

RESOLUTION NUMBER R- 299449

ADOPTED ON JUL 13 2004

WHEREAS, California Streets and Highways Code section 8330 et seq. 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 Morrell Street to unencumber this property, and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public right-of-way, for which either it 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 does not adversely affect 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 a portion of Morrell Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20128-B, marked as Exhibit "B," and on file


in the office of the City Clerk as Document Nos. RR- 299449 -1, and RR- 299449 -2

which are by this reference incorporated herein and made a part hereof, is ordered vacated, reserving therefrom a general utility and access easement for the maintenance and construction of a pedestrian ramp together with ingress and egress for that purpose.

2. That said street vacation is conditioned upon the removal of an existing fence and wall from the City right-of-way to be maintained, and the construction of a pedestrian ramp at the northeast corner of Morrell Street and Oliver Avenue, satisfactory to the City Engineer. In the event this condition is not completed within two years following the adoption of this resolution, then 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 cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: CASEY GWINN, City Attorney

By   
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William W. Witt  
Deputy City Attorney

WWW:pev  
06/24/04  
Or.Dept: DSD  
R-2005-11

EXHIBIT "A"

PARTIAL STREET VACATION WITH  
GENERAL UTILITY AND ACCESS EASEMENT RESERVED

THAT PORTION OF MORREL STREET ADJOINING LOT 40, IN BLOCK 281, ACCORDING TO MAP THEREOF NO. 922, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BOUNDED ON THE NORTH BY AN UNNAMED 20 FOOT ALLEY AND ON THE SOUTH BY OLIVER AVE, SAID PORTION BEING 10 FEET IN WIDTH, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 40, BEING THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF MORREL STREET WITH THE NORTH RIGHT OF WAY OF OLIVER AVENUE, THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE OF MORREL STREET AND LOT 40, A DISTANCE OF 125.00 FEET TO THE NORTH WEST CORNER OF SAID LOT 40, ALSO BEING A POINT ON THE SOUTHERLY RIGHT WAY LINE OF SAID UNNAMED 20 FOOT ALLEY; THENCE LEAVING SAID COMMON LINE WITH LOT 40 AND MORREL STREET, WESTERLY AND PERPENDICULAR TO SAID RIGHT OF WAY OF MORREL STREET, A DISTANCE OF 10.00 FEET, THENCE; SOUTHERLY, PARALLEL WITH SAID LOT 40 AND RIGHT OF WAY LINE OF MORREL STREET A DISTANCE OF 125.00 FEET, THENCE; EASTERLY, A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

RESERVING THEREFROM, A GENERAL EASEMENT FOR PUBLIC UTILITIES AND ACCESS FOR SAID UTILITIES.

SAID LAND CONTAINS 1,250.0 SQUARE FEET , MORE OR LESS.



*Rudy P. Pacheco*  
1/29/04

596.leg

DOCUMENT NO. RR-299449-1  
FILED JUL 13 2004  
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

*RR-299449*

