

RESOLUTION NUMBER R- 296777

ADOPTED ON JUL 09 2002

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 the a portion of 40th Street and the Alley in Block 39 of Map 1007 easement within, to facilitate development of the site; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use 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:

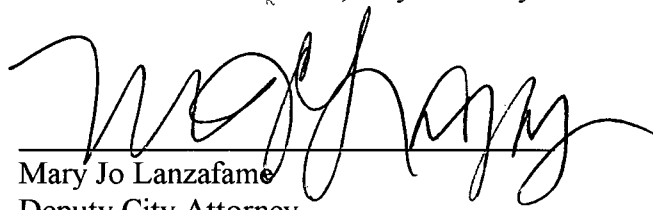
1. That the street vacation, as more particularly shown on Drawing No. 00075-C, and described in the legal description marked as Exhibit "A," on file in the office of the City Clerk as

Document No. RR- 296777, which is by this reference incorporated herein and made a part hereof, is ordered vacated.

2. That the City Clerk shall cause a certified copy of this resolution, 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
6/24/02
06/26/02 Cor. Copy
Or. Dept: Plan.
R-2003-29
Form=sumv.frm

EXHIBIT "A"

PARCEL "A" - 40th Street Vacation

All that portion of 40th Street adjoining Block 39 to the East, of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906, described as follows:

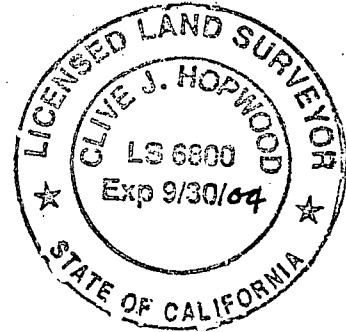
BEGINNING at the Northeast corner of Lot 48 of said Block 39; thence South 89°05'49" East, 40.00 feet to the centerline of 40th Street; thence along said centerline, South 01°02'56" West, 374.40 feet to a line that bears South 88°57'04" East from the most Northerly corner of that certain parcel of land granted to the City of San Diego in Director's Deed recorded September 13, 2001 as File No. 2001- 0657047 of Official Records; thence North 88°57'04" West, 40.00 feet to said Northerly corner, said corner being also on the Easterly line of said Block 39; thence along said Easterly line, North 01°02'56" East, 374.30 feet to the POINT OF BEGINNING.

Contains 0.344 acres, more or less.

C. J. Hopwood

6/17/02

Clive J. Hopwood P.L.S. 6800 Date
Expiration: 9-30-04



W.O. 411089
DWG. 00075-C
S.A. 01-558

EXHIBIT "A-1"

PARCEL "B" - 40th Street Vacation

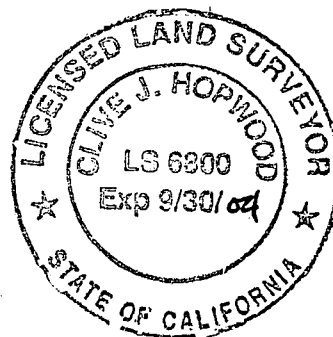
All that portion of 40th Street adjoining Block 39 to the East, of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906, described as follows:

COMMENCING at the Northeast corner of Lot 48 of said Block 39; thence South 89°05'49" East, 40.00 feet to the centerline of 40th Street and the TRUE POINT OF BEGINNING; thence South 89°05'49" East, 19.22 feet to the Westerly right-of-way line of California State Highway 11-SD-15 (Interstate 15); thence along said Westerly right-of-way line the following seven (7) courses: South 01°02'41" West, 228.05 feet to the beginning of a tangent 499.00 foot radius curve, concave to the West; thence Southerly, along said curve, through a central angle of 10°27'24" an arc distance of 91.07 feet; thence South 11°30'05" West, 101.61 feet to the beginning of a tangent 346.75 foot radius curve, concave to the West; thence Southerly, along said curve, through a central angle of 06°58'15" an arc distance of 42.19 feet, to the beginning of a reverse 207.25 foot radius curve, concave to the East, a radial to said point bears North 71°31'40" West; thence Southerly, along said curve, through a central angle of 14°45'11" an arc distance of 53.36 feet; thence South 03°43'09" West, 65.18 feet; thence North 89°00'50" West, 10.05' feet to the Easterly line of said Block 39; thence along said Easterly line of Block 39, North 01°02'56" East, 202.53 feet to the most Northerly corner of that certain parcel of land granted to the City of San Diego in Director's Deed recorded September 13, 2001 as File No. 0657047 of Official Records; thence leaving along said Easterly line, South 88°57'04" East, 40.00 feet to said centerline of 40th Street; thence along said centerline, North 01°02'56" East, 374.40 feet to the TRUE POINT OF BEGINNING.

Contains 0.243 acres, more or less.

C. J. Hopwood *6/17/02*

Clive J. Hopwood P.L.S. 6800 Date
Expiration: 9-30-04



W.O. 411089
DWG. 00075-C
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EXHIBIT "A-2"

PARCEL "C" - Unnamed Alley Vacation

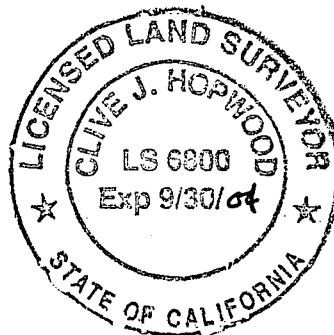
That portion of Block 39 of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906, described as follows:

All that portion of the Unnamed Alley in Block 39 per City Heights, Map No. 1007, vacated.

Contains 0.276 acres, more or less.

C. J. Hopwood *6/17/02*

Clive J. Hopwood P.L.S. 6800 Date
Expiration: 9-30-04



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S.A. 01-558

R-296777

EXHIBIT "A-3"

PARCEL "D" - 40th Street Vacation

All that portion of Lots 25 through 34 inclusive, in Block 39 of City Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1007, filed in the Office of the County Recorder of San Diego County, October 3, 1906, described as follows:

COMMENCING at the Northeast corner of Lot 48 of said Block 39; thence along the Easterly line of said Block 39, South 01°02'56" West, 374.30 feet to the TRUE POINT OF BEGINNING, said point being the most Northerly corner of that certain parcel of land granted to the City of San Diego in Director's Deed recorded September 13, 2001 as File No. 2001- 0657047 of Official Records; thence continuing along said Easterly line, South 01°02'56" West, 202.53 feet to the Westerly Right of Way line of California State Highway 11-SD-15 (Interstate 15); thence along said Westerly Right of Way line, North 89°00'50" West, 8.39 feet to the Easterly line of City of San Diego's land described in said Director's Deed; thence along said Easterly line the following six (6) courses: North 01°02'56" East, 49.27 feet to the beginning of a tangent 20.00 foot radius curve, concave to the Southwest; thence Northwesterly, along said curve, through a central angle of 84°26'09" an arc distance of 29.47 feet, to the beginning of a reverse 45.00 foot radius curve, concave to the East, a radial to said point bears South 06°36'47" West; thence Northwesterly, Northerly and Northeasterly, along said curve, through a central angle of 172°14'13" an arc distance of 135.27 feet, to the beginning of a reverse 20.00 foot radius curve, concave to the Northwest, a radial to said point bears South 01°09'00" East; thence Northeasterly, along said curve, through a central angle of 77°20'47" an arc distance of 27.00 feet; thence North 11°30'13" East, 1.20 feet; thence North 11°15'49" East, 26.49 feet to the TRUE POINT OF BEGINNING.

Contains 0.139 acres, more or less.

Clive J. Hopwood 6/17/02.
Clive J. Hopwood P.L.S. 6800 Date
Expiration: 9-30-04



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