

RESOLUTION NUMBER R- 284731

ADOPTED ON OCT 04 1994

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 the street to be vacated is excess to the City's right-of-way needs and is no longer required for street or highway purposes; and

WHEREAS, in connection with said vacation, the City desires to reserve a certain easement; and

WHEREAS, the abutting property owner has requested the vacation of an excess portion of Murphy Canyon Road, adjacent to Lot 42 of Rosedale Tract, Map 825, 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 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 the excess portion of Murphy Canyon Road, adjacent to Lot 42 of Rosedale Tract, Map 825, as more particularly shown on Drawing No. 26944-D on file in the office of the City Clerk as Document No. RR-284731, 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 and 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, 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

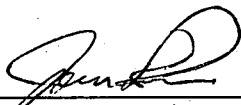
of any public utility pursuant to any existing franchise or renewals thereof, at any time, or from time to time, to construct, maintain, operate, replace, remove, renew, and enlarge overhead or underground lines of pipe, conduits, cables, wires, poles, and other structures, equipment, and fixtures for the transportation and distribution of communication signals, 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 Murphy Canyon Road and that the easement is more particularly shown on Drawing No. 26944-D on file in the office of the City Clerk as Document No. RR- **284731**.

5. 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



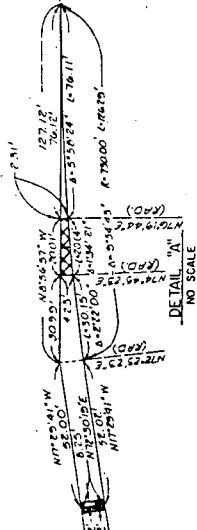
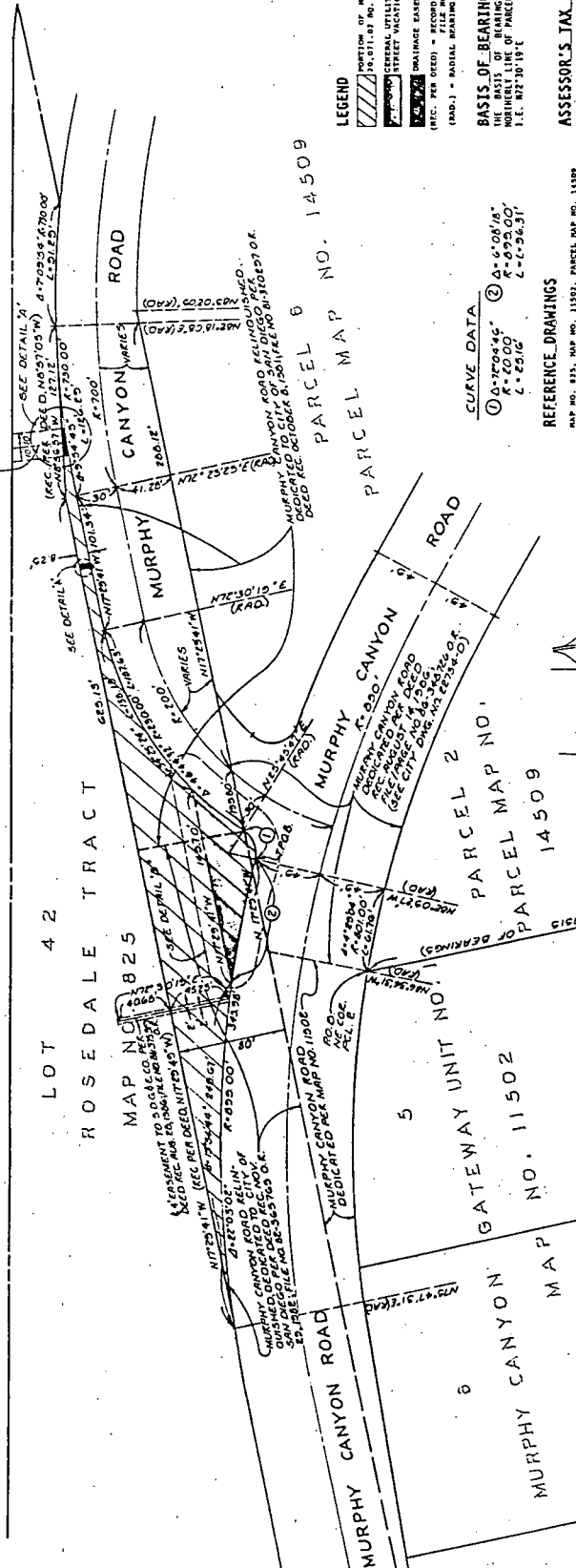
John K. Riess
Deputy City Attorney

JKR:pev
08/31/94
Or.Dept:E&D
SA:89-549
WO:120202
Dwg:26944-D
R-95-380
Form=r.sumv3



INTERSTATE 15 FREEWAY

480' DRAINAGE EASEMENT TO STATE OF CALIFORNIA PER DEED REC. JULY 2, 1984, FILE NO. 84-25063 D.K.

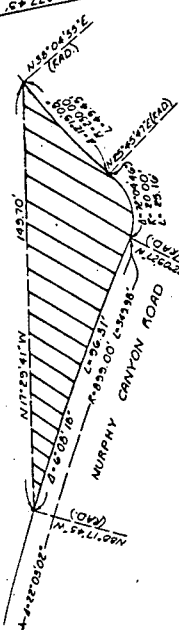


SEE DETAIL 'A'

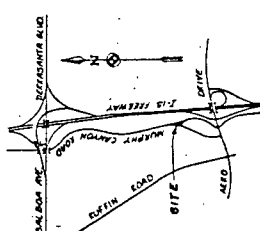
SEE DETAIL 'B'

PARCEL MAP NO. 14509

PARCEL MAP NO. 11502



DETAIL 'B' NO SCALE



VICINITY MAP NO SCALE

LEGEND

- PROPERTY OF MURPHY CANYON ROAD VACATED (AREA) 10-21-87 (NO. 171)
- GENERAL UTILITY EASEMENT RECEIVED FROM STREET VACATION
- DRAINAGE EASEMENT RECEIVED FROM STREET VACATION (REC. PER DEED) - RECORD PER DEED RECORDED JANUARY 7, 1984 (FILE NO. 84-25063 D.K.)
- (END.) - RADIAL BEARING

BASIS OF BEARINGS - CURVE DATA
① 0-170°54'17" @ R=2000'
② 0-170°54'17" @ R=2000'
③ 0-170°54'17" @ R=2000'

ASSESSOR'S TAX PARCELS
MAP NO. 825, MAP NO. 11502, PARCEL MAP NO. 14509
22370-4-0, -7-0, -9-0, -9-0 (STREET IMPROVEMENTS)

CITY OF SAN DIEGO, CALIFORNIA		120102
STREET VACATION - PORTION OF MURPHY CANYON ROAD BETWEEN ALDO DRIVE AND BALBOA AVENUE, WITH GENERAL UTILITY EASEMENT AND DRAINAGE EASEMENT RECEIVED FROM STREET VACATION		26944-D
APPLICANT	DATE	FILE NO.
BOB	6-13-94	84-25063
APPROVED	DATE	FILE NO.
THOMAS A. JOHNSON, CLERK	6-13-94	84-25063



Boards:
 Unaudited
 Streetmap
 Copymaster
 THOMAS A. JOHNSON, CLERK



DOCUMENT NO. **84-284731**

FILED **OCT 04 1994**

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

84-284731