

(R-89-691)

RESOLUTION NUMBER R-272544

ADOPTED ON JAN 10 1989

WHEREAS, Section 8330, et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and public service easements by City Council resolution where for a period of five (5) consecutive years the street or highway has been impassable for vehicular travel and no money was expended for maintenance on the street or highway 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 Witherby Street northeast of California Street and adjacent to Block 227 of Middletown Jackson Map to facilitate development of their property; and

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

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

WHEREAS, the vacation or abandonment 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, it is necessary and desirable that the vacation be conditioned upon the issuance of permits for the required public improvements; NOW, THEREFORE,

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SAN DIEGO, CA

[Faint, mostly illegible text, likely a letter or official document, possibly containing names and dates.]

10/10/88  
 11:51 AM

10/10/88

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

1. That Witherby Street northeast of California Street and adjacent to Block 227 of Middletown Jackson Map, as more particularly shown on Drawing No. 16488-B, on file in the office of the City Clerk as Document No. RR-272644<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, 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 easements, 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' 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 Witherby Street and that the easement is more particularly shown and delineated as Parcel A on Drawing No. 16488-B, on file in the office of the City Clerk as Document No. RR- 272644-1 .

4. 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.

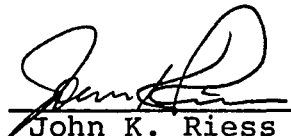
5. That the easement reserved herein is in, under, over, upon, along, and across Witherby Street and that the easement is more particularly shown and delineated as Parcel B on Drawing No. 16488-B, on file in the office of the City Clerk and Document No. RR- 272644-1 .

6. That the resolution shall not become effective unless and until the issuance of permits for the required public improvements has been approved by Council action. In the event that the permits for public improvements are not issued within eighteen (18) months after adoption of this resolution, this

resolution shall become void and be of no further force or effect.

7. That the City Engineer shall advise the City Clerk of the completion of the aforementioned issuance of permits, and the City Clerk shall then 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:fs  
10/03/88  
Or.Dept:E&D  
SA:84-529  
WO:120232  
Dwg:16488-B  
R-89-691  
Form=r.sumv3



OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

DOCUMENT NO. RR-272644-1  
FILED JAN 10 1989  
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SAN DIEGO, CALIFORNIA

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RECORDS DIVISION  
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JAN 10 1989

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"/>
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.

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

(Seal)

By *Blonda L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-272644* Adopted *JAN 10 1989*  
Number ..... Adopted .....



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