

RESOLUTION NUMBER R- 296779

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 adjacent property owners, and the State of California, have requested the vacation of a portion of Rosecrans Street to facilitate development of the site as more particularly described in the Agreement for Street Vacations and Construction of Public Improvements between the City of San Diego and the State of California; and

WHEREAS, the City Council finds that:

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

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

(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:

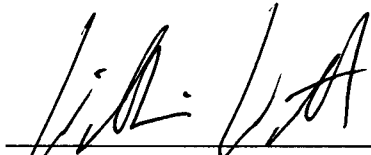
1. That the portion of Rosecrans Street, as more particularly shown on Drawing No. 19704-B, attached as Exhibit "C", and as described in the legal description, attached as Exhibit "D", is ordered vacated.

2. That this resolution shall not become effective unless and until the Agreement for Street Vacations and Construction of Public Improvements between the City of San Diego and the State of California, on file in the Office of the City Clerk as Document No. RR- **296780** is approved by the Council.

3. That the City Engineer shall advise the City Clerk of the completion of the conditions of the Agreement for Street Vacations and Construction of Public Improvements, and the City Clerk shall then cause a certified copy of this resolution, Exhibit "C", and Exhibit "D" attested by him under seal, to be recorded in the Office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By



William Witt
Deputy City Attorney

WWW:cdk
06/13/02
Orig.Dept. Dev.Srvcs.
W.O. No. 120102
R-2002-1674

PARCEL MAP NO.

SHEET 1 OF 4 SHEETS

OWNER'S STATEMENT

WE THE OWNERS OF, OR ARE INTERESTED IN THE PROPERTY COVERED BY THIS MAP HEREBY APPROVE SAID MAP AND THE PLUMB THEREOF.

WE HEREBY DEDICATE FOR PUBLIC USE A PORTION OF ROSECRANS STREET AND SUNSET STREET FOR USE AS A PUBLIC STREET AND APPURTENANCES THERETO, AS SHOWN ON THIS PARCEL MAP.

WE HEREBY GRANT TO THE CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, THE EASEMENT WITH THE RIGHT OF INGRESS AND EGRESS FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER FACILITIES DESIGNATED AS "SEWER EASEMENT GRANTED HEREON", AS SHOWN ON THIS MAP WITHIN THIS PARCEL MAP, RESERVING, HOWEVER, TO THE OWNER OF THE FEE UNDERLYING SAID EASEMENTS HERIN GRANTED THE CONTINUED USE OF THE SURFACE OF SAID REAL PROPERTY AND SUBJECT TO THE FOLLOWING CONDITIONS: THE ERRECTING OF BUILDINGS, MASONRY FENCES, MASONRY WALLS AND OTHER STRUCTURES; OR THE PLANTING OR GROWING OF TREES OR SHRUBS, OR CHANGING THE SURFACE GRADE; OR THE INSTALLATION OF PRIVATELY OWNED PIPELINE SHALL BE PROHIBITED UNLESS AN ENCROACHMENT PERMIT IS FIRST OBTAINED FROM THE CITY ENGINEER PURSUANT TO THE MUNICIPAL CODE.

THE STATE OF CALIFORNIA
BY: DIRECTOR, DEPARTMENT OF GENERAL SERVICES

BY _____
STATE OF CALIFORNIA } }
COUNTY OF _____ } }
ON _____ BEFORE ME, _____
A NOTARY PUBLIC, PERSONALLY

APPEARED _____ AND
PERSONALLY KNOWN TO ME OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.
WITNESS MY HAND
SIGNATURE: _____

PRINT NAME: _____
MY COMMISSION EXPIRES ON _____
MY PRINCIPAL PLACE OF BUSINESS IS IN _____ COUNTY.

TITLE REPORT BY FIRST AMERICAN TITLE INSURANCE COMPANY AS ORDER NO. 1244094-6.
-TOTAL ACRES: 18.433
-NUMBER OF PARCELS: 2

AN EASEMENT FOR SEWER PURPOSES GRANTED TO THE CITY OF SAN DIEGO RECORDED DECEMBER 3, 1931 IN BOOK 4309, PAGE 22 OF OFFICIAL RECORDS; AN EASEMENT FOR SEWER, WATER, DRAINAGE, AND PUBLIC UTILITY PURPOSES DEDICATED TO THE CITY OF SAN DIEGO ON MAP OF OLD SAN DIEGO RESUBDIVISION NO. 2 ACCORDING TO MAP THEREOF NO. 4079; AN EASEMENT FOR SEWER RECORDED JUNE 10, 1931 IN BOOK 4491, PAGE 70 OF OFFICIAL RECORDS; PORTIONS OF SUNSET STREET, GAINES STREET, JUAN STREET, AND ROSECRANS STREET AS DEDICATED ON THE MAP OF OLD SAN DIEGO MADE BY JAMES PASCOE IN MARCH, 1870. A CERTIFIED COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, DECEMBER 12, 1921 AND IS KNOWN AS MISCELLANEOUS MAP NO. 40, AND THAT PORTION OF SUNSET STREET AS DEDICATED ON THE MAP OF OLD SAN DIEGO RESUBDIVISION NO. 2 ACCORDING TO MAP THEREOF NO. 4079, ARE NOT SHOWN WITHIN THIS PARCEL MAP BECAUSE THEY HAVE BEEN VACATED PURSUANT TO SECTION 66443(d) OF THE STATE SUBDIVISION MAP ACT.

LEGEND

- FOUND LEAD & DISK STAMPED "CED" PER CITY FIELD NOTES, NO. 121271, DATED 12-12-1991
- FOUND 3/4" IRON PIPE W/DISK STAMPED "DIV OF HWYS" PER M.S. NO 674 OR AS OTHERWISE NOTED
- ① FOUND 1.5" LP. W/ PLUG STAMPED "USH" PER C.R. NO. 7334
- ② FOUND 1" LP. W/ DISK STAMPED "LS 2317" PER ROS NO. 1704
- ③ FOUND 1.5" LP. W/ DISK STAMPED "CED" PER M.S. NO 674
- ④ FOUND 1.5" LP. W/ DISK ILLIGIBLE

- INDICATES SET 3/4"x18" IRON PIPE W/DISK STAMPED "LS 4307"
- INDICATES PARCEL MAP BOUNDARY
- INDICATES STATE HIGHWAY RIGHT-OF-WAY
- INDICATES ADJUTTER'S RIGHTS RELINQUISHED
- INDICATES RECORD DATA PER M.S. NO 40
- INDICATES RECORD DATA PER M.S. NO. 674, DISTANCES ARE IN GRID VALUES
- INDICATES RECORD DATA PER CITY THE SHEET NOS 525 & 526
- INDICATES RECORD DATA PER R.O.S. NO. 929

CITY CLERK'S STATEMENT

I, CITY CLERK OF THE CITY OF SAN DIEGO, CALIFORNIA, HEREBY CERTIFY THAT, BY RESOLUTION NO. _____ THE COUNCIL OF SAID CITY HAS APPROVED THIS MAP, INCLUDING THE VACATION OF THE STREETS AS INDICATED HEREON PURSUANT TO SECTION 66443(d) OF THE STATE SUBDIVISION MAP ACT AND HAS ACCEPTED THOSE ITEMS LISTED IN THE CERTIFICATE SIGNED BY THE OWNERS UNDER THE CONDITIONS EXPRESSED THEREIN.

IN WITNESS WHEREOF, SAID COUNCIL HAS CAUSED THESE PRESENTS TO BE EXECUTED BY THE CITY CLERK AND ATTESTED BY ITS SEAL THIS _____ DAY OF _____, 2001.

CHARLES C. ADELOUR, CITY CLERK. BY _____ DEPUTY

BEING A CONSOLIDATION OF LOTS 1 THRU 6 OF JUAN STREET ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2243, FILED IN THE OFFICE OF THE COUNTY RECORDER MAY 15, 1940; BLOCKS 379, 383, AND 386, AND PORTIONS OF BLOCKS 383, 384, 380, AND 397 OF OLD SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN MARCH, 1870, A CERTIFIED COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, DECEMBER 12, 1921 AND IS KNOWN AS MISCELLANEOUS MAP NO. 40; LOTS 1 THRU 4 OF OLD SAN DIEGO RESUBDIVISION NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 4079, FILED IN THE OFFICE OF THE RECORDER OF SAID SAN DIEGO COUNTY, FEBRUARY 6, 1959; TOGETHER WITH THAT PORTION OF CALHOUN STREET AS VACATED AND CLOSED TO PUBLIC USE; AND THAT PORTION OF SAN DIEGO AVENUE (FORMERLY GARDEN STREET) AS VACATED AND CLOSED TO PUBLIC USE ON DECEMBER 20, 1926 BY RESOLUTION NO. 40018; TOGETHER WITH THOSE PORTIONS OF GAINES STREET, SUNSET STREET (FORMERLY CLAY STREET), TAYLOR STREET, WEINMAN STREET, RILEY STREET, JUAN STREET, AND ROSECRANS STREET (FORMERLY SCOTT STREET) AS DEDICATED TO PUBLIC USE.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE STATE OF CALIFORNIA IN FEBRUARY OF 2001, AND I CERTIFY THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN, THAT ALL STAKES, MONUMENTS, AND MARKS SET, TOGETHER WITH THOSE FOUND, ARE OF THE CHARACTER INDICATED AND OCCUPY THE POSITIONS SHOWN HEREON AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED (SEE LEGEND ON SHEET NO. 1). I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

JAMES L. MEYER LS 4307
EXPIRATION: 8-30-2004
DATE: _____



CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT THIS MAP WAS EXAMINED BY ME OR UNDER MY DIRECT SUPERVISION, THAT IT SUBSTANTIALLY CONFORMS TO THE TENTATIVE MAP, IF ANY, AND WITH ANY APPROVED ALTERATIONS THEREOF; THAT IT COMPLIES WITH THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, AND THAT IT IS TECHNICALLY CORRECT.

FRANK BELOCK, JR., CITY ENGINEER

BY: _____
LEROY C. HENNES, DEPUTY
L.S. 4804
DATED: _____

RECORDER'S STATEMENT

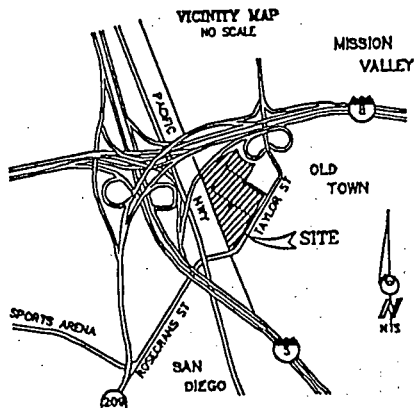
FILE NO. _____
FILED THIS _____ DAY OF _____, 2002 AT _____ AM/PM.
IN BOOK OF PARCEL MAPS AT PAGE _____
AT THE REQUEST OF JAMES L. MEYER.

GREGORY J. SMITH COUNTY RECORDER BY: _____ DEPUTY COUNTY RECORDER

FEES \$ 0.00

Burkett & Wong Engineers Job No. 7489a

NO. 032000 CCS 83C 1854-4767 LD. 99-851 T.P.M. NONE LC. 214-1707



296779

EXHIBIT "C" ATTACHMENT 3

PARCEL MAP NO.

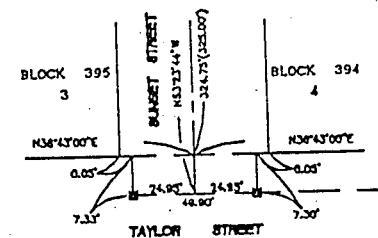
SHEET 2 OF 4 SHEETS

PROCEDURE OF SURVEY

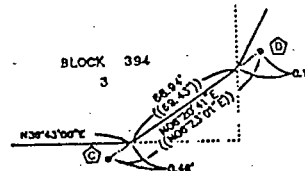
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS THE MAG. B.S. ZONE 6, GRID BEARING BETWEEN MONUMENT NO. 55 (N 1,837,763.13, E 8,260,087.44) AND NO. 3036 (N 1,852,483.77, E 8,270,663.12) PER RECORD OF SURVEY MAP NO. 14492. LE. N 10°33'32" W

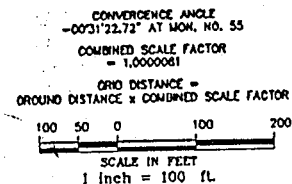
NOTE: SEE SHEET 4 FOR LOCATION OF EXISTING EASEMENTS NOT SHOWN ON THIS SHEET



DETAIL 'B'
NO SCALE

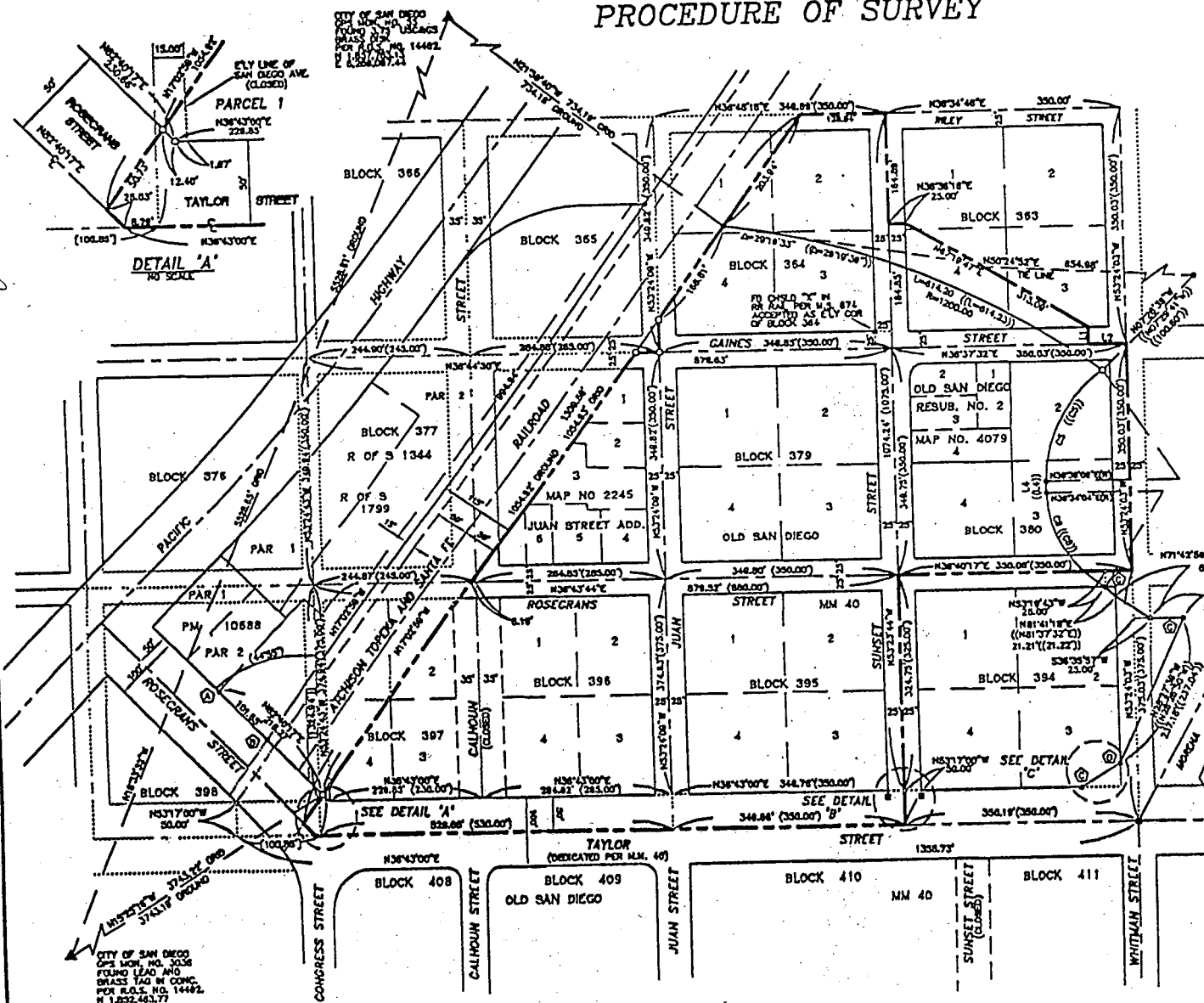


DETAIL 'C'
NO SCALE



Burkett & Wong Engineers Job No. 7489a

W.G. 032000 CCS BXC 1054-4267 I.D. 99-851 T.P.M. NONE L.C. 716-1707



296779

EXHIBIT "C"

ATTACHMENT 3

PARCEL MAP NO.

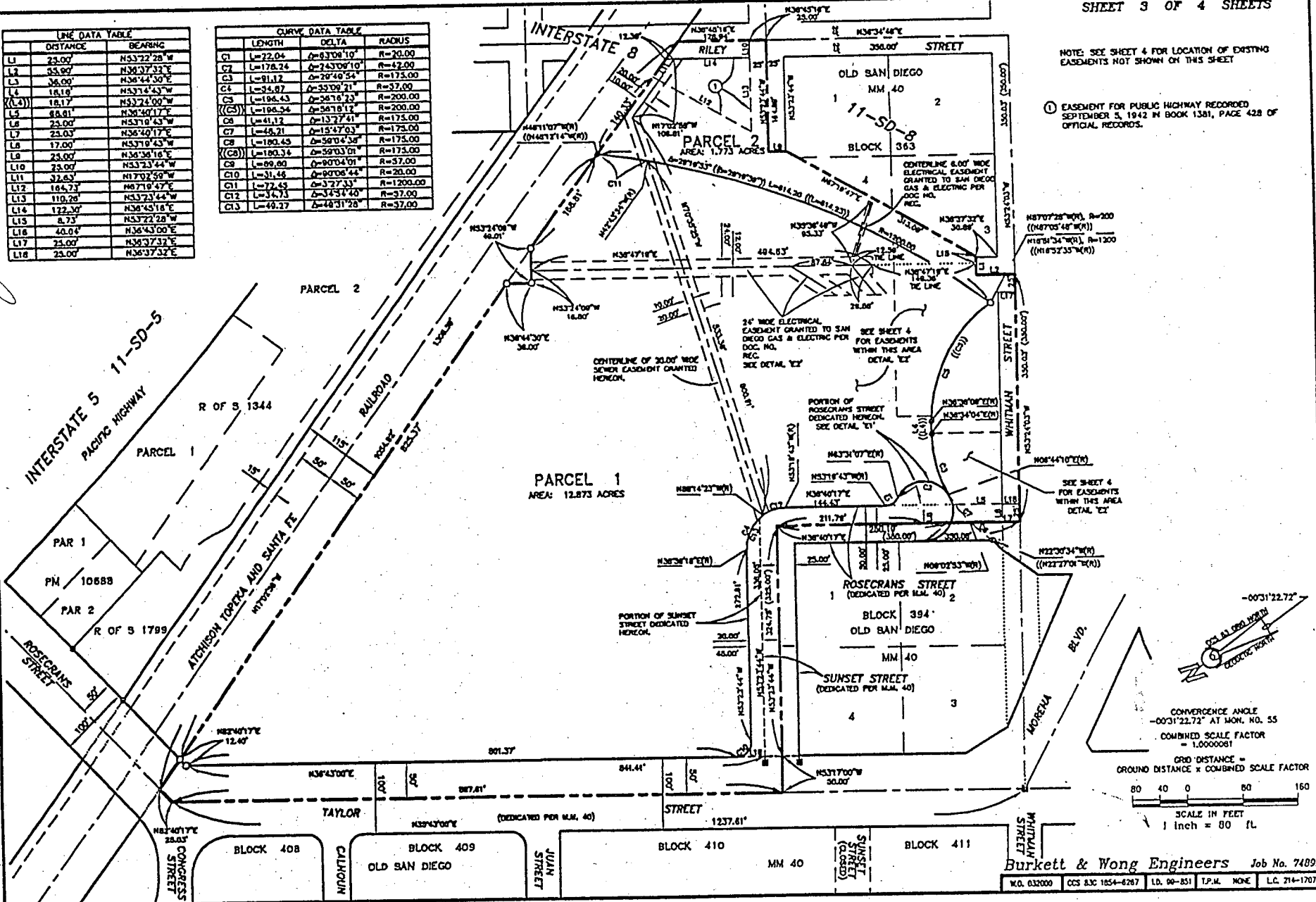
SHEET 3 OF 4 SHEETS

LINE DATA TABLE	
DISTANCE	BEARING
L1	23.00' N53°22'28"W
L2	35.00' N36°37'33"E
L3	26.00' N36°44'30"E
L4	16.16' N53°14'43"W
(L4)	16.17' N53°21'00"W
L5	84.81' N38°40'17"E
L6	25.00' N53°10'43"W
L7	25.00' N36°40'17"E
L8	17.00' N53°10'43"W
L9	23.00' N34°38'16"E
L10	25.00' N53°23'44"W
L11	37.63' N17°02'59"W
L12	164.37' N67°19'47"E
L13	110.29' N53°23'44"W
L14	172.30' N36°45'18"E
L15	8.73' N53°22'28"W
L16	40.00' N36°43'00"E
L17	25.00' N36°37'32"E
L18	25.00' N36°37'32"E

CURVE DATA TABLE		
LENGTH	DELTA	RADIUS
C1	L=72.04 Δ=83°06'10" R=20.00	
C2	L=178.24 Δ=233°00'10" R=12.00	
C3	L=81.12 Δ=20°40'54" R=12.00	
C4	L=34.82 Δ=23°08'21" R=32.00	
C5	L=194.43 Δ=25°16'23" R=200.00	
(C5)	L=194.34 Δ=25°18'12" R=200.00	
C6	L=41.12 Δ=13°27'41" R=175.00	
C7	L=48.21 Δ=15°47'03" R=175.00	
C8	L=180.43 Δ=58°04'38" R=175.00	
(C8)	L=180.34 Δ=58°03'01" R=175.00	
C9	L=89.60 Δ=80°04'01" R=37.00	
C10	L=31.46 Δ=80°06'44" R=20.00	
C11	L=72.43 Δ=37°27'33" R=1200.00	
C12	L=34.73 Δ=34°34'40" R=37.00	
C13	L=49.27 Δ=48°31'28" R=37.00	

NOTE: SEE SHEET 4 FOR LOCATION OF EXISTING EASEMENTS NOT SHOWN ON THIS SHEET

① EASEMENT FOR PUBLIC HIGHWAY RECORDED SEPTEMBER 3, 1942 IN BOOK 1381, PAGE 428 OF OFFICIAL RECORDS.



296779



EXHIBIT "C"

ATTACHMENT 3

Burkett & Wong Engineers Job No. 7489s

N.D. 032000 CCS 83C 1854-6267 I.D. 99-851 T.P.M. NONE L.C. 214-1707

STREET VACATION AND DEDICATION PLAT OLD TOWN CAL TRANS SITE

- LEGEND**
-  INDICATES PROPOSED STREET VACATION
 -  INDICATES PROPOSED STREET DEDICATION

R-296779

EXHIBIT "D"
ATTACHMENT 4

