

(R-90-388)

RESOLUTION NUMBER R- 274719

ADOPTED ON NOV 13 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 consecutive years the street or highway has been impassible 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 29th Street between "B" Street and "C" Street and a portion of the alley adjacent to Lots 1-6 and 43-48, Block 63 of E.W. Morse's Addition, Map 547, 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 the required public improvements; 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 29th Street between "B" Street and "C" Street and a portion of the alley adjacent to Lots 1-6 and 43-48, Block 63 of E.W. Morse's Addition, Map 547, as more particularly shown on Drawing No. 15826-1-B, on file in the office of the City Clerk as Document No. RR-274719-1; 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, drainage, sewer, general utilities and pedestrian easements 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 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 29th Street and the alley specified and that the easement is more particularly shown on Drawing Nos. 15826-1-B and 15826-2-B, on file in the office of the City Clerk as Document Nos. RR-274719-1 and RR-274719-2.

5. That the resolution shall not become effective unless and until issuance of the permits for the required public

RECEIVED 
CITY CLERK'S OFFICE

89 NOV 20 PM 3:09

SAN DIEGO, CALIF.

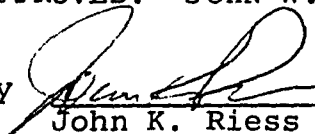
NOV 20 1989

improvements have been accomplished. In the event that the above requirements are not completed within 18 months following adoption of this resolution, this resolution shall become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the completion of the aforementioned issuance of permits, and that the City Clerk shall then cause a certified copy of this resolution, 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:pev
08/25/89
Or.Dept:E&D
SA:81-617
WO:120232
Dwg:15826-1&2-B
R-90-388
Form=r.sumv3

ASSESSOR'S PARCEL NO.

539-521-03, 22-24
539-531-01-26

SCALE: 1"=50'
N



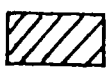
REFERENCE DRAWINGS

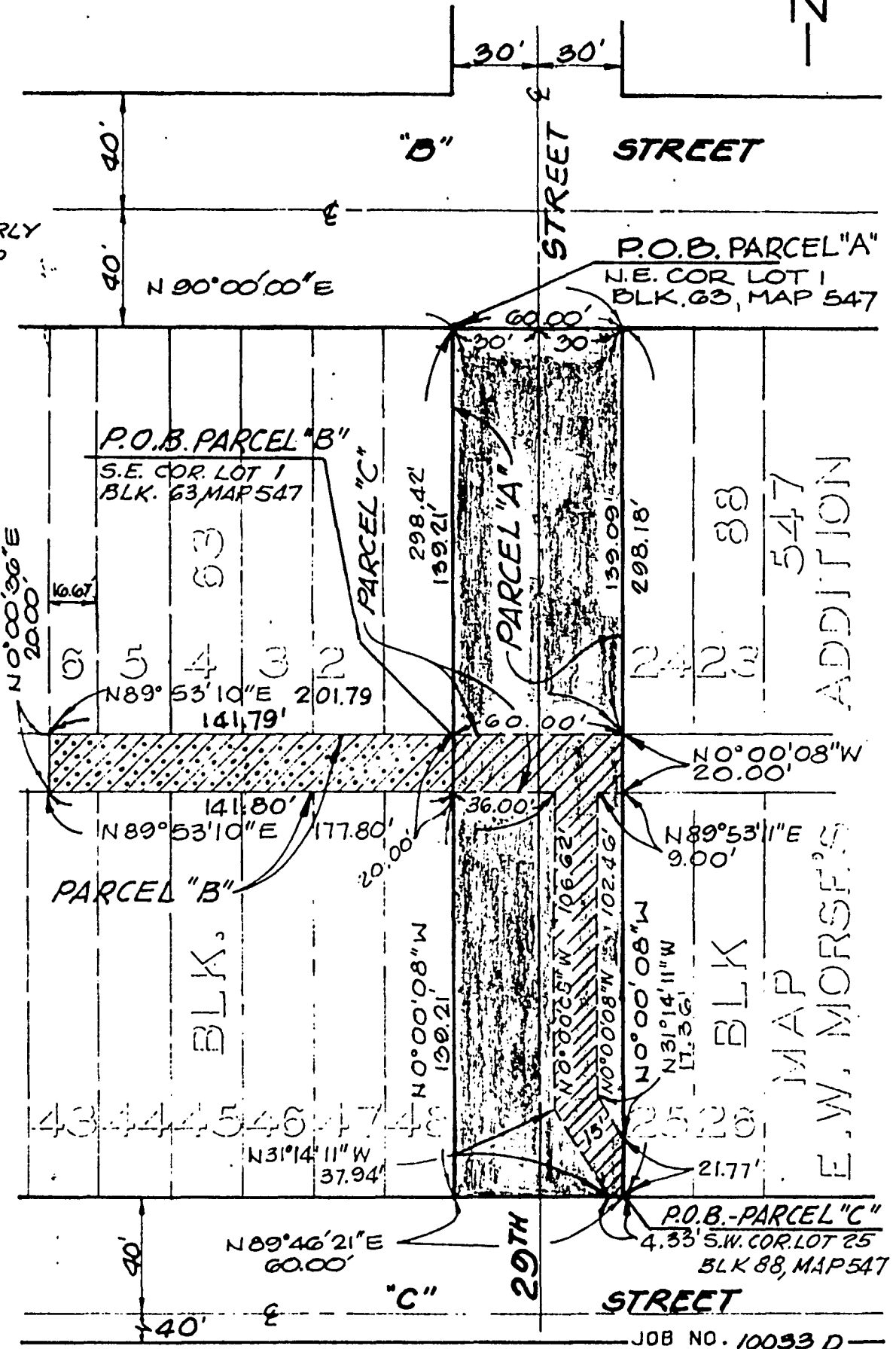
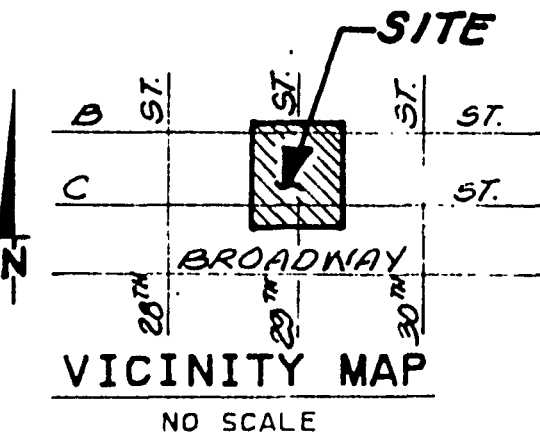
200-7-L, 2007B-D

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE SOUTHERLY LINE OF "B" STREET PER MAP 547 I.E. N 90°00'00"E.

LEGEND

-  INDICATES STREET VACATION. AREA = 0.411 ACRES
-  INDICATES ALLEY VACATION. AREA = 0.065 ACRES
-  INDICATES GENERAL UTILITY & SEWER EASEMENT RESERVED



SHOLDERS & SANFORD, INC.
Planning Engineering Surveying
3569 Fifth Avenue, San Diego, CA 92103
(619) 299 7272

Robert W. Sanford DATE 12/1/89
ROBERT W. SANFORD R.C.E. 18405

DOCUMENT NO. R-274719-1
FILED NOV 13 1989
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

STREET VACATION-29TH STREET BETWEEN "B" STREET AND "C" STREET
ALLEY VACATION-BETWEEN 29TH STREET AND 141.8 FEET WESTERLY,
GENERAL UTILITY EASEMENT RESERVED IN BLOCK 63, E.W. MORSE'S ADDITION,
MAP NO. 547.

| | | | | | | |
|-------------|----|----------|------|--------|---|---|
| DESCRIPTION | BY | APPROVED | DATE | FILMED | CITY OF SAN DIEGO, CALIFORNIA | T.M. SA-81-617 |
| ORIGINAL | | | | | SHEET 1 OF 2 SHEETS | W.O. 120232 |
| | | | | | <i>J. F. McLaughlin</i> 2-10-89 FOR CITY ENGINEER DATE | <i>Ralph C. Alan</i> CONTROL CERTIFICATION |
| | | | | | | 200-1727 LAMBERT COORDINATES |
| | | | | | | 15826-1-B |
| | | | | | | 10033 |

R274719

11200(13)
(a-b)

NOV 13 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 Struiksmma | <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 L. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-274719 Adopted NOV 13 1989

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89 SEP 13 PM 2:57

SAN DIEGO, CALIF.

SEP 13 1989

WILLIAM S. BROWN

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SEP 13 1989