

RESOLUTION NUMBER R- 288494

ADOPTED ON MAR 31 1997

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of streets and easements by City Council resolution where the portion of street to be vacated consists of a portion of a street or highway that lies within property under one ownership and that does not continue through such ownership or end touching the property of another; and

WHEREAS, the abutting property owners have requested the vacation of portions of Eta Street, 39th Street, Birch Street, the adjacent alley and the public utility easement, to facilitate development of their property; and

WHEREAS, the provisions of Council Policy No. 600-15 require that a noticed public hearing be conducted before the City Council prior to the vacations of City streets and easements; and

WHEREAS, the vacations are not inconsistent with the General Plan or an approved Community Plan; and

WHEREAS, the public will benefit from the vacations through improved utilization of the land; and

WHEREAS, those properties adjoining the street to be vacated will continue to have access; and

WHEREAS, there is no present or prospective use for the streets or easement, either for

the public street system, for which the right-of-way was originally acquired, or for any other public use of like nature; 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:

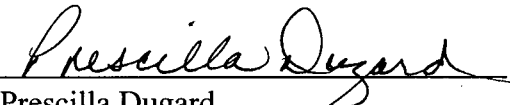
1. That portions of Eta Street, Birch Street, 39th Street, the adjacent alley and a public utility easement, as more particularly shown on Drawing No. 18492-B (herein referred to as "Exhibit A"), on file in the office of the City Clerk as Document No. RR- 288494, which is attached hereto and made a part hereof, be and the same are hereby ordered vacated.

2. That the vacation shall be conditioned upon and not become effective unless and until a parcel map to consolidate the parcels of land left without access to a public street by this vacation is filed. Said map may be filed after approval by the City Engineer, with no further action by the City Council. In the event that the final map is not filed within one year following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

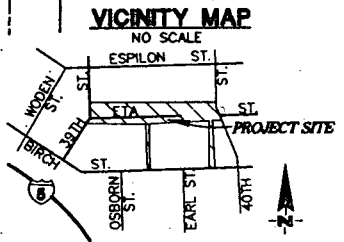
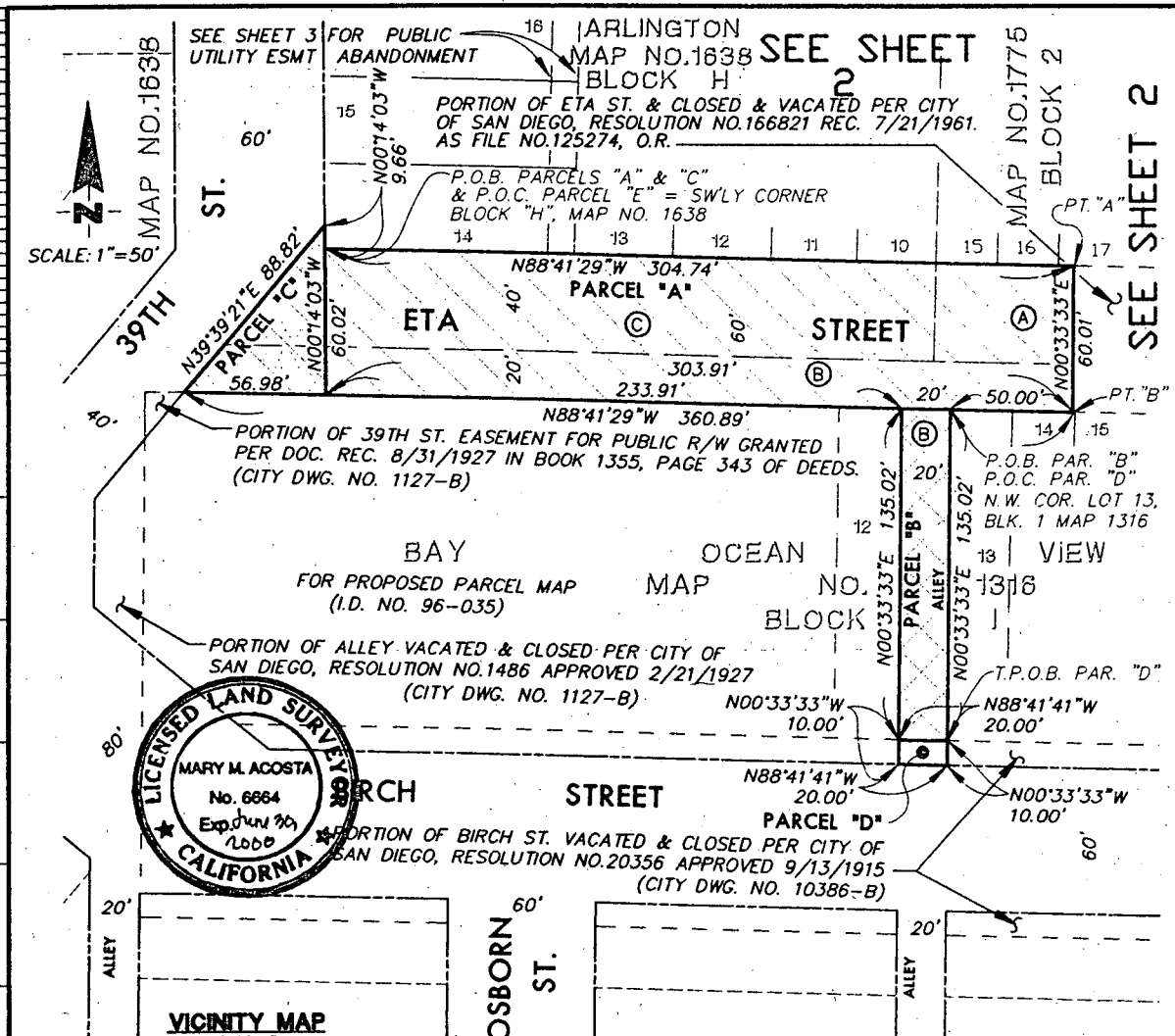
3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition, and the City Clerk shall then cause a certified copy of this resolution,

with "Exhibit A", attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By 
Prescilla Dugard
Deputy City Attorney

PD:cdk
03/03/97
03/21/97COR.COPY
Or.Dept:Dev.Svcs.
SA:95-527
WO:120102
DWG:18492-B
R-97-903
Form=sumv2.res



ASSESSOR'S PARCEL NO.	REFERENCE DRAWINGS
551-501-1 TO 14	MAP NO. 1638, MAP NO. 1316, & MAP NO. 1775
LEGEND	
PARCEL "A" = ETA STREET VACATED = 0.419 ACRE	PARCEL "C" = PORTION OF 39TH STREET VACATED = 0.046 ACRE
PARCEL "B" = ALLEY VACATED = 0.062 ACRE	PARCEL "D" = BIRCH STREET VACATED = 0.005 ACRE
(A) PORTION OF ETA ST. DEDICATED PER MAP NO. 1775	
(B) PORTION OF ETA ST. & ALLEY DEDICATED PER MAP NO. 1316	
(C) PORTION OF ETA ST. & 39TH ST. DEDICATED PER MAP NO. 1638	

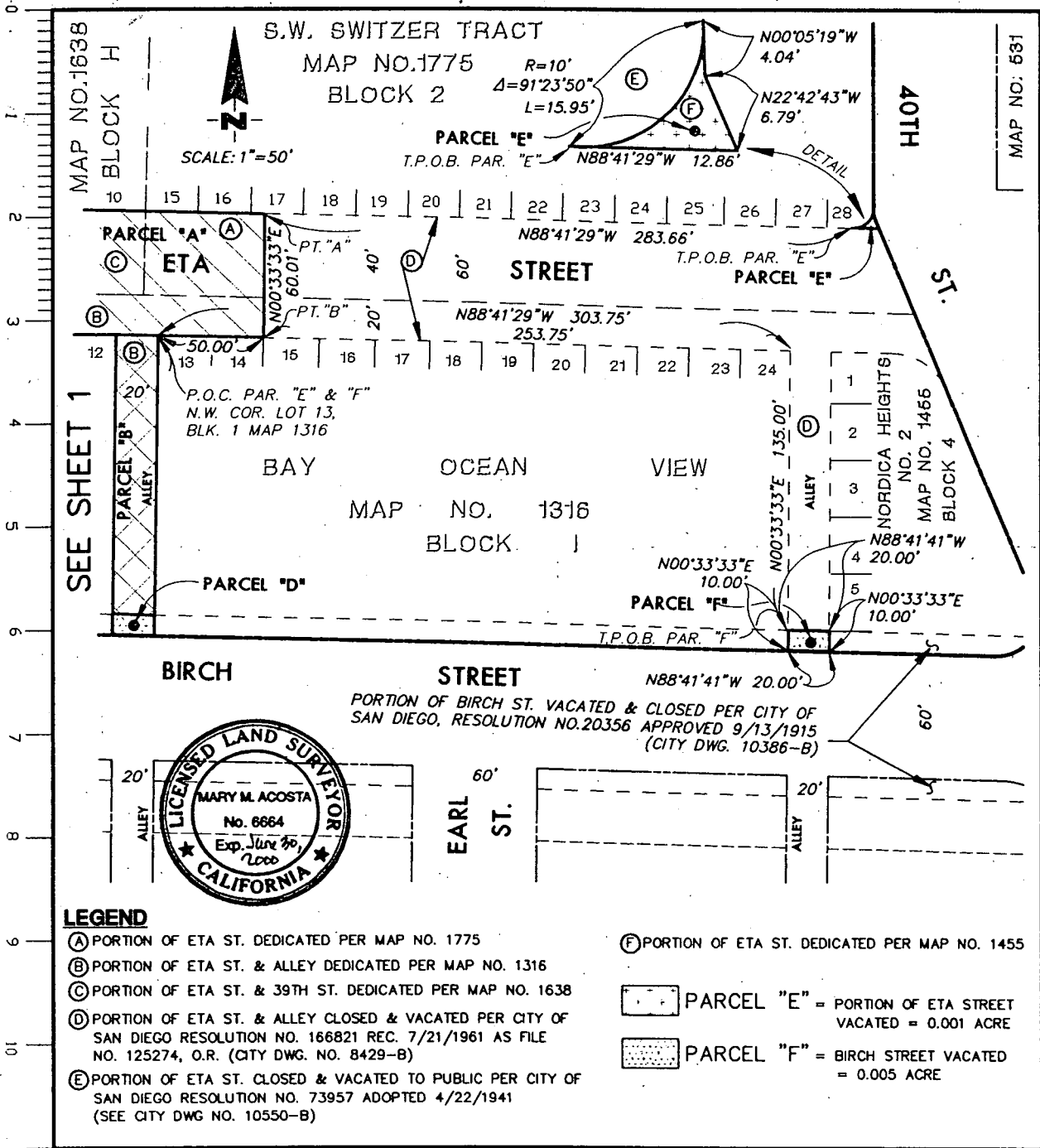
BASIS OF BEARINGS
 THE BASIS OF BEARINGS FOR THIS DRAWING IS A PORTION OF THE SOUTHERLY LINE OF THE RIGHT-OF-WAY OF EPSILON STREET AS SHOWN ON MAP NO. 1775, i.e. N89°56'00"E

ENGINEER OF WORK: Mary M. Acosta DATE: 2-28-97
 MARY M. ACOSTA PLS 6664
 LICENSE EXPIRATION DATE: 6/30/2000
POUNTEY ASSOCIATES
 POUNTNEY & ASSOCIATES, INC
 4455 MURPHY CANYON ROAD, SUITE 200
 SAN DIEGO, CALIFORNIA 92123
 PHONE: (619)576-9200

STREET VACATION - ETA STREET EAST OF 39TH STREET, 39TH STREET AT THE INTERSECTION OF 39TH STREET AND ETA STREET, AND BIRCH STREET BETWEEN OSBORN STREET AND 40TH STREET
ALLEY VACATION - IN BLOCK 1 OF BAY OCEAN VIEW MAP NO. 1316
 ALL FOR PROPOSED PARCEL MAP (I.D. NO. 96-035)

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 1 OF 3 SHEETS	SA 95-527 V. D. NO. 120102
ORIGINAL	P&A				<i>Alex Haines</i> FOR CITY ENGINEER	1830-6295 NAD 83 COORDINATES
						190-1735 LAMBERT COORDINATES
						18492-1-B

DOCUMENT NO. **2288494**
 FILED **MAR 31 1997**
 OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA



LEGEND

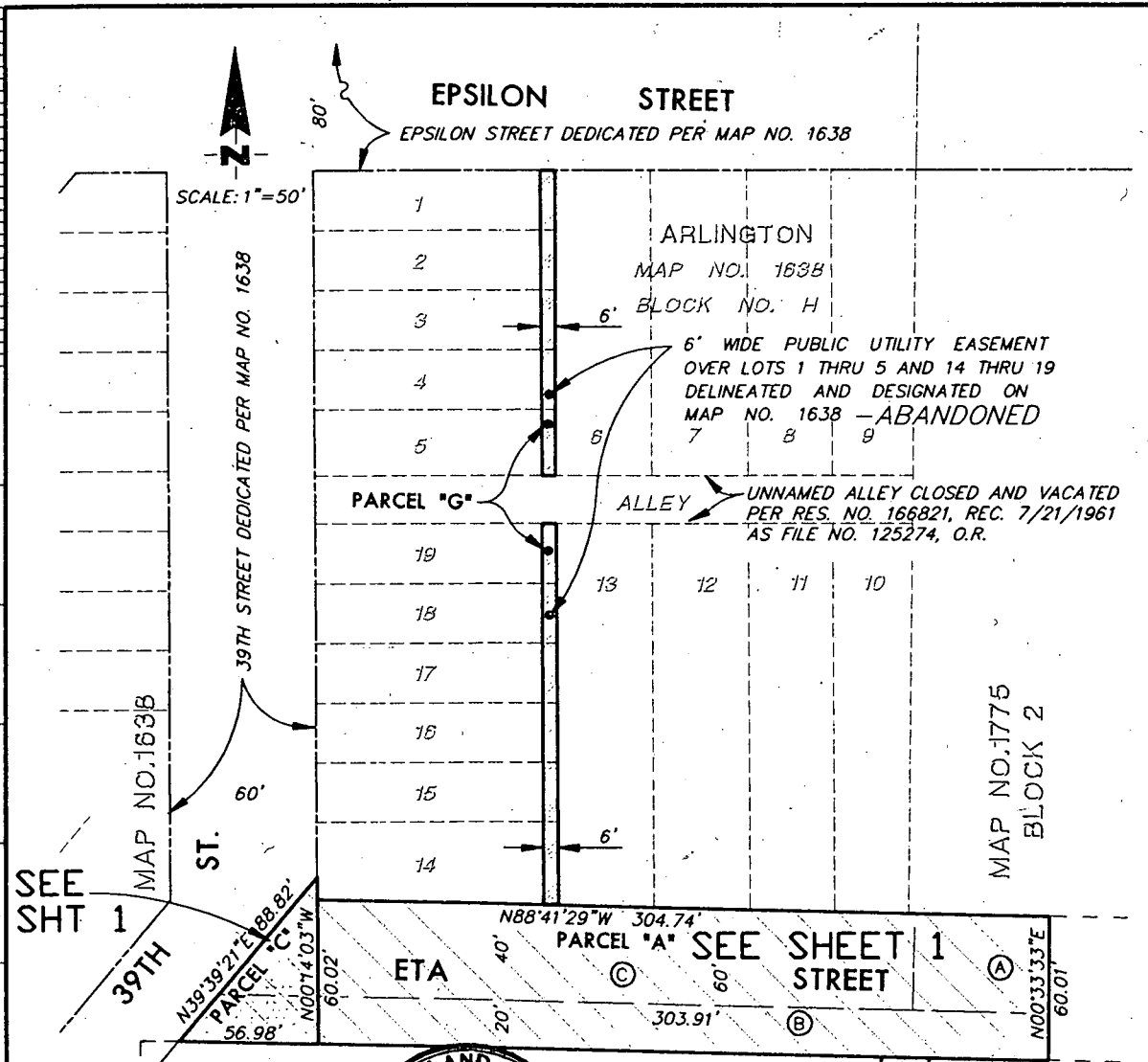
- (A) PORTION OF ETA ST. DEDICATED PER MAP NO. 1775
- (B) PORTION OF ETA ST. & ALLEY DEDICATED PER MAP NO. 1316
- (C) PORTION OF ETA ST. & 39TH ST. DEDICATED PER MAP NO. 1638
- (D) PORTION OF ETA ST. & ALLEY CLOSED & VACATED PER CITY OF SAN DIEGO RESOLUTION NO. 166821 REC. 7/21/1961 AS FILE NO. 125274, O.R. (CITY DWG. NO. 8429-B)
- (E) PORTION OF ETA ST. CLOSED & VACATED TO PUBLIC PER CITY OF SAN DIEGO RESOLUTION NO. 73957 ADOPTED 4/22/1941 (SEE CITY DWG NO. 10550-B)
- (F) PORTION OF ETA ST. DEDICATED PER MAP NO. 1455
- ▭ PARCEL "E" = PORTION OF ETA STREET VACATED = 0.001 ACRE
- ▭ PARCEL "F" = BIRCH STREET VACATED = 0.005 ACRE

ENGINEER OF WORK: Nov 6, 1996
 DATE
Mary M. Acosta
 MARY M. ACOSTA PLS 6664
 LICENSE EXPIRATION DATE: 6/30/2000
POUNTNEY ASSOCIATES
 POUNTNEY & ASSOCIATES, INC
 4455 MURPHY CANYON ROAD, SUITE 200
 SAN DIEGO, CALIFORNIA 92123
 PHONE: (619)576-9200

STREET VACATION - ETA STREET EAST OF 39TH STREET, 39TH STREET AT THE INTERSECTION OF 39TH STREET AND ETA STREET, AND BIRCH STREET BETWEEN OSBORN STREET AND 40TH STREET
ALLEY VACATION - IN BLOCK 1 OF BAY OCEAN VIEW MAP NO. 1316
 ALL FOR PROPOSED PARCEL MAP (I.D. NO. 96-035)

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 2 OF 3 SHEETS	SA 95-527 V. D. NO. 120102
ORIGINAL	P&A				<i>See Harms</i> FOR CITY ENGINEER	1830-6295 MAD 83 COORDINATES
					2-28-97 DATE	190-1735 LAMBERT COORDINATES
					DIVISION HEAD	18492-2-B
					SECTION HEAD	

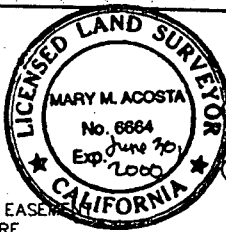
R-288494



LEGEND

PARCEL "A"
= ETA STREET VACATED
= 0.419 ACRE

PARCEL "G"
6' WIDE PUBLIC UTILITY EASEMENT
ABANDONED = 0.04 ACRE



- (A) PORTION OF ETA ST. DEDICATED PER MAP NO. 1775
- (B) PORTION OF ETA ST. & ALLEY DEDICATED PER MAP NO. 1316
- (C) PORTION OF ETA ST. & 39TH ST. DEDICATED PER MAP NO. 1638

ENGINEER OF WORK: 2-28-97
DATE

Mary M. Acosta
MARY M. ACOSTA PLS 6664
LICENSE EXPIRATION DATE: 6/30/2000
POCKET ASSOCIATES
POUNTNEY & ASSOCIATES, INC.
4455 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92123
PHONE: (619)576-9200

STREET VACATION - ETA STREET EAST OF 39TH STREET, 39TH STREET AT THE INTERSECTION OF 39TH STREET AND ETA STREET, AND BIRCH STREET BETWEEN OSBORN STREET AND 40TH STREET

ALLEY VACATION - IN BLOCK 1 OF BAY OCEAN VIEW MAP NO. 1316 ALL FOR PROPOSED PARCEL MAP (I.D. NO. 96-035)

EASEMENT ABANDONMENT - PUBLIC UTILITY EASEMENT ABANDONMENT-IN LOTS 1 THRU 5 AND 14 THRU 19 PER MAP NO. 1638

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA ENGINEERING DEPARTMENT SHEET 3 OF 3 SHEETS	SA 95-527 V. D. NO. 120102
ORIGINAL	P&A				<u>Sheila Hennessy</u> FOR CITY ENGINEER	DATE <u>2-28-97</u> HAD 83 COORDINATES
					DIVISION HEAD	LAMBERT COORDINATES
					SECTION HEAD	18492-3-B

R-288494