

RESOLUTION NUMBER R- 277953

ADOPTED ON MAY 20 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 the portion of street to be vacated is excess to the City's right-of-way needs and is not longer required for street and 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 an excess portion of Hawthorn Street east of Jacot Lane, adjacent to Lots 12 and 13, Block 132 of Choate's Addition, Map No. 351, 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, there is no present or prospective use for the 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, those properties adjoining the street to be vacated will continue to have access; and

RECEIVED
CITY CLERK'S OFFICE
91 JUN 18 AM 8:55
SAN DIEGO, CALIF.

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 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 an excess portion of Hawthorn Street east of Jacot Lane, adjacent to Lots 12 and 13, Block 132 of Choate's Addition, Map No. 351, as more particularly shown on Drawing No. 17647-B on file in the office of the City Clerk as Document No.

RR- 277953-1, 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, sewer facilities 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, together with the right to otherwise protect from all hazards the operation and use of any right hereby reserved.

3. That the easement reserved herein is in, under, over, upon, along, and across that portion of Hawthorn Street and that the easement is more particularly shown and delineated on Drawing No. 17647-B on file in the office of the City Clerk as Document No. RR- 277953-1.

4. This resolution shall be and become effective upon receipt by the City from the owner of the subject property of a building restricted easement deed as agreed upon by owner during public testimony, which deed shall contain the following language:

We hereby grant and relinquish to the City of San Diego, a municipal corporation, any and all right to construct, erect, or maintain any aboveground, roofed building or covered structure over, upon, or across all those portions of Lot 12 and Lot 13 of Map No. 351, as shown on Drawing No. 17647-B, and designated "Building Restricted Easement Granted Hereon," reserving to the owner of the fee underlying said easement herein granted the continued use of said real property for any purpose, except as herein provided, and the right to grant easements to any public utility company for distribution facilities, provided the same are installed underground. Responsibility for maintenance of said lands shall remain with the owner of the fee title of said land, and nothing contained

herein shall be construed to assign any maintenance responsibility to the City of San Diego, nor shall anything contained herein be construed to confer any rights to the general public.

Grantor agrees that the easement area shall in no event be used in calculating the allowable building area for said lots. This easement shall be binding on Grantor and successors in interest, and shall run with the land, and shall only be extinguished by act of the City Council, and shall be recorded.

Grantor agrees that no additional residential units may be constructed as a result of the increased lot size due to the street vacation which involved a public street which was previously located in the area of this building restricted easement and which was the subject of City Council Resolution No. R-277953, adopted May 20, 1991. The setbacks as established prior to the said street vacation will continue to remain in effect and shall not change location as a result of said street vacation.

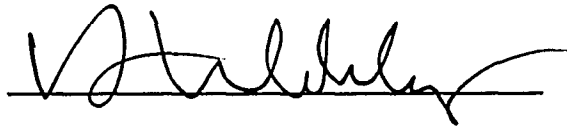
5. In the event no such building restricted easement deed is received within one hundred and eight (180) days following the date of adoption of this resolution, this resolution shall be and become void and of no further force or effect.

6. That the City Engineer shall advise the City Clerk of the receipt of the aforementioned building restricted easement deed and 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



Harold O. Valderhaug

Deputy City Attorney

JKR:pev:skc
04/22/91
06/05/91 REV. 1
Or.Dept:E&D
SA:84-545
WO:120232
Dwg:17647-B
R-91-1811
Form=r.sumv3

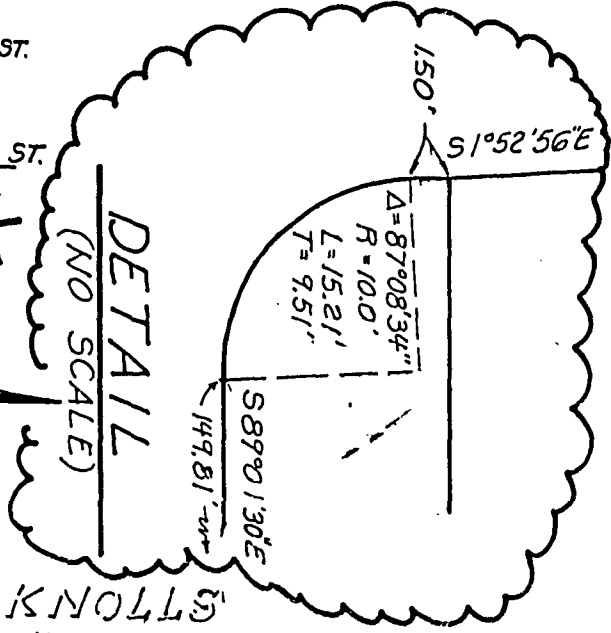
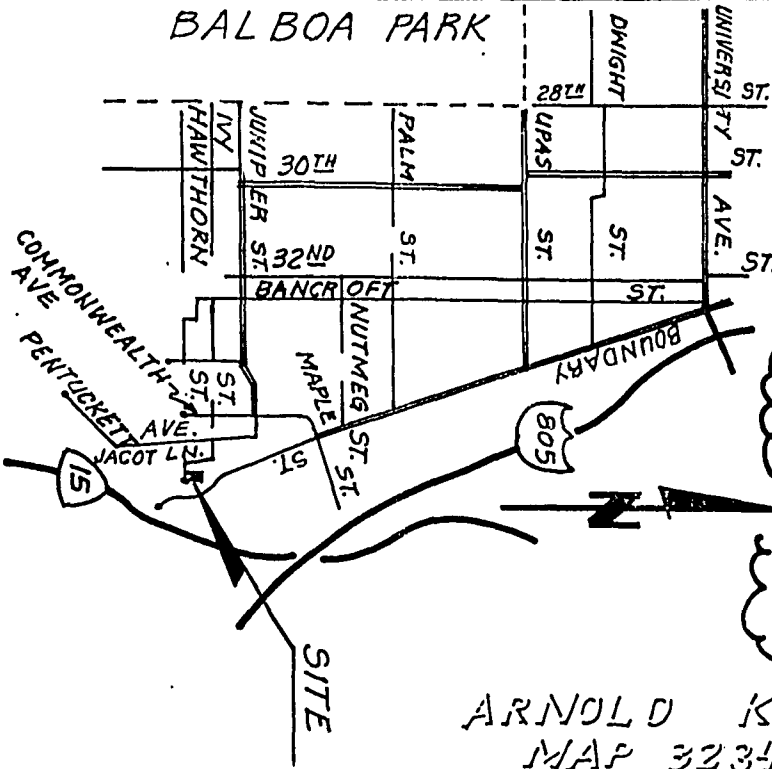
DOCUMENT NO. RR-277953-1

FILED MAY 20 1991

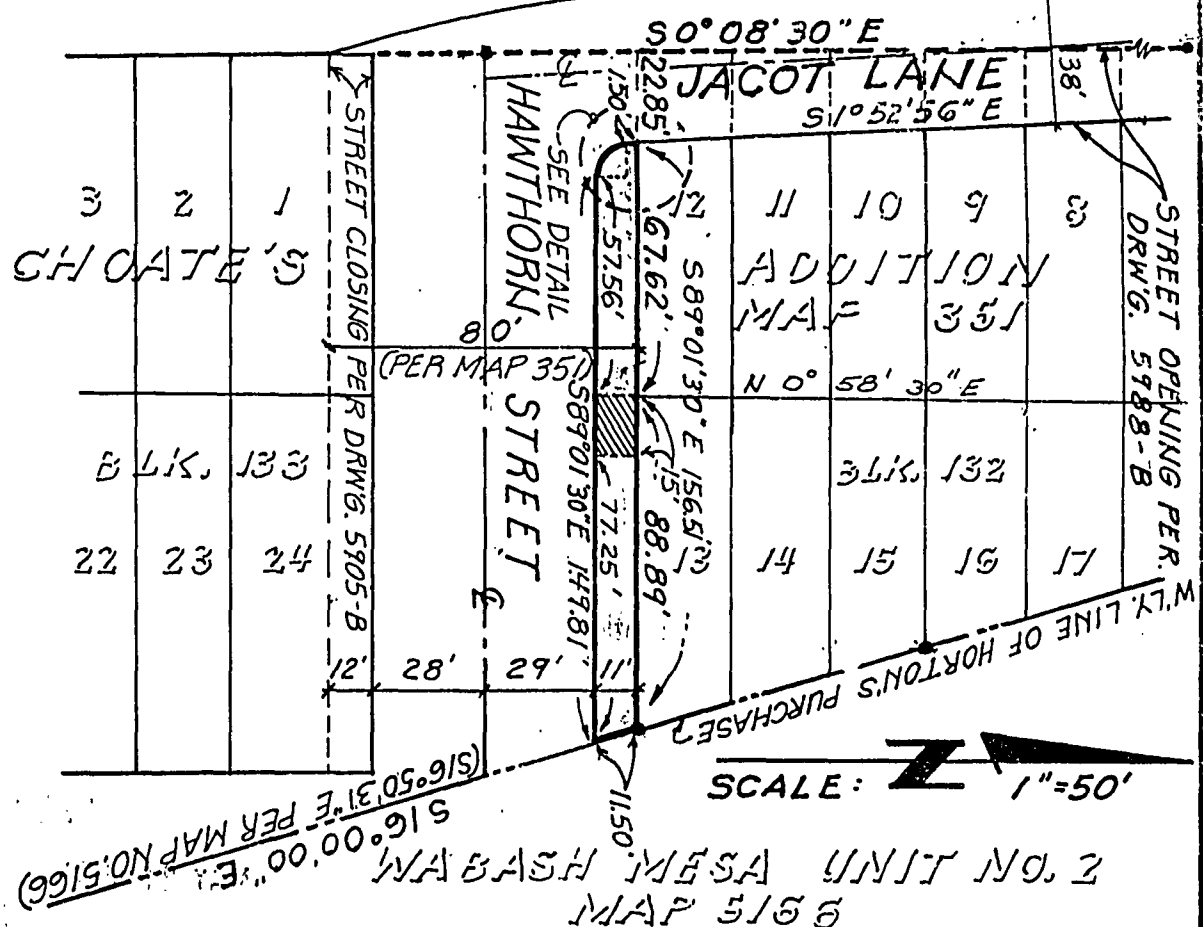
OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

BALBOA PARK

VICINITY MAP
NO SCALE



ARNOLD KNOLLS
MAP 3234



SCALE: 1" = 50'
WABASH MESA UNIT NO. 2
MAP 5156
516° 00' 00" E PER MAP NO. 5166
516° 50' 31" E PER MAP NO. 5166

CHOCATE'S

STREET OPENING PER.
DRWG. 5788-B
ADDITION
MAP 351
N 0° 58' 30" E
W.L.Y. LINE OF HORTON'S PURCHASE

STREET CLOSING PER DRWG. 5905-B

HAWTHORN STREET

(PER MAP 351)

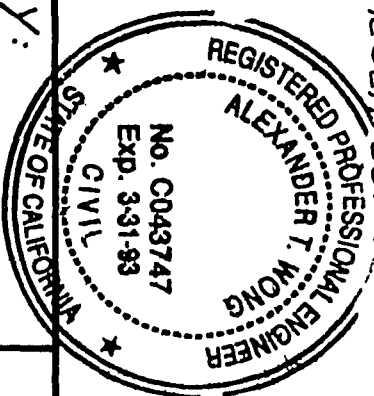
SEE DETAIL

PORTION OF HAWTHORN STREET
(FORMERLY WATERVILLE STREET)
DEDICATED PER MAP 351 VACATED.

INDICATES BOUNDARY LINE OF
STREET VACATION.

INDICATES 15' WIDE SEWER
EASEMENT RESERVED.

12-11-93



PREPARED BY:

THOMAS S.W. WONG, INC.
3534 UNIVERSITY AVE.
SAN DIEGO, CA. 92104

Alexander T. Wong
R.C.E. 43,747
May 31, 1990
DATE

BASIS OF BEARING:
IS THE EASTERLY LINE OF ARNOLD KNOLLS
MAP NO. 3234; S0°08'30"E

REFERENCE DRAWINGS:
5988-B, 12655-2-D, 12667-12-D, MAP 351
MAP 5166, 12367-4L, 5905-B.

AREA OF VACATION: 0.040 ACRE.

STREET VACATION ~ PORTION OF HAWTHORN
STREET EAST OF JACOT LANE.

DESCRIPTION	3"	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	SHEET 1 OF 1 SHEET	W.D. NO.
ORIGINAL							120232
							SA 84 - 545
							204 - 1733
							17647 - B

FOR ENGINEER: *[Signature]* DATE: 12-11-90

DIVISION HEAD: _____

SECTION HEAD: _____

LAMBERT COORDINATES: _____

CONTROL CERTIFICATION: *[Signature]*

#201

Passed and adopted by the Council of The City of San Diego on MAY 20 1991,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input checked="" 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 Linda Sugano, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R. 277953</u>	Adopted <u>MAY 20 1991</u>