

RESOLUTION NUMBER R- 300057

ADOPTED ON JAN 24 2005

WHEREAS, section 8330 et seq. of the California Streets and Highways Code and San Diego Municipal Code section 125.1001 et seq. provides a procedure for the summary vacation of public service easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owner has requested the vacation of the sewer easement in Lots 1 through 12 inclusive in Block 131 of Jackson's Map of Middletown, 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 sewer easement, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated; and

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

(c) the vacation is consistent with the General Plan or an approved Community Plan; and

(d) the public service easement system for which the easement 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:

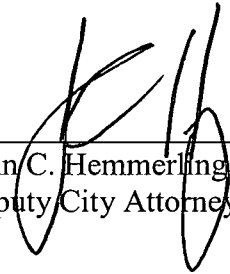
1. That the sewer easement located within Lots 1 through 12 inclusive within Jackson's Map of Middletown, as more particularly described in the legal description marked as

Exhibit "A," and shown on Drawing No. 20142-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 300057-<sup>1</sup>, and RR- 300057-<sup>2</sup>, which are 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, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By

  
\_\_\_\_\_  
John C. Hemmerling  
Deputy City Attorney

JCH:als  
12/28/04  
W.O. No.: 421937  
PTS No.: 16618  
Dwg: 20142-B  
Or.Dept: DSD  
R-2005-453  
MMS#940

EXHIBIT "A"

LEGAL DESCRIPTION  
FOR  
SEWER EASEMENT VACATION  
AND  
GENERAL UTILITY EASEMENT VACATION

ALL OF EXISTING EASEMENT FOR SEWER PURPOSES IN FAVOR OF THE CITY OF SAN DIEGO PER DOCUMENT RECORDED JANUARY 9, 1911 IN BOOK 496, PAGE 240 OF DEEDS, TOGETHER WITH EXISTING EASEMENT FOR SEWER PURPOSES IN FAVOR OF THE CITY OF SAN DIEGO PER DOCUMENT RECORDED JANUARY 20, 1911 IN BOOK 496, PAGE 276 OF DEEDS LYING WITHIN PORTIONS OF LOTS 1 THROUGH 12, INCLUSIVE IN BLOCK 131 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BY ORDER OF THE REFEREES IN THE CASE OF "BALDWIN, ET AL, VS. COUTS, ET AL," IN THE DISTRICT COURT, 18<sup>TH</sup> JUDICIAL DISTRICT, STATE OF CALIFORNIA, BY JOHN E. JACKSON, C.E. IN JANUARY 1874, AND FILED IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY, OCTOBER 19, 1874.

ALL OF EXISTING EASEMENT FOR GENERAL UTILITY PURPOSES AS RESERVED BY THE CITY OF SAN DIEGO BY DOCUMENT RECORDED DECEMBER 22, 1966 AS FILE NO. 198875 OF OFFICIAL RECORDS LYING WITHIN THAT PORTION OF SPRUCE STREET VACATED BETWEEN KETTNER BOULEVARD AND THE METROPOLITAN TRANSIT DEVELOPMENT BOARD (M.T.D.B.) RIGHT-OF-WAY.



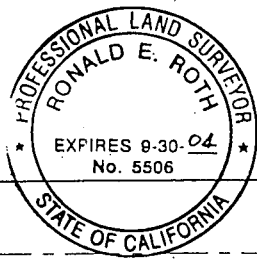
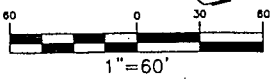
RONALD E. ROTH, PLS 5506  
(MY LICENSE EXPIRES ON 09-30-04)



DWG. 20142-B  
P.T.S. 16618  
J.O. NO. 421937

R-300057

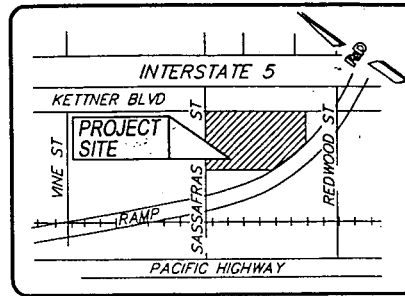
\\S00001\proj\SURVEY\Kettner\_099763\Map&Draw\kettner.ALTA.rkq0803.dwg - Wed, 11 Aug 2004 - 15:13



**LEGEND**

- INDICATES GENERAL UTILITY EASEMENT GRANTED PER DOCUMENT RECORDED 12-12-1966 AS FILE NO. 198875, O.R., VACATED.
- INDICATES ACCESS RIGHTS RELINQUISHED AND WAIVED PER DOCUMENT RECORDED 08-28-1962 AS FILE NO. 148164.
- INDICATES SEWER EASEMENTS, VACATED

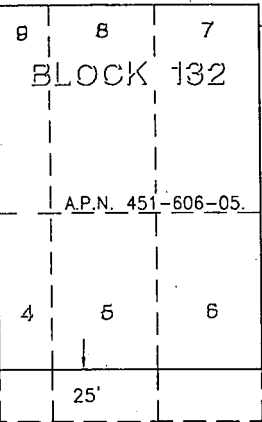
ASSESSOR PARCEL NUMBERS 451-602-01, 02, 03, 08-14, 16 AND 17.  
 REFERENCE MAPS AND DRAWINGS: P.M. 14338, DWG. 11156-B



VICINITY MAP

**I-5 FREEWAY (X1 - SD - 5 - SD)**

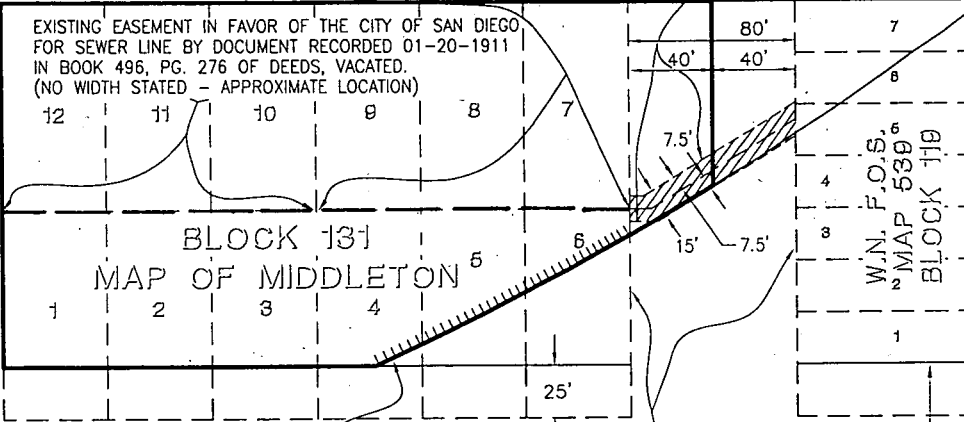
KETTNER BLVD.



SASSAFRAS STREET

EXISTING EASEMENT FOR SEWER LINE IN FAVOR OF THE CITY OF SAN DIEGO BY DOCUMENT RECORDED JANUARY 9, 1911 IN BOOK 496, PG. 240 OF DEEDS, VACATED. (NO WIDTH STATED - APPROXIMATE LOCATION).

EXISTING GENERAL UTILITY EASEMENT RESERVED BY THE CITY OF SAN DIEGO BY DOCUMENT RECORDED 12-22-1966 AS FILE NO. 198875, O.R., VACATED.



EXISTING EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO FOR SEWER LINE BY DOCUMENT RECORDED 01-20-1911 IN BOOK 496, PG. 276 OF DEEDS, VACATED. (NO WIDTH STATED - APPROXIMATE LOCATION)

NORTHEASTERLY RIGHT-OF-WAY LINE OF CALTRANS RIGHT-OF-WAY PER DOCUMENT RECORDED 08-28-1962 AS FILE NO. 148164.

PORTION OF SPRUCE STREET LYING BETWEEN KETTNER BLVD. AND THE MTDB/ATSF RIGHT-OF-WAY VACATED BY RESOLUTION NO. 189129, RECORDED 12-22-1966 AS FILE NO. 198875 (CITY DWG. 11156-B).

METROPOLITAN TRANSIT DEVELOPMENT BOARD (MTDB) RIGHT-OF-WAY  
 (FORMERLY CALIFORNIA STREET)

ENGINEER OF WORK:

**P&D**  
**P&D CONSULTANTS, INC.**  
 6824 RIO SAN DIEGO DRIVE SUITE 610  
 SAN DIEGO, CALIFORNIA 92121  
 TELE: (619) 291-1475 FAX: (619) 291-1478

*Ronald E. Roth*  
 RONALD E. ROTH, P.L.S. 5506  
 LICENSE EXPIRES 09-30-04

(1) SEWER EASEMENT VACATION WITHIN A PORTION OF LOTS 1 THROUGH 12 INCLUSIVE IN BLOCK 131;  
 (2) GENERAL UTILITY EASEMENT VACATION WITHIN SPRUCE STREET (VACATED) OF JACKSON'S MAP OF MIDDLETOWN;

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	P.T.S. 16618
ORIGINAL		R.B.			SHEET 1 OF 1 SHEET	J.O.NO. 421937
		J.	9/29/04		DATE	NAD 83 CCS 1848-8275
			FOR CITY ENGINEER			208-1715
						LAMBERT COORDINATES
						20142-B
					STATUS	

R-300057