

RESOLUTION NUMBER R- 290912

ADOPTED ON NOV 10 1998

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of public streets 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, the abutting property owner has requested the partial vacation of Olive Street in order to remedy a non-conforming condition; and

WHEREAS, the portion of Olive Street proposed for vacation contains a public service easement, specifically a sewer and water easement, which will be reserved.

WHEREAS, the City Council finds that:

(a) there is no present or prospective use that portion of the street proposed for vacation 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 portion of the right-of-way proposed for vacation is not needed for public street, bikeway, or open space purposes; and

(b) the public will benefit from the vacation through improved utilization of land; and

(c) the vacation is not inconsistent with the General Plan or an approved Community Plan; and

(d) those properties adjoining that portion of the street to be vacated will continue to have access; and

(e) 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:

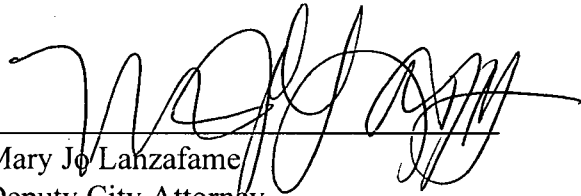
1. That a portion of Olive Street, as more particularly shown on Drawing No. 18801-B on file in the office of the City Clerk as Document No. RR- 290912, which are attached hereto as Exhibit "A" and made a part hereof, is ordered vacated.

2. That the vacation shall be conditioned upon and not become effective unless and until the applicant shall obtain an Encroachment Removal Agreement for a carport and shed in a sewer and water easement, satisfactory to the City Engineer. In the event that this is not accomplished within one year following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

2. That upon notification from the City Engineer of the satisfactory recordation of the Encroachment Removal Agreement, the City Clerk shall 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.

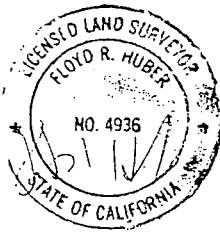
APPROVED: CASEY GWINN, City Attorney

By

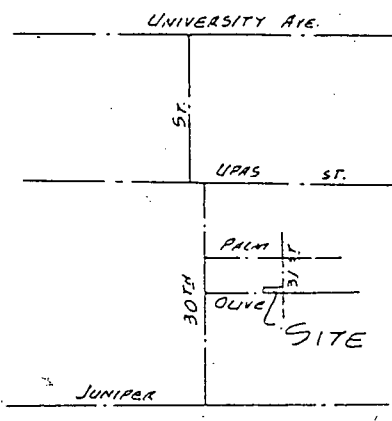


Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
10/22/98
Or.Dept:Dev.Svcs.
WO:120102
Dwg:18835-B
R-99-476
Form=sumv.frm



EXPIRES Dec. 2000

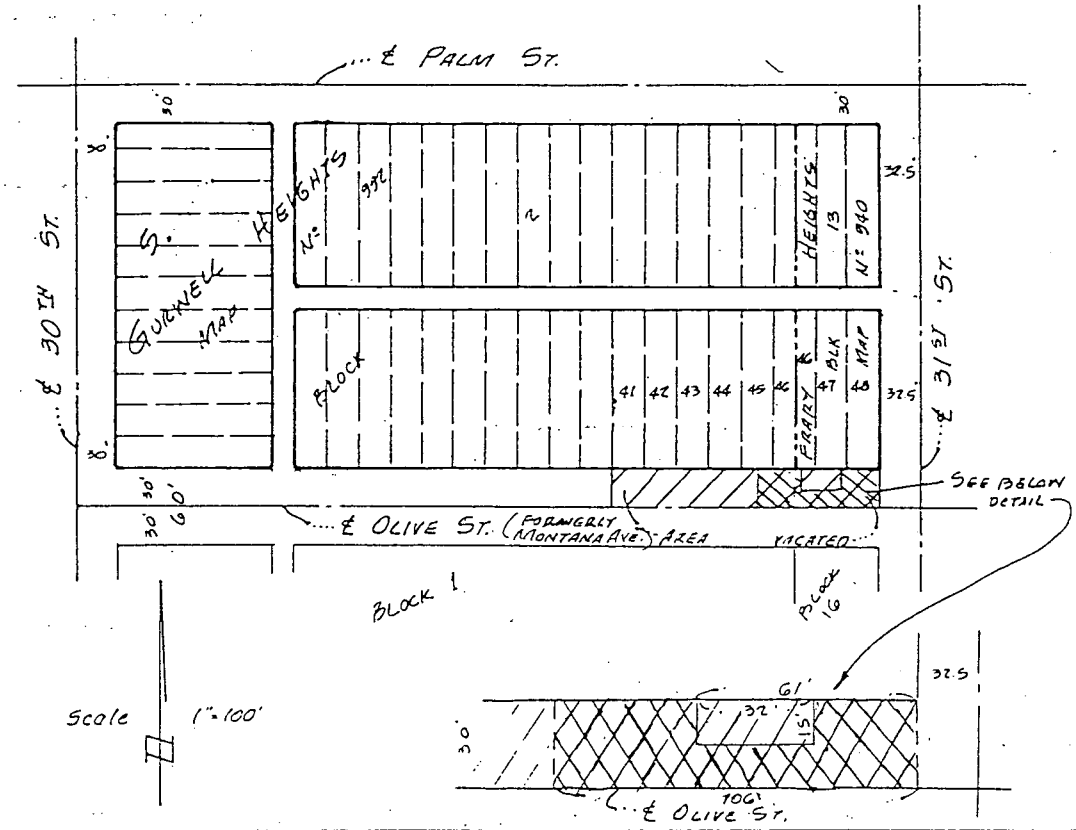


VICINITY MAP
NO SCALE

LEGEND

- STREET VACATION
- SEWER & WATER ESM'T RESERVED FROM STREET VACATION

REFERENCES
 MAP N° 940
 MAP N° 992
 A.P.N. 453-651-14
 A.P.N. 453-661-4



Scale 1"=100'

HUBER & ASSOCIATES
 P.O. Box 4008
 SAN DIEGO, CA. 92164
 619-280-4505
 Floyd Huber
 August 31, 1998
 DATE

STREET VACATION & SEWER and WATER EASEMENT RESERVATION OF
 A PORTION OF OLIVE STREET
 EAST OF 30TH STREET & WEST OF 31TH STREET

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL					SA 97-521 W.O. 120102 NO.	
					SHEET 1 OF 1 SHEETS	
					<i>[Signature]</i> FOR CITY ENGINEER	9-18-98 DATE
						1847.6289 NAD 83 COORDINATES
						207, 1729 LAMBERT COORDINATES
						18801 -B

DOCUMENT NO. R-290912
 NOV 10 1998
 FILED

OFFICE OF THE CITY CLERK
 SAN DIEGO, CALIFORNIA

EXHIBIT "A"

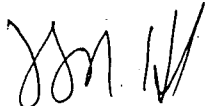
LEGAL DESCRIPTION OF STREET VACATION AND
WATER AND SEWER EASEMENT RESERVATION

LEGAL DESCRIPTION OF STREET VACATION

That portion of the northerly 30.00 feet of Olive Street, formerly Montana Ave., adjoining Lots 46, 47 and 48 of Block 13 of FRARY HEIGHTS, Map 940, recorded on March 9, 1905, and the northerly 30.00 feet of Olive Street adjoining Lots 41, 42, 43, 44, 45 and 46 in Block 2 of S. GURWELL HEIGHTS, Map 992, recorded on June 4, 1906, all in the City of San Diego, County of San Diego, State of California, as recorded in the official records of said County;

reserving a water and sewer easement in the easterly 106.00 feet of the northerly 30.00 feet of said Olive Street, adjoining said Lots 46, 47 and 48 of Block 13 of Map 940, and adjoining said Lots 41, 42, 43, 44, 45 and 46 in Block 2 of said Map 992.

Excepting from said water and sewer easement reservation the northerly 15.00 feet of the westerly 32.00 feet of the easterly 61.00 feet.



Signature:

SEP 9, 98

date

Floyd Huber

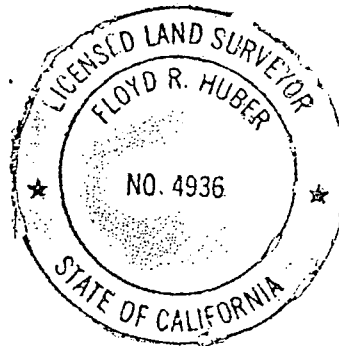
Name:

License Number:

LS4936

Expiration Date:

Dec. 2000



Drawing Number:

18801-B

W.O. Number:

120102

R- 290912