

THE CITY OF SAN DIEGO

SAN DIEGO 1, CALIFORNIA

OFFICE OF
THE CITY MANAGER

March 7, 1946

Colonel Ed Fletcher
1020 - 9th Avenue
San Diego 1, California

Dear Colonel Fletcher:

In compliance with your request of February 25, I am returning herewith copy of the agreement for easement and right of way across the Waring property.

I shall be glad to discuss this matter with you some time when you have the leisure; but I do not care to give you any written opinion in the matter.

Yours truly,



F. A. Rhodes, City Manager

R:C

AGREEMENT FOR EASEMENT AND RIGHT OF WAY.

BRUCE WARING AND MADGE BLUNT WARING, husband and wife, parties of the first part, CITY OF SAN DIEGO, party of the second part,

THIS AGREEMENT, made and entered into this 14th day of May, 1927, by and between BRUCE WARING AND MADGE BLUNT WARING, Husband and Wife, parties of the first part, and the City of San Diego, a municipal corporation, party of the second part,

WITNESSETH: FOR THAT WHEREAS, the party of the second part is a municipal corporation located in the County of San Diego, State of California, and is the owner of a certain water system for the development, impounding and distribution of water for municipal purposes in the City of San Diego in said state; and

WHEREAS, said second party is, for the purpose of improving its water system and increasing its capacity and facilities for impounding and conserving and distributing water, desirous of putting in an additional water main to pass over and across the lands of the parties of the first part, hereinafter described,

NOW THEREFORE,

It is hereby agreed by and between the parties hereto that the party of the second part shall have, and it is hereby granted, the Right of Way for said pipeline, and the right to the use of the lands hereinafter described, together with the right of ingress and egress for the purpose of making surveys, locating, putting down, constructing, reconstructing, maintaining, operating, and repairing of said pipe line.

Said Right of Way to pass over and through a portion of Lots 70 and 67 of the Rancho Mission of San Diego, according to Referee's Partition Map in the action entitled, "San Diego Realty Company, a corporation, vs. Maria Y. Olvera de Toro et al.," and numbered 16191, and during the construction or repair as in the preceding paragraph stated, shall have an easement extending for a width of ten (10) feet on each side of the following described center line, to-wit:

Beginning at a point on the easterly line of Lot E of said Lot 70, Rancho Mission of San Diego, the same being a distance of 2301.1 feet northerly from the Southeast corner of said Lot E; thence South 28°11' West,

a distance of 681.8 feet to a point; thence south $33^{\circ}11'$ West, a distance of 640.1 feet to a point; thence on a curve to the right tangent to the last mentioned line and having a radius of 572.96 feet, a distance of 84.3 feet measured along the arc of said curve to a point; thence South $46^{\circ}17'$ West, a distance of 71.5 feet to a point; thence on a curve to the left, tangent to the last mentioned line and having a radius of 286.84 feet, a distance of 270.2 feet measured along the arc of said curve to a point; thence South $7^{\circ}45'$ East, a distance of 777.8 feet to a point; thence on a curve to the right, tangent to the last mentioned line, and having a radius of 572.96 feet, a distance of 300.0 feet measured along the arc of said curve to a point; thence South $21^{\circ}57'$ West, a distance of 7.7 feet to a point; thence on a curve to the right, tangent to the last mentioned line and having a radius of 572.96 feet, a distance of 212.2 feet measured along the arc of said curve to a point; thence south $43^{\circ}28'$ West, a distance of 485.7 feet to a point; thence South $46^{\circ}28'$ West, a distance of 1442.8 feet to a point; thence on a curve to the left tangent to the last mentioned line and having a radius of 716.2 feet, a distance of 100.0 feet measured along the arc of said curve to a point; thence South $38^{\circ}28'$ West, a distance of 1249.9 feet to a point; thence South $40^{\circ}28'$ West a distance of 2609.8 feet to a point; thence on a curve to the left, tangent to the last mentioned line and having a radius of 572.96 feet, a distance of 110.0 feet measured along the arc of said curve to a point; thence South $29^{\circ}28'$ West, a distance of 533.6 feet to a point; thence on a curve to the right, tangent to the last mentioned line and having a radius of 572.96 feet, a distance of 130.0 feet measured along the arc of said curve to a point; thence South $42^{\circ}28'$ West, a distance of 2208.1 feet to a point; thence on a curve to the right, tangent to the last mentioned line and having a radius of 572.96 feet, a distance of 400.0 feet measured along the arc of said curve to a point; thence South $82^{\circ}28'$ West, a distance of 732.8 Feet to a point; thence on a curve to the left, tangent to the last mentioned line and having a radius of 286.48 feet, a distance of 350.0 feet measured along the arc of said curve to a point; thence South $12^{\circ}28'$ West, a distance of 571.0 feet to a point; thence on a curve to the right, tangent, to the last mentioned line and having a radius of 572.96 feet,

a distance of 279.0 feet measured along the arc of said curve to a point; thence South $40^{\circ}22'$ West, a distance of 1564.2 feet to a point; thence on a curve to the left, tangent to the last mentioned line and having a radius of 286.48 feet, a distance of 234.2 feet measured along the arc of said curve to point; thence South $6^{\circ}29'$ East, a distance of 68.9 feet to a point; thence South $11^{\circ}23'$ East, a distance of 480.0 feet, more or less, to a point on the Southerly line of said Lot 67, Rancho Mission of San Diego.

This agreement on the part of the said parties of the first part is made upon the following conditions and stipulations, to-wit:

That the said parties of the first part do not waive or release any riparian rights pertaining to said land.

That the said party of the second part shall extend one of its water pipes to be so located as to do the least damage consistent with good engineering, and wherever any property shall be destroyed or damaged it shall be paid for at its actual value.

That the said party of the second part shall install at its own expense at such point or location as may be selected by the first parties, and when selected by first parties, one tap sufficient in diameter to supply, when said pipe line is filled, six hundred eighty-five (685) gallons per minute, from which water may be drawn by said parties of the first part upon paying the same rate, and subject to like conditions, rules and regulations as those fixed and made applicable from time to time to other consumers obtaining supply of water from said pipe line, which regulations shall at no time be more stringent than those applicable to the consumers in the City of San Diego.

That the said parties of the first part agree to erect no buildings and plant no trees upon the right of way hereinabove described.

The party of the second part shall place said water pipe beneath the surface of the ground to a depth of not less than eighteen (18) inches to two (2) feet, leaving the best soil on top.

It is mutually understood and agreed by the parties hereto that in the event the said party of the second part fails to install and place the said main water pipe line as hereinabove provided across the above described real estate on or before the first day of August, 1927,

then this agreement of easement shall cease and determine, and become void and be of no force or effect.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and a majority of the members of the Common Council of said The City of San Diego have hereunto set their hands as and for the act of said City, pursuant to a resolution authorizing such execution, the day and year first hereinabove written.

Bruce Waring
Madge Blunt Waring
Parties of the first part.

CITY OF SAN DIEGO
Party of the second part.
By Virgilio Bruschi,
S. P. McMullen,
L. C. Maire,
E. H. Dowell
Frank W. Seifert,
Members of the Common Council

ATTEST:

Allen H. Wright, City Clerk

By Fred W. Sick, Deputy

THE CITY
OF SAN DIEGO,
STATE OF CALIFORNIA

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN DIEGO)

On this 16th day of May 1927, before me, J.W. Chriswell, a Notary Public in and for the said County of San Diego, State of California residing therein, duly commissioned and sworn, personally appeared Bruce Waring and Madge Blunt Waring, husband and wife, personally known to me to be the persons whose names are subscribed to the within instrument, and they duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at my office in the County of San Diego, the day and year in this certificate first above written.

J. W.
Chriswell.

J. W. Chriswell,
Notary public in and for the County
of San Diego, State of California

I hereby approve the form of the foregoing Agreement This ---day of---1927.

City Attorney.

RESOLUTION NO. 41771

AUTHORIZING EXECUTION OF AGREEMENT FOR EASEMENT AND RIGHT OF WAY FOR PIPE LINE.

BE IT RESOLVED BY THE COMMON COUNCIL of the City of San Diego, as follows: That a majority of the members of the Common Council of the City of San Diego, be, and they are hereby authorized to enter into an agreement for easement and right of way with Bruce Waring and Madge Blunt Waring, Husband and Wife, wherein and whereby the said Bruce Waring and Madge Blunt waring grant to the City of San Diego an easement and right of way for a pipe line over and across a portion of lots 70 and 67, of the Rancho Mission of San Diego, according to Referee's Partition Map in the action entitled, "San Diego Realty Company, a corporation, vs. Maria Y Olvera de Toro et al.," and numbered 16191, as particularly described in said agreement for easement and right of way.

AND BE IT FURTHER RESOLVED, that the City Clerk of said City be, and he is hereby authorized and directed to file said agreement for record in the office of the County Recorder of San Diego County, California

Presented by -----

Form approved by -----

I HEREBY CERTIFY that the above and foregoing is a full, true, and correct copy of Resolution No. 41771 as adopted by the Common Council of the City of San Diego on the --- day of May 23, 1927.

THE CITY OF SAN DIEGO STATE OF CALIFORNIA

Allen H. Wright, City Clerk of the City of San Diego California

By Clark M. Foote Jr. Deputy.

DOCUMENT NO. 207091 Filed May 23, 1927 Allen H. Wright City Clerk by Fred W. Sick, Deputy

Recorded at Request of City Clerk May 25, 1927, at 10 min past 10o'clock A.M.

31478 Fee \$-----

John H. Ferry, County Recorder, By H. C. Parsons, Deputy

Beginning at the Northeast corner of Lot E as shown on Referees' Partition Map of that portion of Lot Seventy (70), Rancho Mission of San Diego, County of San Diego, State of California, embraced in the partition suit in the Superior Court of the County of San Diego, State of California, entitled San Diego Realty Company, a Corporation, Plaintiff, vs. Maria Y. Olvera De Toro, et al., Defendants, and numbered 15191 of the Register of Actions of said Court, said Map being on file in the Office of the Clerk of the Superior Court of San Diego County, State of California and running thence along the Easterly line of said Lot E, South 0°07' East 2561.37 feet; thence West 3426.62 feet to a point in the Westerly line of said Lot E; thence North along the said Westerly line of said Lot E and the said Westerly line produced North 2606.16 feet to a point in the Northerly line of said Lot E; thence along the Northerly line of said Lot E, South 89°15' East 3421.84 feet more or less to the point of beginning. Containing 203 acres more or less.

We ought to
start a book group
the descriptions and
any computations made
in connection with it
such as the war done
in the case

Take an account up
all the time and it is
hard to know when to
file them.
Well you get a binder & start
such a book

Beginning at the northeast corner of Lot E. as shown on Reference Partition Map of that portion of Lot Seventy (70), Rancho Mission of San Diego, County of California, embraced in the partition suit in the Superior Court of the County of San Diego, State of California, entitled San Diego Realty Company, a Corporation, Plaintiff, vs. Maria Y. Olvera De Toro, et al., Defendants, and numbered 15191 of the Register of Actions of said Court, said Map being on file in the Office of the Clerk of the Superior Court of San Diego County, State of California. and running thence along the easterly line of said Lot E. $S. 0^{\circ} 07' E. 2561.37$ feet thence west 3426.62 feet to a point in the westerly line of said Lot E.

thence ^{north} along the said westerly line of said Lot E. and the said westerly line produced north 2606.16 feet. to a point in the northerly line of said Lot E.

thence along northerly line of said Lot E. $S 89^{\circ} 15' E 3421.84$ ^{feet} more or less to the point of beginning. Containing 203 Acres.

3421.84
 1848.16

 5270.00

5270
 1848.16

 3421.84

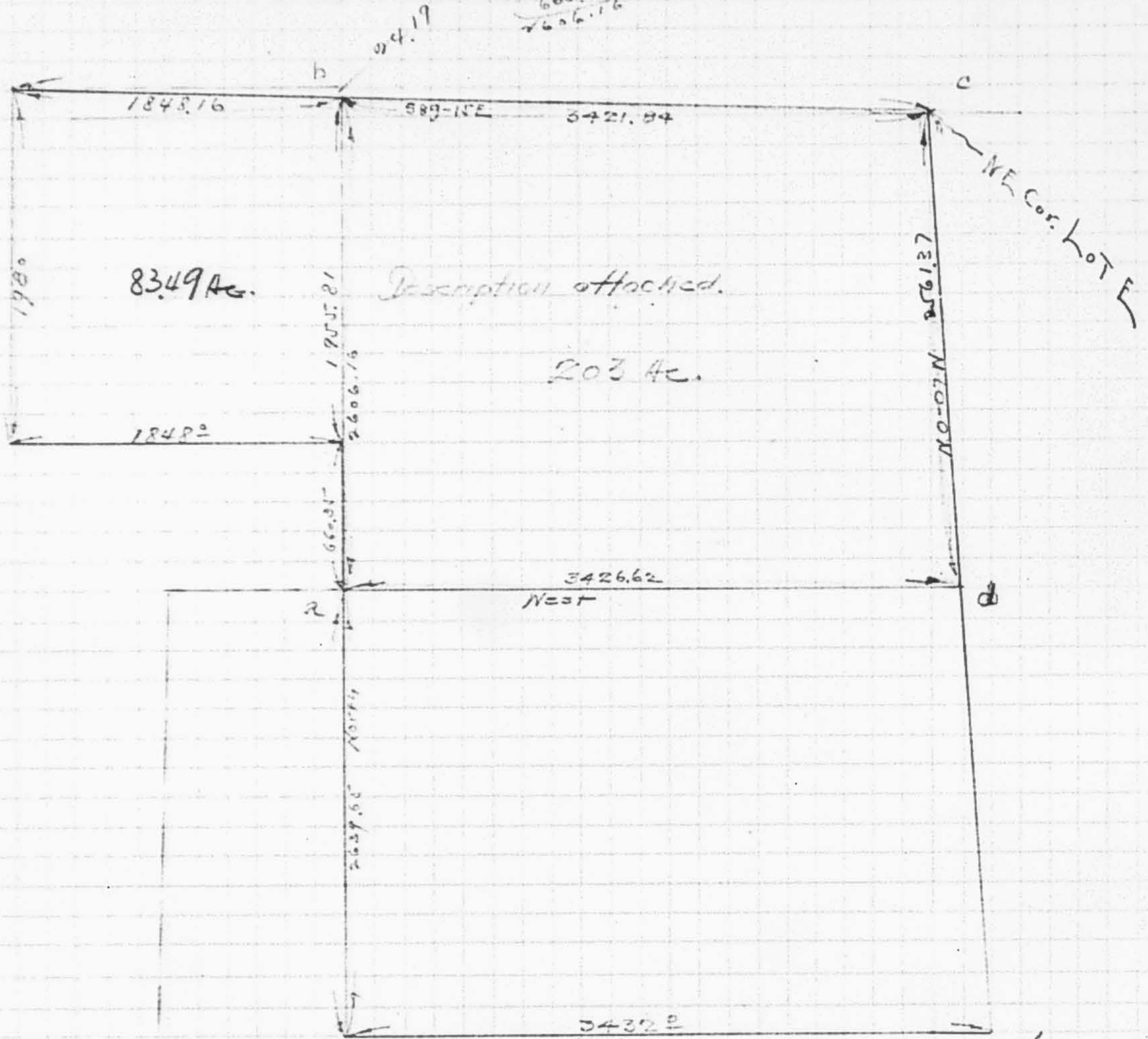
1980
 7419

 1955.81
 660.33

 2616.16

3300
 660.21

 2639.61



Lot "E" Sup. Court Map # 15191 = Part Lot # 70 R = Mission

3421.53
 3421.53 -
 6843.06
 5.09

 6848.15 -
 5.09

 6853.24
 3426.62

 3426.62

3432.00
 538

 3426.62

1980 1848 = 3659 640
 LESS 1848 x 2419 = 44703

 2 3636689

157
 157

 310
 128

 438

68.98 526953

DM D. N N S

| Bearing | Dist. | Cosine | Sine | N | S | E | W |
|-----------|---------|--------|--------|----------------|--------------------|---------|---------|
| S 89-15 E | 5270.00 | .99991 | .01309 | | 68.98 | 5269.53 | |
| S 0-07 E | 5203.00 | 1.0 | .00704 | | 5203.00 | 1061 | |
| West | 3432.00 | 0 | 1.0 | | | | 3432.00 |
| North | 3300.00 | 1.0 | 0 | 3300.00 | | | |
| West | 1848.00 | 0 | 1.0 | | | | 1848.00 |
| North | 1980.00 | 1.0 | 0 | 1980.00 | | | |
| | | | | <u>5280.00</u> | 5271.98 | 5280.14 | 5280.00 |
| | | | | | 5280.00 | | |

15325033

| | | | | | | | |
|-----------|---------|--------|--------|----------------|---------|---------|---------|
| S 89-15 E | 3421.84 | .01309 | .99991 | | 44.79 | 3421.53 | |
| S 0-07 E | 2861.37 | 1 | .00204 | | 2861.37 | 509 | |
| West | 3426.62 | 0 | 1.0 | | | | 3426.62 |
| North | 2606.16 | 1 | 0 | 2606.16 | | | |
| | | | | <u>2606.16</u> | 2606.16 | 3426.62 | 3426.62 |

17540645.96
17540645.96
 17693895.99
8846997.9 = 203.1

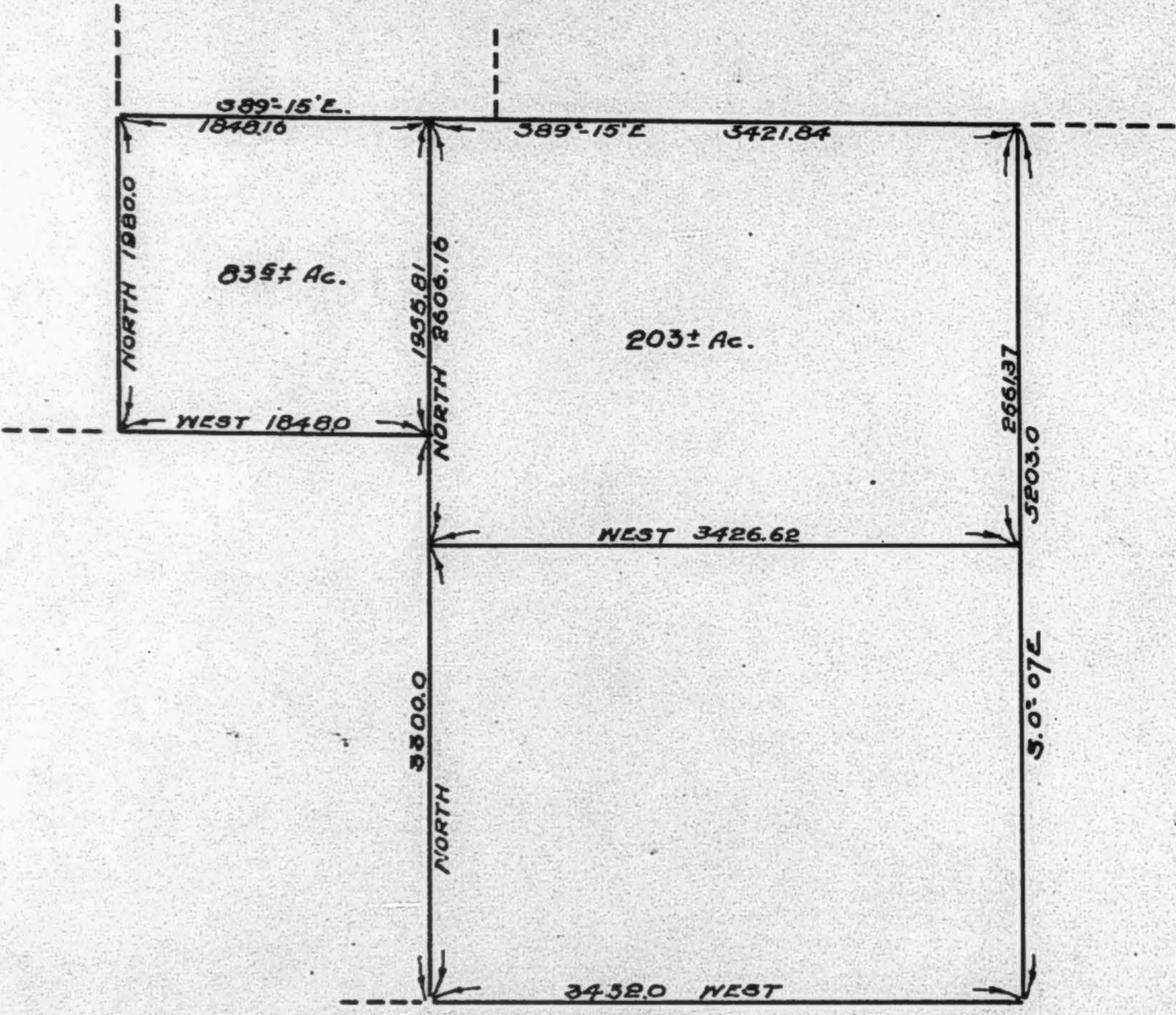
1848.00 -
 1848.00
3696.00
 1848.00
1848.00
 1848.00

| | | | | | | | |
|-----------|---------|--------|--------|----------------|---------|---------|---------|
| S 89-15 E | 1848.16 | .01309 | .99991 | | 24.19 | 1848.00 | |
| South | 1955.81 | 1 | 0 | | 1955.81 | | |
| West | 1848.00 | 0 | 1 | | | | 1848.00 |
| North | 1980.00 | 1 | 0 | 1980.00 | | | |
| | | | | <u>1980.00</u> | 1980.00 | 1848.00 | 1848.00 |

44700.12
7228.67376
7773376.96
 363669.849 = 83.49 Ac.

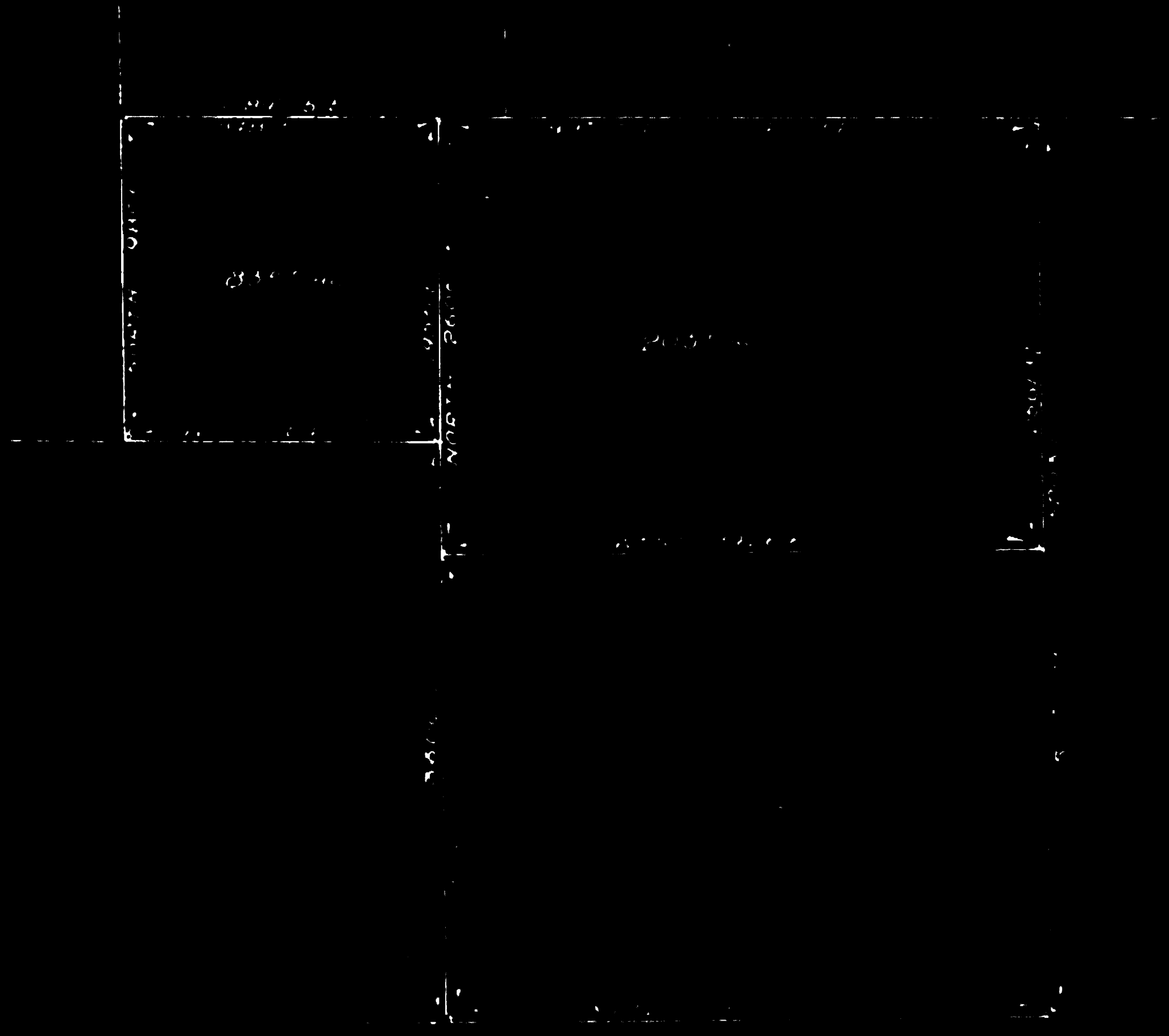
LOT E

Being a portion of Lot N^o 70 per Superior Court
Map N^o 15191



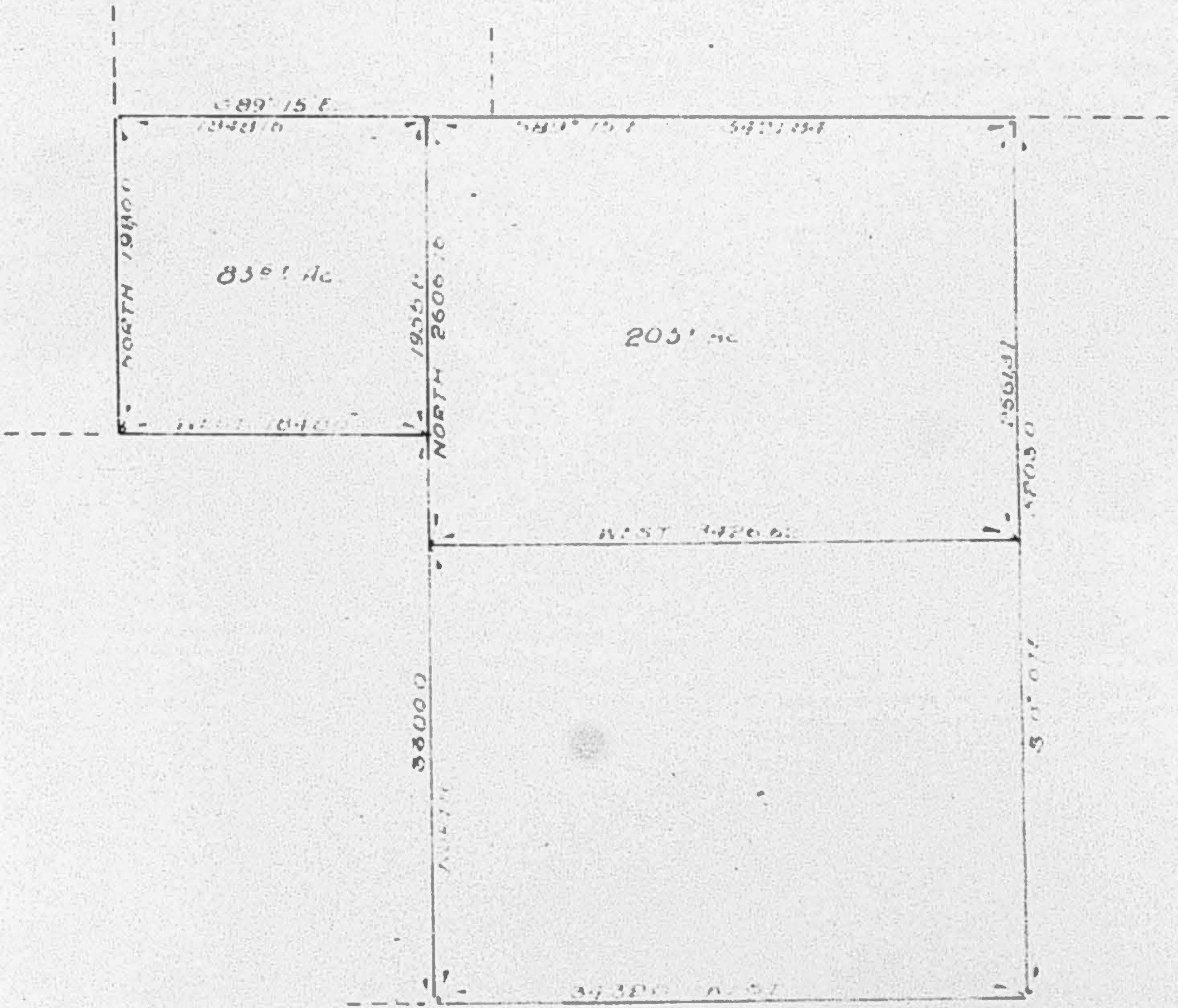
1111

Handwritten notes at the top of the page, possibly a title or description.



LOT E

Being a portion of Lot 10 per Superior Court
Map No. 10121



Ed Fletcher Papers

1870-1955

MSS.81

Box: 66 Folder: 26

Business Records - Land Companies - Miscellaneous land, with various Ed Fletcher companies - Rancho Mission of San Diego (Mission Valley) - Field notes



Copyright: UC Regents

Use: This work is available from the UC San Diego Libraries. This digital copy of the work is intended to support research, teaching, and private study.

Constraints: This work is protected by the U.S. Copyright Law (Title 17, U.S.C.). Use of this work beyond that allowed by "fair use" requires written permission of the UC Regents. Permission may be obtained from the UC San Diego Libraries department having custody of the work (<http://libraries.ucsd.edu/collections/mscl/>). Responsibility for obtaining permissions and any use and distribution of this work rests exclusively with the user and not the UC San Diego Libraries.