATION	
					206-1699 LAMBERT COORDINATES	
					17139 - B	
STATUS						

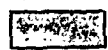
103203

REFERENCE DRAWINGS

MAP NO. 305
WO 26655



LEGEND



STREET VACATION
SHOWN THUS
AREA = .321 AC.

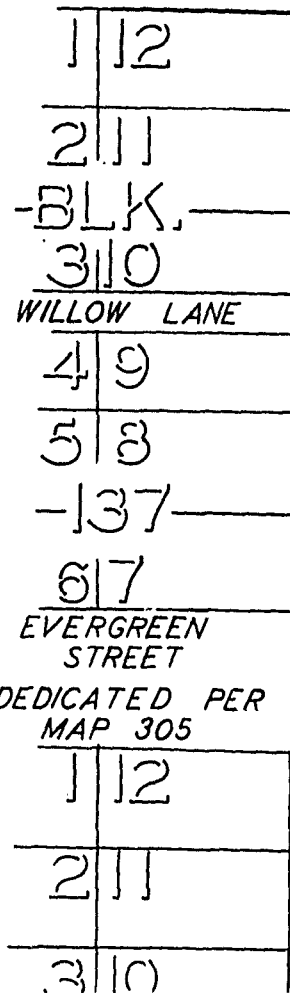


GENERAL UTILITY
EASEMENT RESERVATION
SHOWN THUS

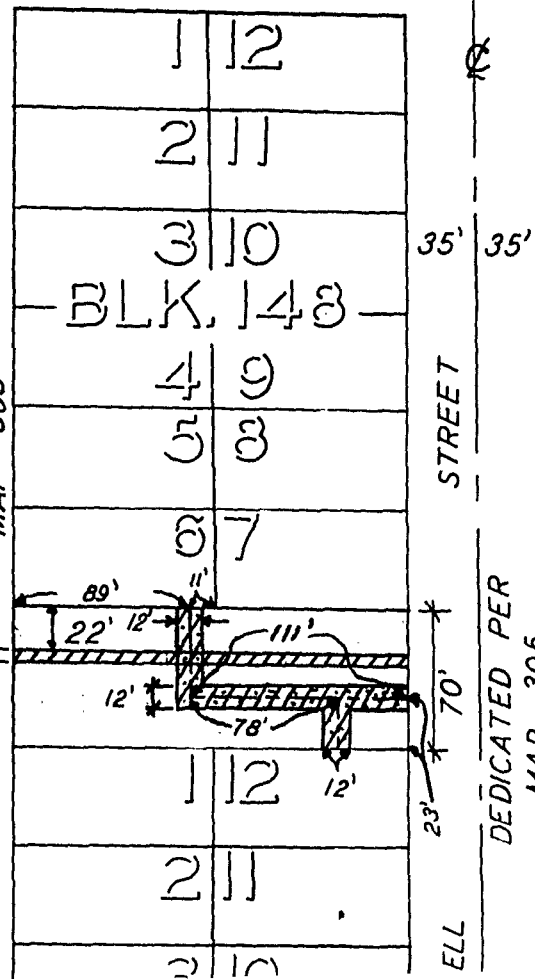


WATER EASEMENT
RESERVATION
SHOWN THUS

MAP NO. 305



QUIMBY STREET
DEDICATED PER MAP 305



#109

Passed and adopted by the Council of The City of San Diego on.....**JAN 11 1988**.....
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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<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"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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.

By.....*Jana M. Martin*....., Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number R-270114	Adopted JAN 11 1988

RECEIVED
CITY CLERK'S OFFICE
1987 DEC 29 PM 2:41
SAN DIEGO, CALIF.