

(R-90-1508)

RESOLUTION NUMBER R- 275712

ADOPTED ON MAY 15 1990

VACATION OF 41ST STREET SOUTH OF POLK AVENUE AND  
ADJACENT TO LOTS 31-48 OF BLOCK 41 AND LOTS 1-18 OF  
BLOCK 42 OF CITY HEIGHTS MAP NO. 1007.

WHEREAS, it is proposed that 41st Street south of Polk Avenue and adjacent to Lots 31-48 of Block 41 and Lots 1-18 of Block 42 of City Heights Map No. 1007 be vacated; and

WHEREAS, in connection with said vacation, the City desires to reserve general utility easements; and

WHEREAS, there is no present or prospective use for street, either for the public street system for which the right-of-way was originally acquired or for any other public use of a like nature that can be anticipated, in that the right-of-way is not needed for public street, bikeway, or open space purposes; 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 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, California, as follows:

1. That 41st Street south of Polk Avenue, as more particularly referred to in Resolution of Intention No.

R- 275475 adopted by the City Council on  
APR 16 1990, 1990, is unnecessary for present or  
prospective public street purposes.

2. That 41st Street south of Polk Avenue, as more particularly shown on Drawing No. 17523-B, on file in the office of the City Clerk as Document No. RR- 275475, which said Drawing is attached hereto and made a part hereof, be, and the same is hereby ordered vacated.

3. 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 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.

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 easements reserved herein are in, under, over, upon, along, and across that portion of 41st Street, vacated by this document and as more particularly shown and delineated on Drawing No. 17523-B, on file in the office of the City Clerk as Document No. RR- 275475.

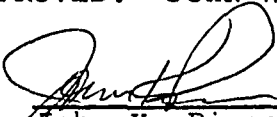
6. That the resolution shall not become effective unless and until the following conditions have been met:

- a. Approval and recordation of a consolidation parcel map.
- b. Issuance of permits for the required public improvements.

In the event the above items are not completed within eighteen months after adoption of this resolution, this resolution shall become void and be of no further force or effect.

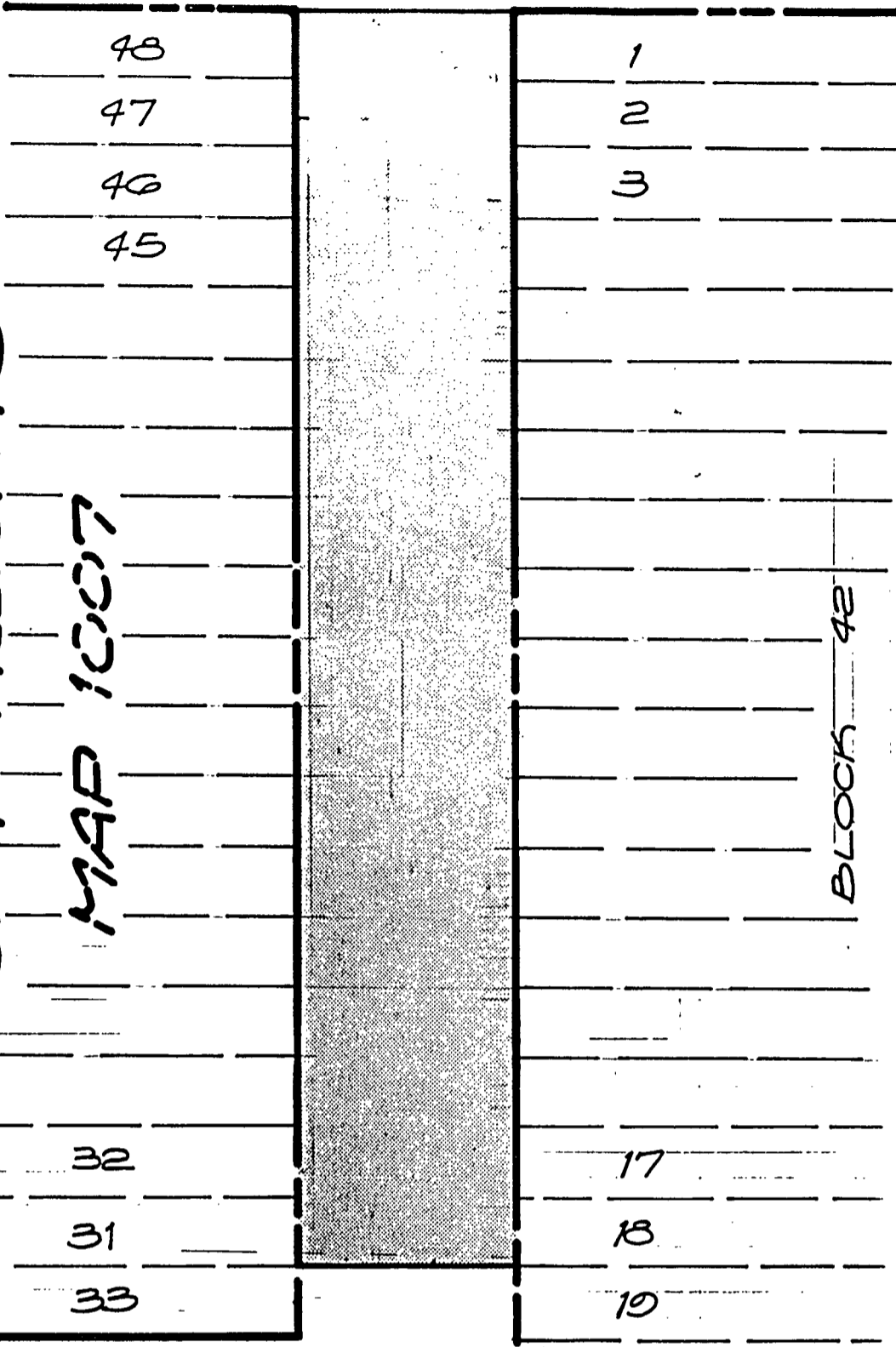
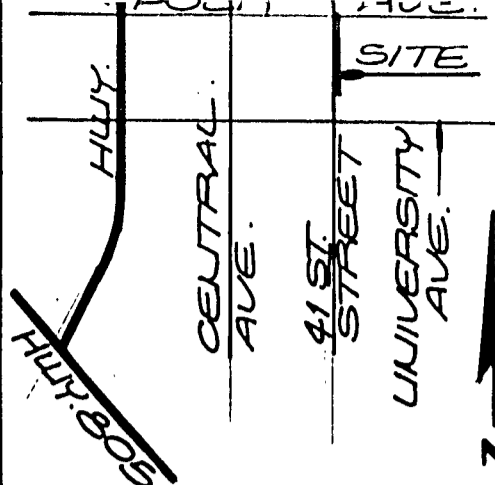
7. That the City Engineer shall advise the City Clerk of the completion of the aforementioned conditions, and that the City Clerk shall cause a certified copy of this resolution, with drawing, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JOHN W. WITT, City Attorney

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

JKR:pev  
03/21/90  
Or.Dept:E&D  
R-90-1508  
Form=r.stv

POLK AVE.



VICINITY MAP  
NO SCALE

NORTH  
SCALE: 1"=60' 11"

BLOCK 41

CITY HEIGHTS  
MAP 1007

BLOCK 42



STREET VACATION &  
GENERAL UTILITY  
EASEMENT RESERVED.

SHOWN  
THUS:



AREA = .826 Ac.

41<sup>st</sup>. ST.

UNIVERSITY  
AVE.

SAN DIEGO CITY SCHOOLS  
LAND & FACILITIES DEPT.  
4100 NORMAL STREET  
SAN DIEGO, CA. 92103  
TEL. NO. 293-8268

**STREET VACATION - 41<sup>st</sup>. STREET**

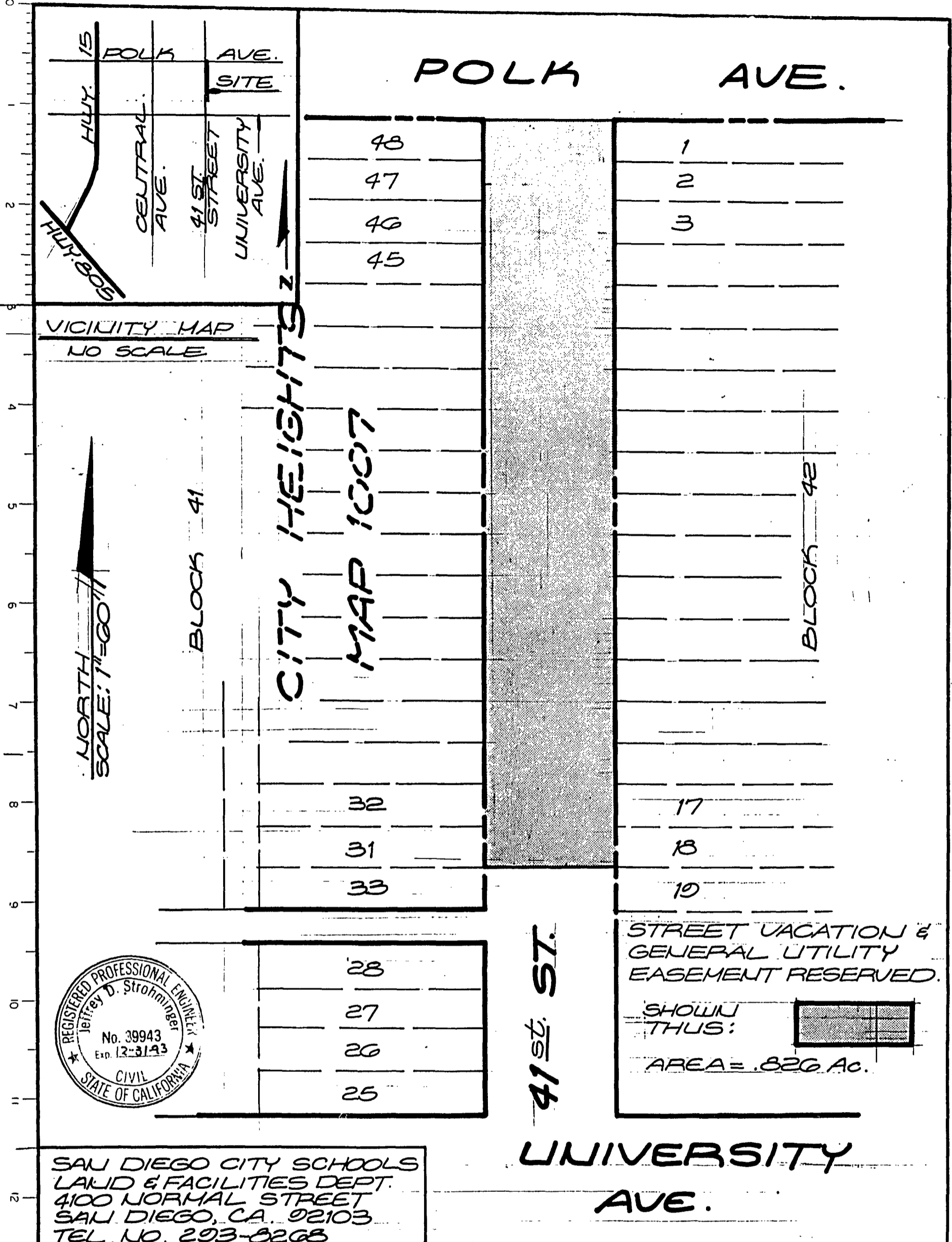
SOUTHERLY OF POLK AVE. ADJACENT TO LOTS 1-18 OF  
BLOCK 42 OF CITY HEIGHTS MAP NO. 1007.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL	SDUSD PASO		6/27/89		SHEET 1 OF 1 SHEET	120236
					<i>J.D. Strominger</i> FOR CITY ENGINEER	2-1-90 DATE
						<i>Ralph C. Alamos</i> CONTROL CERTIFICATION
						212-1735
						LAMBERT COORDINATES
						17523 - B

DOCUMENT NO. **RR-275475**  
APR 16 1990

FILED  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

R-275712



**STREET VACATION - 41<sup>st</sup> STREET**

SOUTHERLY OF POLK AVE. ADJACENT TO LOTS 1-18 OF BLOCK 42 OF CITY HEIGHTS MAP NO. 1007.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL	SDUSD PASO		6/27/89		SHEET 1 OF 1 SHEET	120230
					<i>J.D. Strohminger</i> FOR CITY ENGINEER	5A89-517
						<i>Ralph C. Adams</i> CONTROL CERTIFICATION
						212-1735
						LAMBERT COORDINATES
						17523 - B

RR-275475  
 DOCUMENT NO. APR 16 1990

OFFICE OF THE CITY CLERK  
 SAN DIEGO, CALIFORNIA

R-275712

H 330

MAY 15 1990

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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R- 275712** **MAY 15 1990**  
Number ..... Adopted.....