

RESOLUTION NUMBER R- 293924

ADOPTED ON OCT 3 2000

WHEREAS, Section 8330 et seq. of the California Streets and Highways Code provides a procedure for the summary vacation of public street easements by City Council resolution where the easement is no longer required; and

WHEREAS, the affected property owner has requested the vacation of a portion of Linwood Street, to unencumber this property and facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the easement 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

(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) 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 Linwood Street, as more particularly shown on Drawing No. 18729-B, and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk as Document No. RR- 293924, which is by this reference incorporated herein and made a

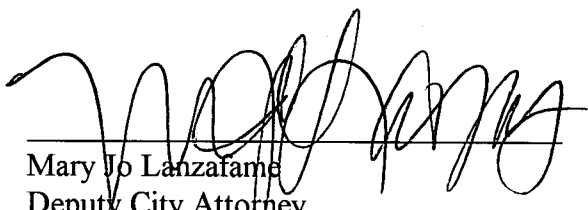
part hereof, is ordered vacated, and the area shown on Drawing No. 18729-B designated as a general utilities easement is reserved as an general utilities easement for the construction and maintenance of public utilities and appurtenances thereto with the right of ingress and egress for such purposes.

2. That the vacation shall be conditioned upon and not become effective unless and until the installation of a curb cut and the cut-and-plug of a water main has been inspected and accepted by the City Engineer. In the event that this construction is not accomplished within three years following the adoption of this resolution, this resolution shall become void and be of no further force or effect.

3. That upon notification from the City Engineer of the satisfactory installation of the public improvements, 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:pev
7/18/00
Or.Dept:PDR
SA:97-504
WO:120102
Dwg:18729-B
R-2001-144
Form=sumv.frm

Exhibit 'A'
Street Vacation

That portion of Linwood Street as dedicated by Middletown Addition in the City of San Diego, County of San Diego, State of California, according to referee's partition map thereof made in an act entitled "Roark et al vs Forward et al" on May 11, 1894 on file in the office of the county clerk of San Diego County in an action No. 5014 Superior Court, bounded northwesterly by the southeasterly right-of-way line of Keating Street as dedicated by said Middletown Addition according to said S.C.C. No. 5014 thereof, and bounded by the northwesterly right-of-way line of Washington Street dedicated per City of San Diego ordinance No. 3247, dated September 20, 1946, as Document No. 364673, at Book 50, page 478 of Official Records, said Northerly right-of-way of Washington Street being more particularly described as follows:

Beginning at the most southerly corner of Lot 5, Block 40 of said Middletown Addition, thence South 54° 14' East 5.00 feet along the northeasterly right-of-way line of said Linwood Street, thence South 36° 09' West 50.00 feet along the right-of-way line of said Washington Street, thence North 54° 14' West 30.00 feet along said southwesterly right-of-way of said Linwood Street.

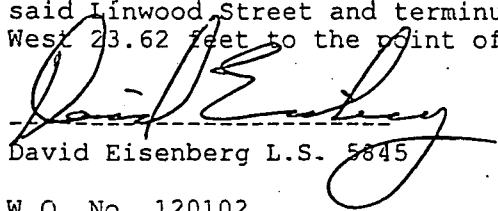
Reserving therefrom the following easement for SDG&E, Cox Cable and Pacific Bell;

a 12 foot wide strip of land, the southwesterly line of which is parallel with and 2 feet northeasterly of the southwesterly right-of-way line of said Linwood Street, said line beginning in the southeasterly right-of-way line of said Keating Street and running South 53° 42' 00" East 130.00 feet to a terminus in said northwesterly right-of-way of Washington Street.

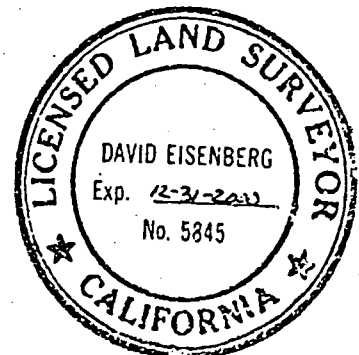
Reserving therefrom the following easements for SDG&E;

a 6 foot wide strip of land, the northeasterly line of which is described as follows; beginning at the westerly corner of lot 1 in Block 40 of said Middletown Addition, thence South 36° 36' 41" West 14.00 feet along the southeasterly right-of-way line of said Keating Street to the True Point of Beginning, thence South 54° 40' 56" East 112.93 feet to the terminus of said line, thence North 35° 19' 04" East 12.06 feet to the northeasterly right-of-way line of said Linwood Street, thence North 53° 42' 00" West 112.63 feet to the point of beginning.

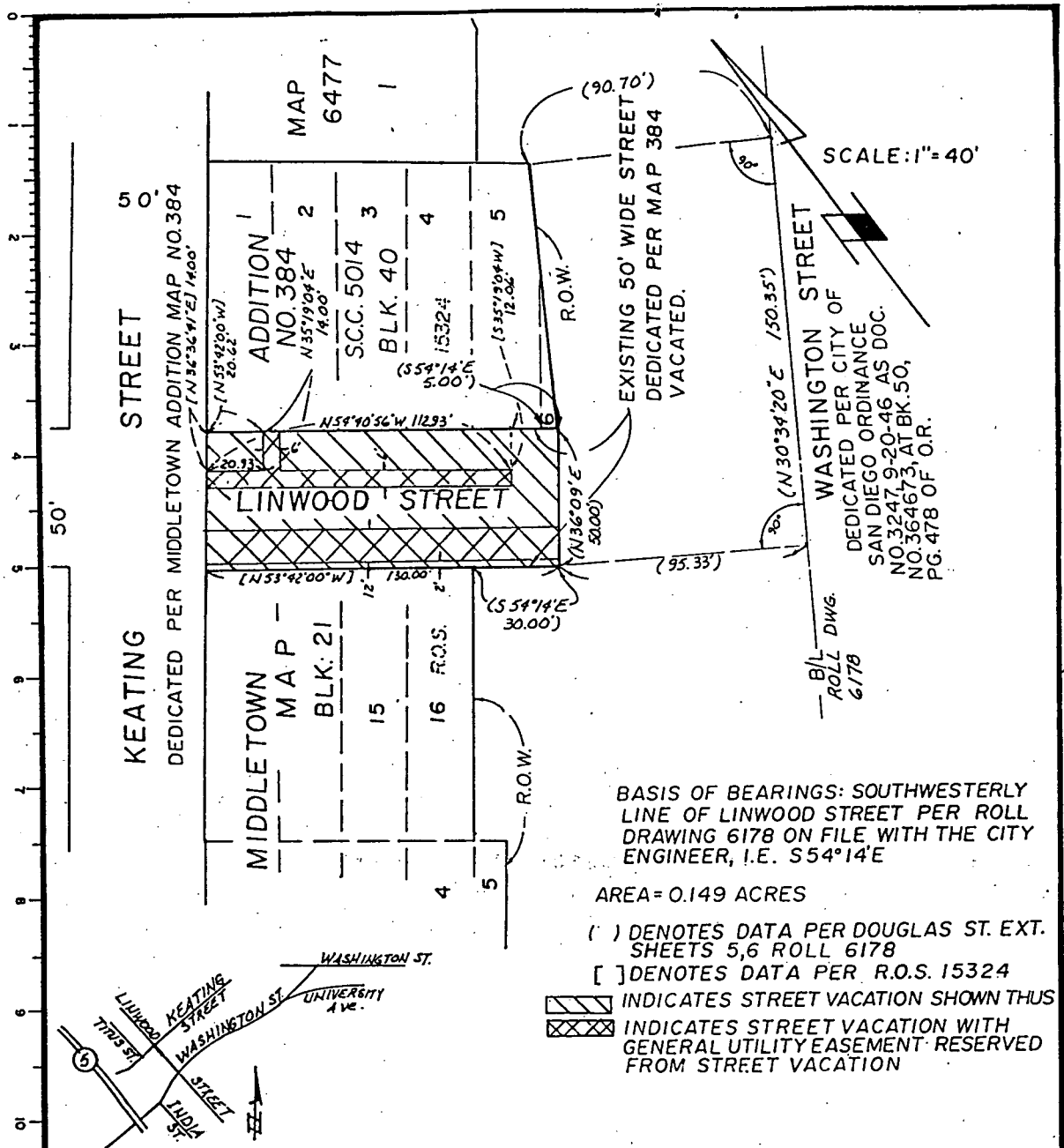
Also reserving a 6 foot wide strip of land, the northwesterly line of which is described as follows; beginning at the westerly corner of said lot 1, thence South 36° 36' 41" West 14.00 feet along the southeasterly right-of-way line of said Keating Street, thence South 54° 40' 56" East 20.93 feet to the True Point of Beginning, thence North 35° 19' 04" East 14.00 feet to the northeasterly right-of-way line of said Linwood Street and terminus of easement, thence North 53° 42' 00" West 23.62 feet to the point of beginning.


David Eisenberg L.S. 5845

W.O. No. 120102
SA 97-504
DWG. 18729-B



R-293924



SCALE: 1" = 40'

BASIS OF BEARINGS: SOUTHWESTERLY LINE OF LINWOOD STREET PER ROLL DRAWING 6178 ON FILE WITH THE CITY ENGINEER, I.E. S54°14'E

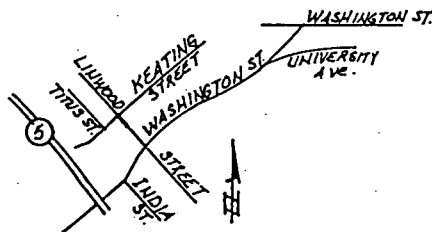
AREA = 0.149 ACRES

() DENOTES DATA PER DOUGLAS ST. EXT. SHEETS 5,6 ROLL 6178

[] DENOTES DATA PER R.O.S. 15324

[Hatched] INDICATES STREET VACATION SHOWN THUS

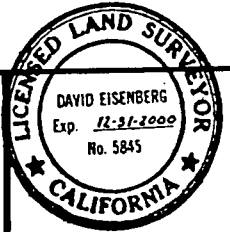
[Cross-hatched] INDICATES STREET VACATION WITH GENERAL UTILITY EASEMENT RESERVED FROM STREET VACATION



VICINITY MAP NO SCALE

ASSESSOR'S PARCEL NO. 451-212-03,04 451-213-03,04,05.

IRON MTN. LAND SURVEYS
 P.O. BOX 1047
 JULIAN, CA 92036-1047
 DAVID EISENBERG LS.5845



STREET VACATION WITH GENERAL UTILITY EASEMENT RESERVATION AND BUILDING RESTRICTED EASEMENT IN LINWOOD STREET BETWEEN KEATING STREET AND WASHINGTON STREET

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	SA 97-504
ORIGINAL					SHEET 1 OF 1 SHEET	W.O. NO. 120102
					<i>Redden</i> FOR CITY ENGINEER	1850 - 6274 NAD 83 COORDINATES
					3-16-99 DATE	210-1713 LAMBERT COORDINATES
						18729 -B

A-293924