

(R-89-1631)

RESOLUTION NUMBER R- 273264

ADOPTED ON APR 17 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 a certain easement; and

WHEREAS, the abutting property owners have requested the vacation of Evergreen Street between Poe Street and Quimby Street 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, the public street system from 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 Evergreen Street between Poe Street and Quimby Street, as more particularly shown on Drawing No. 17401-B, on file in the office of the City Clerk as Document No. RR- 273264 -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, 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.

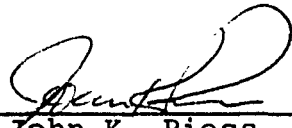
3. That the City of San Diego hereby reserves and excepts the right, from vacation and abandonment, easements, and rights of any public utility, pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge 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 easement reserved herein is in, under, over, upon, along, and across that portion of Evergreen Street and that the easement is more particularly shown on Drawing No. 17401-B, on file in the Office of the City Clerk as Document No. RR-273264-1.

R 273264

5. That 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

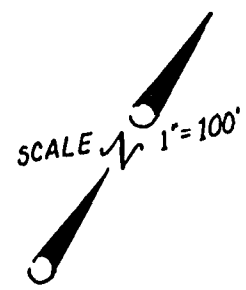
By 

John K. Riess
Deputy City Attorney

JKR:sko:221.1
02/21/89
Or.Dept:E&D
SA:88-525
WO:120232
Dwg:17401-B
R-89-1631
Form=r.sumv

REFERENCE DRAWINGS

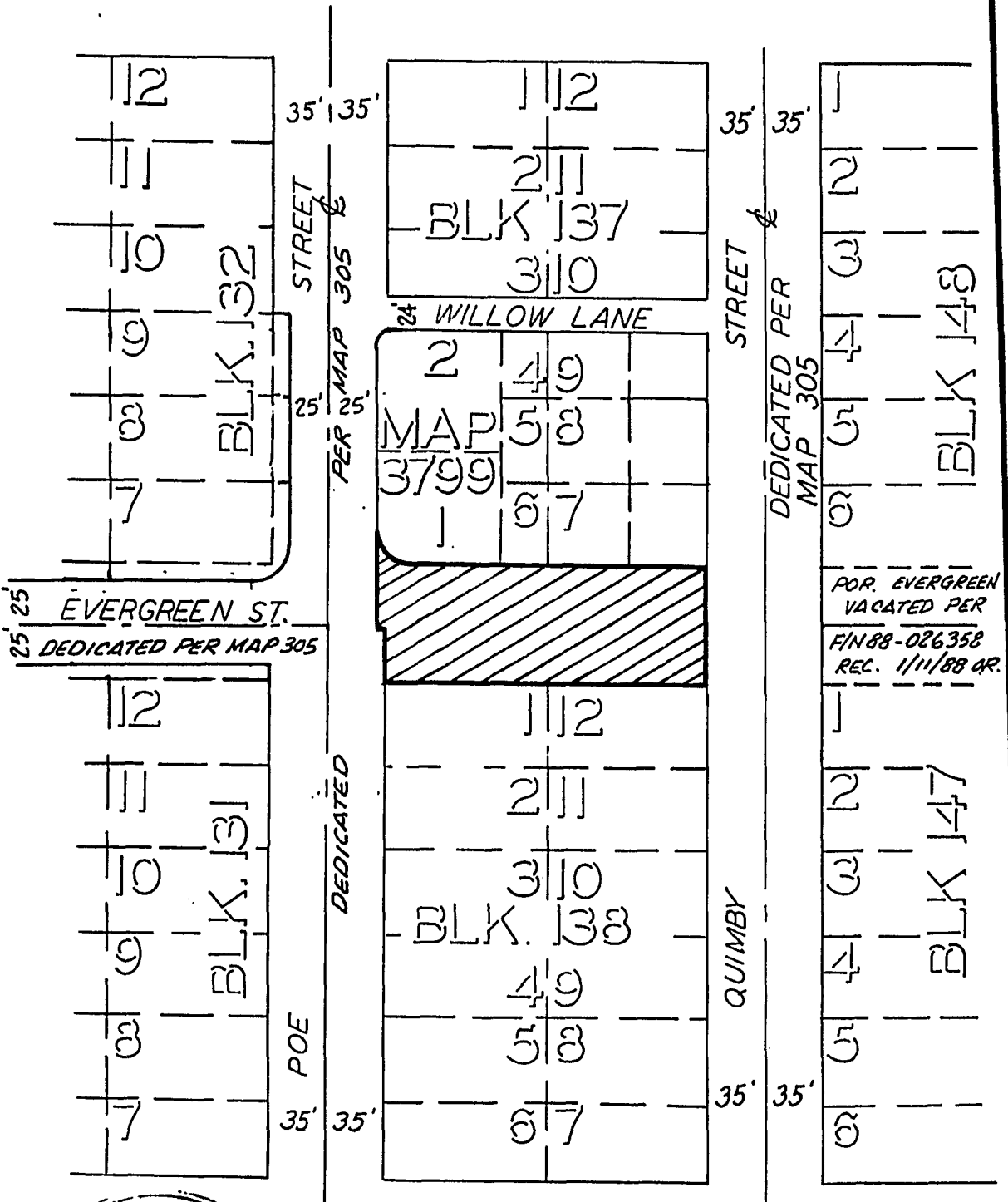
MAP NO. 305
MAP NO. 3799



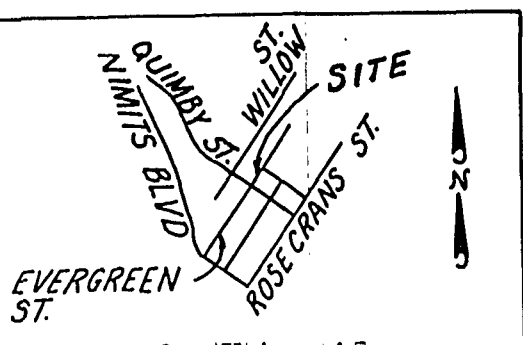
LEGEND



EVERGREEN STREET
VACATION AND
GENERAL UTILITY
EASEMENT
RESERVATION
SHOWN THUS
AREA = 0.322 AC



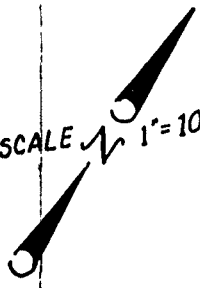
FOR EVERGREEN
VACATED PER
FIN 88-026358
REC. 1/11/88 OR.



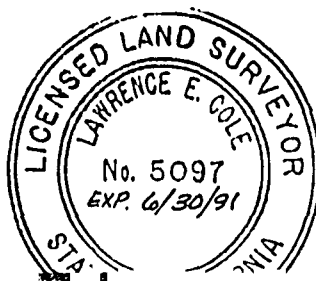
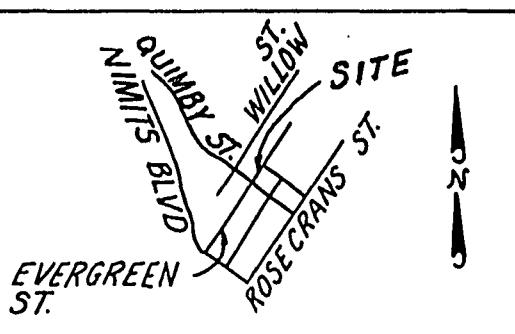
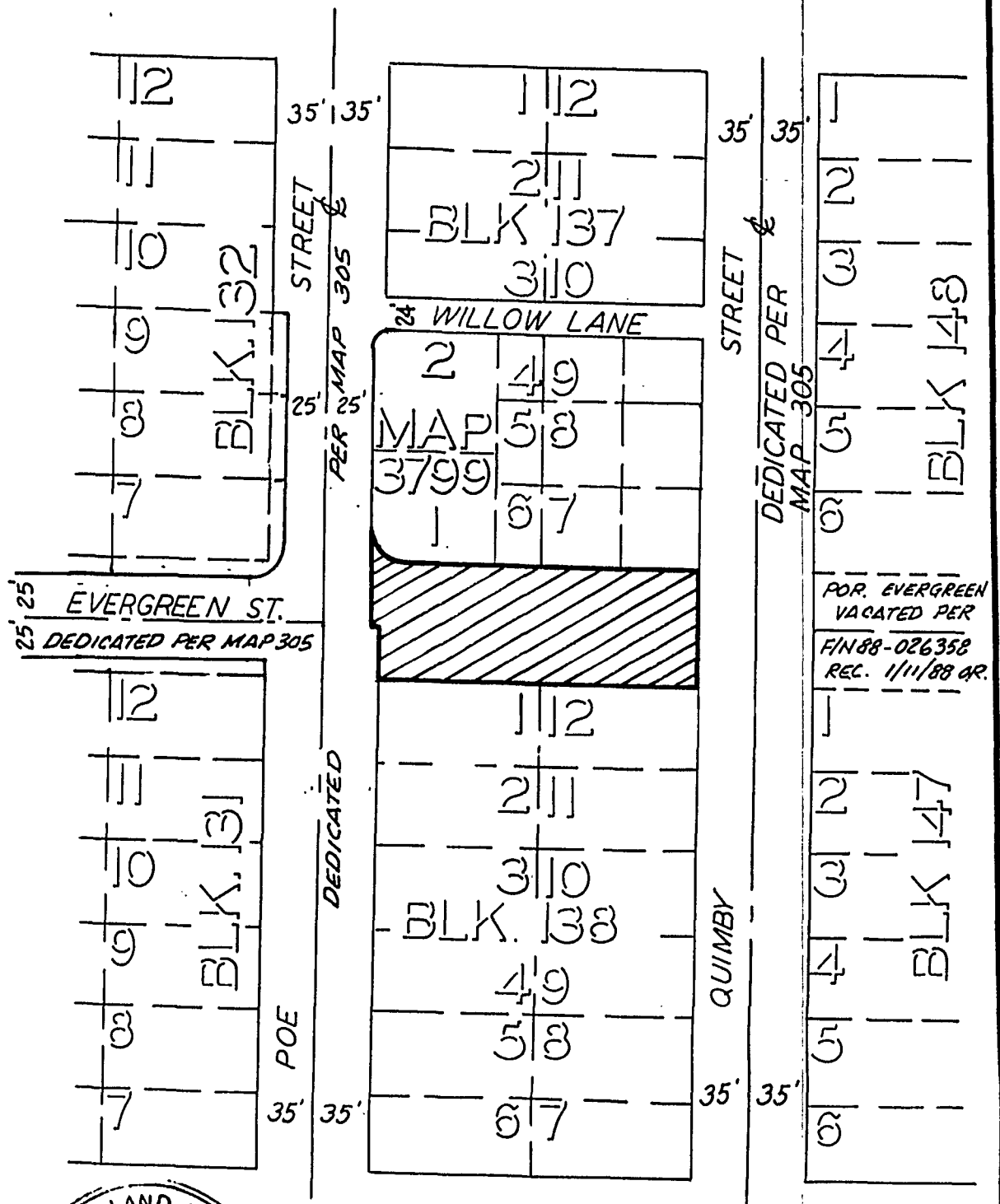
REFERENCE DRAWINGS

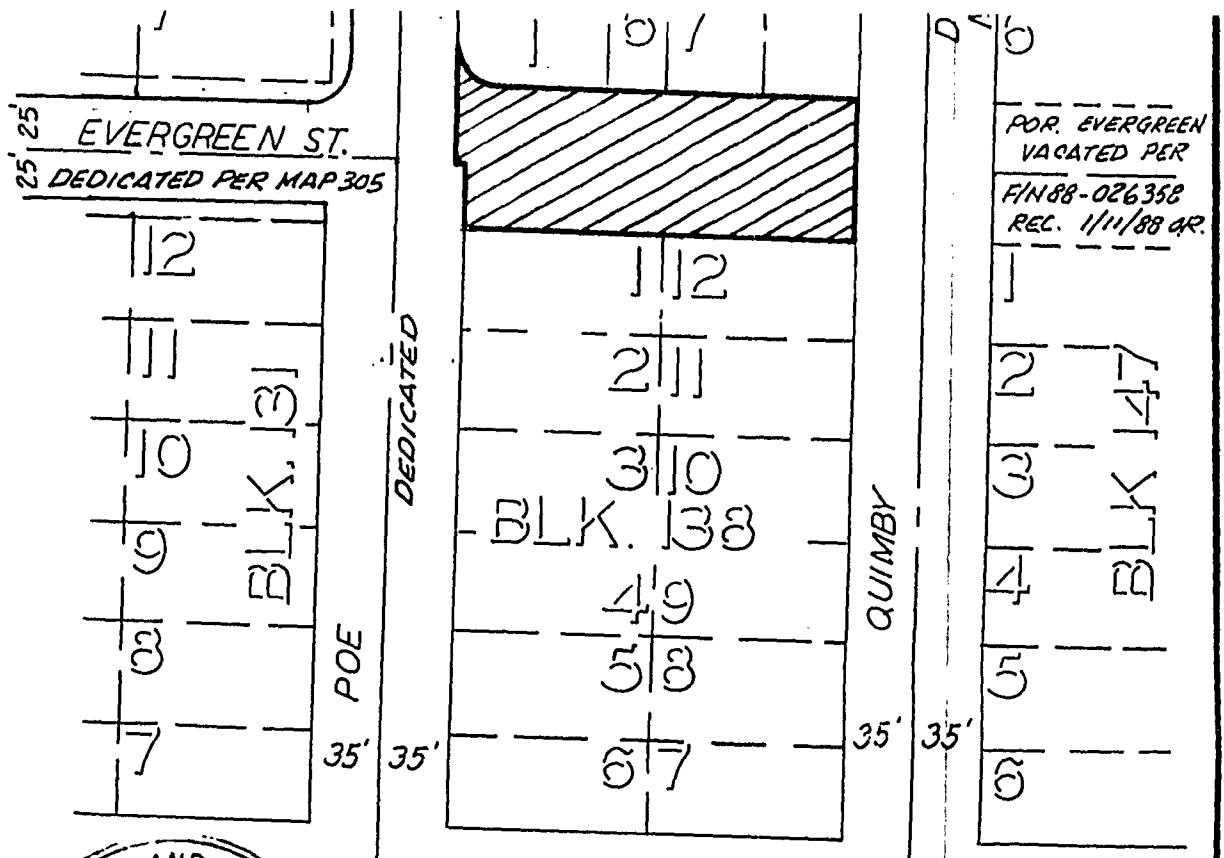
MAP NO. 305

MAP NO. 3799

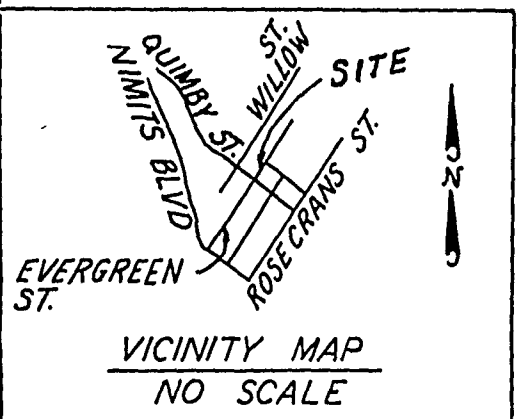
SCALE  1"=100'LEGEND

EVERGREEN STREET
VACATION AND
GENERAL UTILITY
EASEMENT
RESERVATION
SHOWN THUS
AREA = 0.322 AC





FOR EVERGREEN
VACATED PER
FIN 88-026358
REC. 1/11/88 AR.

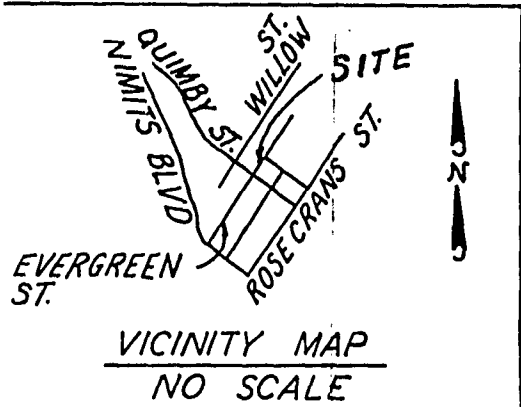
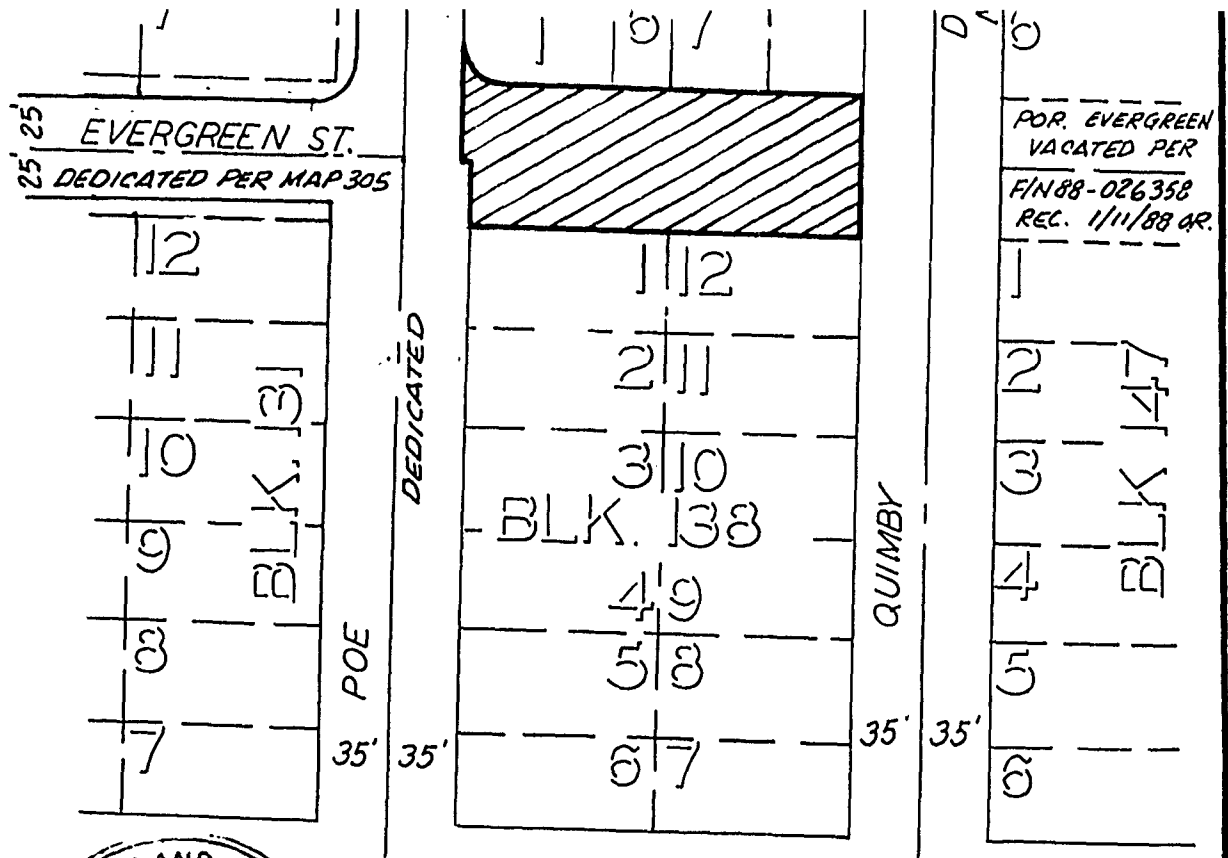


LANDMARK ENGINEERING CORPORATION
2870 Fourth Avenue, Suite 101
San Diego, CA 92103
(619) 280-0420
Lawrence E. Cole
LAWRENCE E. COLE L.S. 5097 EXP. 6/30/91

DOCUMENT NO. *RR 273264-1*
FILED *APR 17 1989*
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION AND GENERAL UTILITY EASEMENT RESERVATION:
EVERGREEN STREET BETWEEN QUIMBY STREET AND POE STREET AND
ADJACENT TO BLOCKS 137 AND 138 ROSEVILLE MAP 305

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	L.E.C.	LEC			W/O. NO. <i>S.A. 88-525</i> <i>120232</i>	
					SHEET 1 OF 1 SHEET	
					<i>J. T. McLaughlin</i> CITY ENGINEER	<i>1-13-89</i> DATE
					CONTROL CERTIFICATION	
					<i>206-1699</i> LAMBERT COORDINATES	
					<i>17401-B</i>	
STATUS						



LANDMARK ENGINEERING CORPORATION
 2870 Fourth Avenue, Suite 101
 San Diego, CA 92105
 (619) 260-0420

Lawrence E. Cole
 LAWRENCE E. COLE L.S. 5097 EXP. 6/30/91

DOCUMENT NO. RR 273264-1
 FILED APR 17 1989
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

STREET VACATION AND GENERAL UTILITY EASEMENT RESERVATION:
 EVERGREEN STREET BETWEEN QUIMBY STREET AND POE STREET AND
 ADJACENT TO BLOCKS 137 AND 138 ROSEVILLE MAP 305

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	L.E.C.	LEC			W.O. NO.	S.A. 88-525 120232
					CITY ENGINEER	<i>J. J. McLaughlin</i> 1-13-89
						Ralph C. Adamoe CONTROL CERTIFICATION
						206-1699 LAMBERT COORDINATES
						17401-B
					STATUS	

RS 111

J.N. 1195

R-273264

APR 17 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 *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-273264* Adopted *APR 17 1989*

RECEIVED
89 MAR 10 AM 9:06
CITY CLERKS OFFICE
SAN DIEGO, CA

5405