

(R-90-1835)

RESOLUTION NUMBER R- 277148

ADOPTED ON JAN 09 1991

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 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 Union Street south of Maple Street adjacent to Lots 11 and 12 of Block 81 and Lots 1 and 2 of Block 82, all being within Map 1874, 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; 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 Union Street south of Maple Street, adjacent to Lots 11 and 12 of Block 81 and Lots 1 and 2 of Block 82, all being within Map 1874, as more particularly shown on Drawing No. 17430-B, on file in the office of the City Clerk as Document No. RR- 277148, which said drawing is attached hereto and made a part hereof, 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 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.

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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 Union Street and that the easements are more particularly shown and delineated on Drawing No. 17430-B, on file in the office of the City Clerk as Document No.

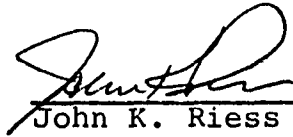
RR- 277148.-1

5. That the resolution shall not become effective unless and until the issuance of permits for the required public improvements. In the event that the above permits are not issued within eighteen (18) months following the 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 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:pev  
05/02/90  
Or.Dept:E&D  
SA:86-517  
WO:120232  
Dwg:17430-B  
R-90-1835  
Form=r.sumv3

R- 277148

MAPLE STREET

BASIS OF BEARINGS  
N 70°10'15" E

STREET VACATION  
PER RES. #13059,  
ADOPTED  
FEB. 24, 1913  
DWG. NO. 10182-B

BLOCK 81  
MIDDLETOWN

1 12 PAR. 1  
BLK. 82 P.M. 11127  
2 11

SCALE: 1" = 50'

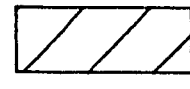

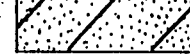
37.5' 22.5'

PAR. 1  
P.M. 13590

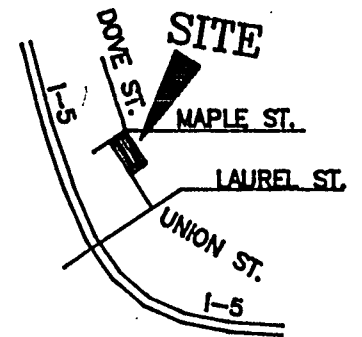
BLOCK 81  
MIDDLETOWN

UNION STREET

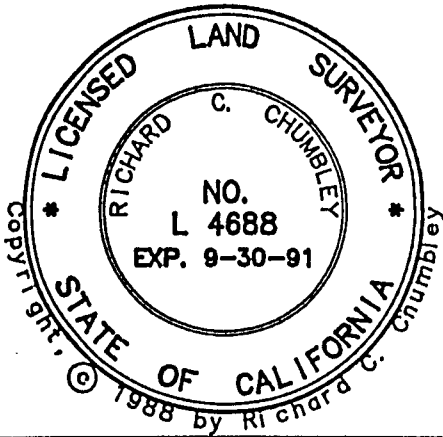
LEGEND

-  UNION STREET VACATED.
-  15' DRAINAGE EASEMENT RESERVED.
-  4' GENERAL UTILITY EASEMENT RESERVED.

( ) DENOTES RECORD PER P.M. 11127  
AREA OF VACATION - 0.172 ACRES



VICINITY MAP  
N.T.S.



BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE 1' OFFSET LINE ON NORTHERLY SIDE OF MAPLE STREET PER MAP NO. 2097, I.E., NORTH 70°10'15" EAST

PLANS PREPARED BY:

RICHARD C. CHUMBLEY L.S.4688  
2582 FLETCHER PARKWAY  
EL CAJON, CA 92020  
(619) 461-0900  
*Richard C. Chumbley* 2/24/89  
RICHARD C. CHUMBLEY L.S.4688

DOCUMENT NO. RR-277148-1  
FILED JAN 09 1991  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

STREET VACATION -

UNION STREET SOUTHERLY OF MAPLE STREET ADJACEN TO  
LOTS 1 & 2, BLOCK 82, MIDDLETOWN

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO.
ORIGINAL					SHEET 1 OF 1 SHEET	120232 SA 86-517
					<i>C.R. Lochhead</i> 12-11-89 CITY ENGINEER DATE	<i>Ralph C. Adams</i> CONTROL CERTIFICATE
					DIVISION HEAD	206-1717
					SECTION HEAD	LAMBERT COORDINATES
					STATUS	17430 -B

5/2/90 #123

JAN 09 1991

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<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"/>
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 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-277148** JAN 09 1991  
Number ..... Adopted.....

RECEIVED  
SD DEC 21 PM 4: 56  
SAN DIEGO, CA

RECEIVED  
SD NOV -9 PM 12: 27  
SD DEC 21 OFFICE OF THE  
SAN DIEGO, CA  
SAN DIEGO, CA