

RESOLUTION NO. 186058

VACATION OF PORTIONS OF DEL MAR HEIGHTS ROAD, MAR SCENIC DRIVE AND THE ALLEYS IN BLOCKS 27 AND 28, DEL MAR HEIGHTS (MAP 157).

BE IT RESOLVED, By the Council of The City of San Diego, California, that portions of DEL MAR HEIGHTS ROAD and MAR SCENIC DRIVE, in excess southerly of the proposed realignment of Del Mar Heights Road, between Vaquero Drive and Durango Drive, and the ALLEYS IN BLOCKS 27 and 28, DEL MAR HEIGHTS (Map 157),

as more particularly referred to in Resolution of Intention No. 185763 is unnecessary for present or prospective public street purposes.

BE IT FURTHER RESOLVED, that the public interest, convenience and necessity of said City required the reservation of certain public easement(s), as more particularly referred to in Resolution of Intention No. 185763.

BE IT FURTHER RESOLVED, that portions of DEL MAR HEIGHTS ROAD and MAR SCENIC DRIVE, in excess southerly of the proposed realignment of Del Mar Heights Road, between Vaquero Drive and Durango Drive, and the ALLEYS IN BLOCKS 27 and 28, DEL MAR HEIGHTS (Map 157),

as more particularly shown on Map No. 11390-D, on file in the office of the City Clerk as Document No. 692898, which said map is attached hereto marked Exhibit A and made a part hereof, be, and the same is hereby vacated.

BE IT FURTHER RESOLVED, that The City of San Diego reserves and excepts from the foregoing vacation the permanent easement(s) as more particularly shown on Map No. 11390-D, on file in the office of the City Clerk as Document No. 692898, and as more particularly described hereinafter:

Reserving and excepting to The City of San Diego the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature, including, but not limited to sewer, water, drainage, gas, electric and telephone facilities and all necessary and proper fixtures and equipment for use in connection therewith, through, over, under, upon, along and across the hereinafter described easement, together with the right of ingress thereto and egress therefrom, together with the right to maintain the said easement free and clear of any excavation or fills, the erection or construction of any building or other structures, the planting of any tree or trees thereon, or the drilling or digging of any well or wells thereon, together with the right to otherwise protect from all hazards the operation and use of any right hereby reserved. Upon written permission of the City or any grantee from the City of the right to utilize the said easement herein, the owners of the underlying fee may utilize the above-described parcel of land for structures, the planting or growing of trees or the installation of privately owned pipelines. The City of San Diego shall have the right to permit the use of the easement or easements herein described by any public utility either by conveyance of the necessary right to so use or by permitting such utility to utilize such right under and pursuant to a franchise with The City of San Diego.

The easement reserved herein is in, under, over, upon, along and across the following described property:

1. The Easterly four (4) feet of the Westerly ten (10) feet of the Alley in Block 28, lying Easterly of and abutting Lots 9 to 18 inclusive.
2. The Easterly four (4) feet of the Westerly ten (10) feet of the Alley in Block 27, lying Easterly of and abutting Lots 11 to 18 inclusive.
3. The Westerly four (4) feet of the Easterly ten (10) feet of the Alley in Block 28, lying Westerly of and abutting Lots 1 to 8 inclusive.
4. The Westerly four (4) feet of the Easterly ten (10) feet of the Alley in Block 27, lying Westerly of and abutting Lots 1 to 10 inclusive.

As said Alleys, Blocks and Lots are shown on map of Del Mar Heights subdivision filed for record as Map No. 157 on the 8th day of July, 1887, in the office of the County Recorder of San Diego County."

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this resolution, including the attached Exhibit A, attested by him under seal, to be recorded in the office of the County Recorder.