

(R-89-1734)

RESOLUTION NUMBER R- 273114

ADOPTED ON APR 3 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 the portion of the street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

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

WHEREAS, the abutting property owners have requested the vacation of the westerly excess portion of Horton Avenue north of Laurel Street and adjacent to Block 82 of Middletown 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 or abandonment is not inconsistent with the General Plan or an approved Community Plan; and

WHEREAS, it is necessary and desirable that the vacation be conditioned upon the issuance of permits for required public improvements for the affected parcels; and

WHEREAS, the public street system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation; NOW, THEREFORE,

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

1. That the westerly excess portion of Horton Avenue north of Laurel Street and adjacent to Block 82 of Middletown, as more particularly shown on Drawing No. 17142-B, on file in the Office of the City Clerk as Document No. RR-273114, 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 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'

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, easement, 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 Horton Avenue and that the easement is more particularly shown on Drawing No. 17142-B, on file in the office of the City Clerk as Document No. RR-273114-1

5. That the resolution shall not become effective unless and until the issuance of permits for the required public improvements has been completed. In the event that the permits for the public improvements are not issued within 18 months after adoption of this resolution, this resolution shall become void and be of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the approval of the aforementioned permits, and that the City Clerk

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

APPROVED: John W. Witt, City Attorney

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

JKR:pev  
03/08/89  
Or.Dept:E&D  
SA:84-520  
WO:120232  
DWG:16142-B  
R-89-1734  
Form=r.stve

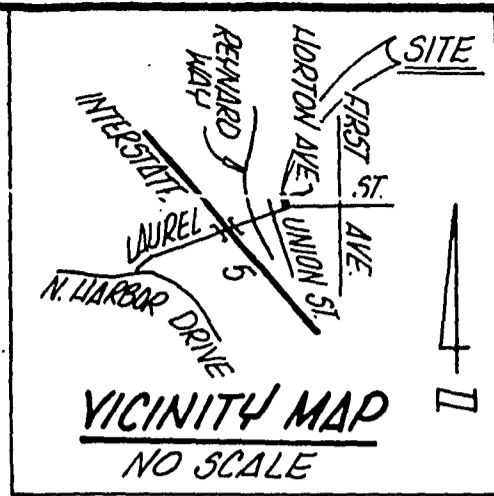
**LEGEND AND NOTES**

**[Hatched Area]** INDICATES PORTION OF HORTON AVENUE VACATED AND GENERAL UTILITY EASEMENT RESERVED.  
(AREA = 0.027 ACRE)

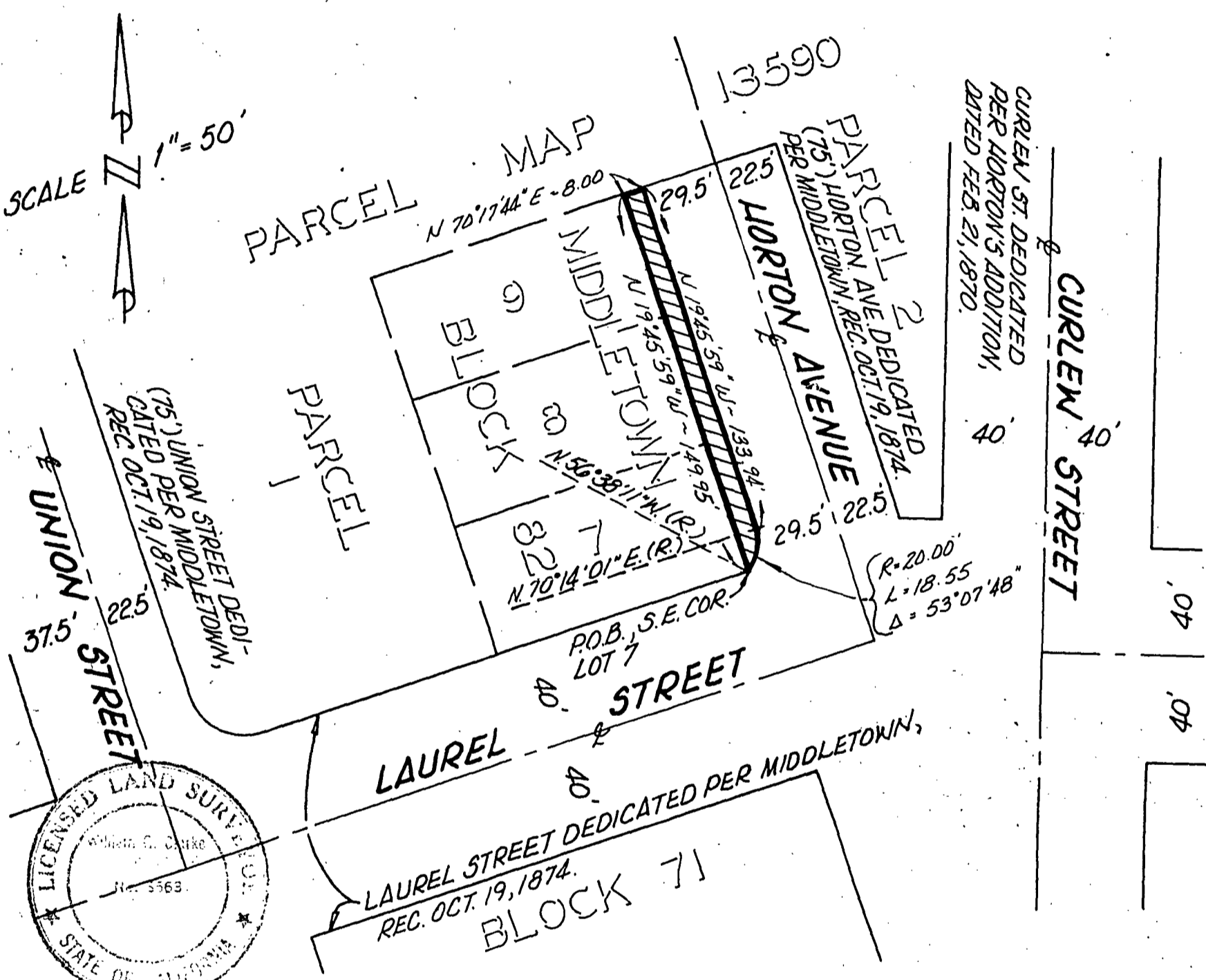
ASSESSOR'S PARCEL NO. 533-053-07 AND 08  
REFERENCE DRAWING: 24338-D

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS FOR THIS MAP IS THE CENTERLINE OF HORTON AVENUE PER P.M. 13590; I.E. N. 19°45'59"W.



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**appec**  
Land Planning  
Civil Engineering  
Land Surveying  
*William G. Clarke* 1-15-88  
WILLIAM G. CLARKE - L.S. 3663 - EXP. 6-30-88 - DATE  
Associated Professional Engineering Corporation  
2341 Fifth Avenue, San Diego, CA 92101-1610  
(619) 239-7501

**STREET VACATION ~ PORTION OF HORTON AVENUE AND GENERAL UTILITY EASEMENT RESERVATION NORTH OF LAUREL STREET AND ADJACENT TO LOTS 7, 8 AND 9, BLOCK 82 OF MIDDLETOWN, ACCORDING TO THE PARTITION MAP MADE BY J.E. JACKSON**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. 120232
ORIGINAL J.C. 21 SEP 1987					SHEET 1 OF 1 SHEET	S.A. 84-520
					<i>William G. Clarke</i> May 9, 1988 FOR CITY ENGINEER DATE	<i>Ralph C. Adams</i> CONTROL CERTIFICATION
						206-1717
						LAMBERT COORDINATES
						17142 - B

LEGEND AND NOTE

 INDICATES PORTION OF  
AND GENERAL UTILITY E  
(AREA = 0.027 ACRE)

ASSESSOR'S PARCEL NO. 533-6  
REFERENCE DRAWING: 2433

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THE

DOCUMENT NO. RR-273114-1  
FILED APR 3 1989  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

#116

APR 3 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.

(Seal)

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

By *Blonda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R273114* Adopted *APR 3 1989*  
Number .....

