

RESOLUTION NO. 198864

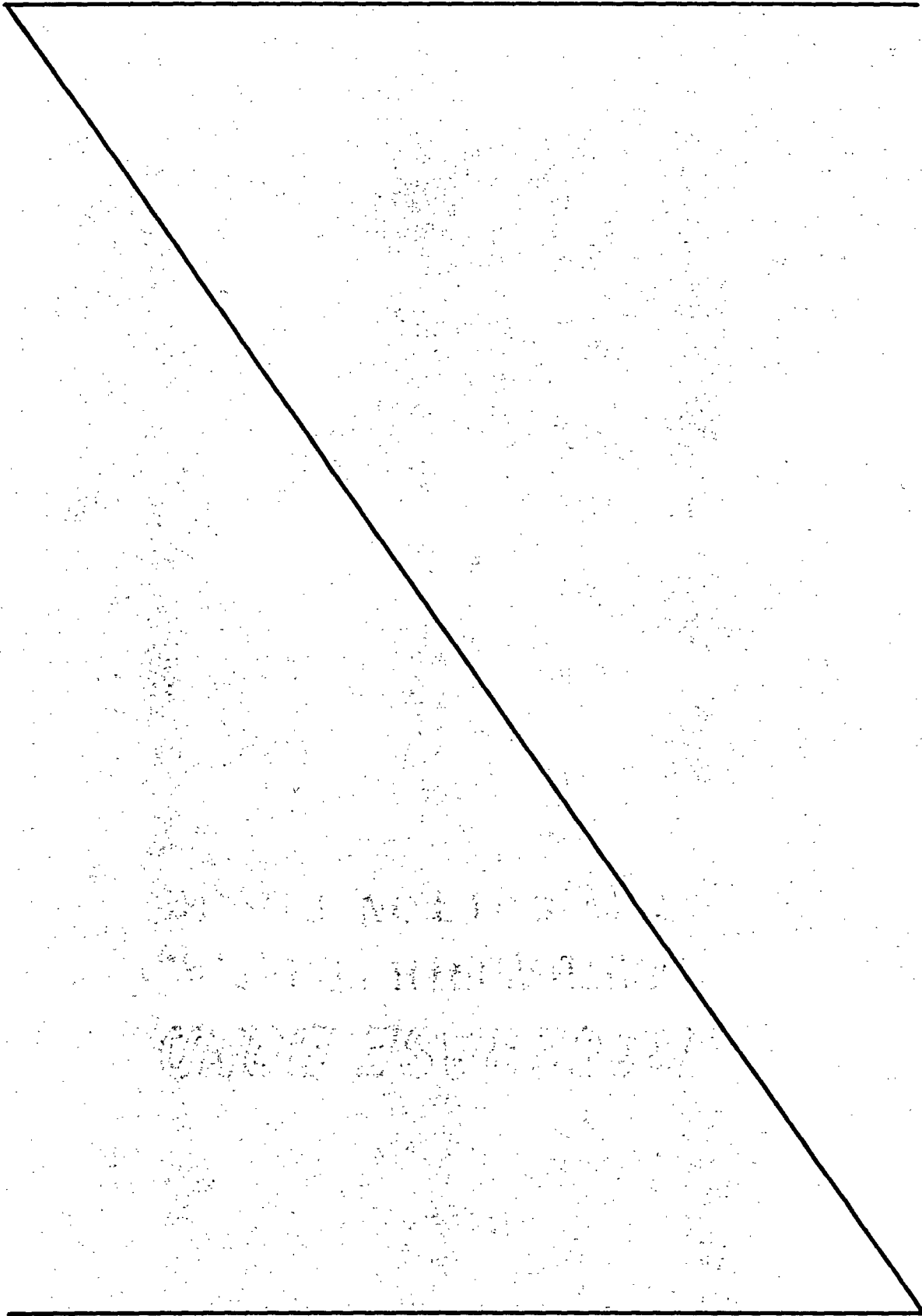
A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUBLIC STREET AND INCIDENTS THERETO, DRAIN OR DRAINS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, OVER PORTIONS OF PUEBLO LOT 1289 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF EASEMENTS FOR SAID PUBLIC STREET AND INCIDENTS THERETO, DRAIN OR DRAINS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO; AND DECLARING THE INTENTION OF SAID CITY TO ACQUIRE SAID EASEMENTS UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY ATTORNEY OF THE CITY OF SAN DIEGO TO COMMENCE AN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, FOR THE PURPOSE OF CONDEMNING AND ACQUIRING SAID EASEMENTS.

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

Section 1. That the public interest, convenience and necessity of The City of San Diego and the inhabitants thereof, require the construction, operation and maintenance of a public street and incidents thereto, drain or drains and incidents thereto, together with earth excavations, embankments, slope or slopes and incidents thereto, across portions of Pueblo Lot 1289 of the Pueblo Lands of San Diego, as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City and the inhabitants thereof demand the acquisition and taking of easements and rights of way for the construction, operation and maintenance of a public street and incidents thereto, drain or drains and incidents thereto, together with earth excavations, embankments, slope or slopes and incidents thereto, said easements lying within the City of San Diego, County of San Diego, State of California.

Section 3. That the parcels of real property and the interests therein sought to be condemned are described as follows:



Easements for rights of way for a public street and incidents thereto, drain or drains and incidents thereto, together with earth excavations, embankments, slope or slopes and incidents thereto, through, over, under, along and across portions of Pueblo Lot 1289 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which Map was filed in the office of the San Diego County Recorder November 14, 1921, as Miscellaneous Map No. 36, more particularly described as follows:

PARCEL 1: STREET EASEMENT (TORREY PINES ROAD)

Commencing at the Northwest corner of Lot 27, Azure Coast Unit No. 1, according to Map thereof No. 4995, filed in the office of the San Diego County Recorder; thence North $18^{\circ} 11' 38''$ West, 161.49 feet to the TRUE POINT OF BEGINNING; thence continuing North $18^{\circ} 11' 38''$ West, 13.50 feet to the southerly line of that certain parcel of land described in deed to The City of San Diego dated August 13, 1940, and filed September 6, 1940, in Book 1066, page 193, as Document No. 14317, Official Records of the Recorder of San Diego County and dedicated as Torrey Pines Road September 3, 1940, by Resolution No. 72192 of the City Council of The City of San Diego; thence along said southerly line, South $71^{\circ} 48' 22''$ West, 566.70 feet; thence leaving said southerly line North $77^{\circ} 21' 26''$ East, 139.54 feet; thence North $71^{\circ} 48' 22''$ East, 427.79 feet, returning to the TRUE POINT OF BEGINNING.

PARCEL 1-A: SLOPE EASEMENT

Beginning at said Northwest corner of Lot 27, Azure Coast Unit No. 1; thence North $18^{\circ} 11' 38''$ West, 161.49 feet to the southerly line of Parcel 1 above; thence along said southerly line, South $71^{\circ} 48' 22''$ West, 427.79 feet to an angle point; thence continuing along said southerly line, South $77^{\circ} 21' 26''$ West, 139.54 feet; thence leaving said southerly line, South $66^{\circ} 00' 36''$ East, 37.23 feet; thence North $80^{\circ} 56' 05''$ East, 112.68 feet; thence North $88^{\circ} 58' 01''$ East, 447.77 feet returning to the Point of Beginning.

EXCEPTING from Parcels 1 and 1-A above all that portion lying within that certain parcel of land described in deed dated February 21, 1969, and recorded February 27, 1969, as Document No. 35034, Official Records, in the office of the San Diego County Recorder.

PARCEL 2: STREET EASEMENT (TORREY PINES ROAD)

Commencing at said northwesterly corner of Lot 27, Azure Coast Unit No. 1; thence North $18^{\circ} 11' 38''$ West, 161.49 feet to the TRUE POINT OF BEGINNING; thence continuing North $18^{\circ} 11' 38''$ West, 13.50 feet to the southerly line of that certain parcel of land described in said Document No. 14317; thence along said southerly line, North $71^{\circ} 48' 22''$ East, 578.24 feet to the beginning of a tangent

PARCEL 2 (Cont'd):

850.00 foot radius curve concave northwesterly; thence northeasterly along the arc of said curve through a central angle of 22° 01' 22", a distance of 326.71 feet; thence leaving said southerly line of Torrey Pines Road, North 75° 53' 44" East, 34.91 feet to a point on the arc of a 583.47 foot radius curve concave northwesterly, a radial bears South 47° 10' 09" East to said point; thence southwesterly along the arc of said curve through a central angle of 28° 58' 31", a distance of 295.07 feet; thence tangent to said curve South 71° 48' 22" West, 649.15 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 2-A: SLOPE EASEMENT

Commencing at said Northwest corner of Lot 27, Azure Coast Unit No. 1; thence North 18° 11' 38" West, 30.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 18° 11' 38" West, 131.49 feet to the southerly line of Parcel 2 above; thence along said southerly line, North 71° 48' 22" East, 649.15 feet to the beginning of a tangent 583.47 foot radius curve concave northwesterly; thence northeasterly along the arc of said curve through a central angle of 28° 58' 31", a distance of 295.07 feet to a point to which a radial bears South 47° 10' 09" East; thence leaving the arc of said curve, North 75° 53' 44" East, 191.97 feet; thence South 15° 46' 32" West, 123.00 feet; thence South 27° 18' 11" West, 53.29 feet; thence South 46° 19' 56" West, 60.83 feet; thence South 57° 25' 33" West, 42.72 feet; thence South 69° 11' 35" West, 106.98 feet; thence South 81° 56' 12" West, 121.20 feet; thence South 75° 15' 23" West, 98.23 feet; thence South 69° 08' 43" West, 112.36 feet; thence South 60° 06' 03" West, 230.71 feet; thence South 63° 07' 48" West, 84.08 feet; thence South 84° 40' 04" West, 75.33 feet; thence South 77° 56' 11" West, 101.89 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 3: DRAIN EASEMENT

A strip of land 10.00 feet wide lying 5.00 feet on each side of the following described center line:

Commencing at said Northwest corner of Lot 27, Azure Coast Unit No. 1; thence North 18° 11' 38" West, 161.49 feet to the southerly line of Parcel 2 above; thence along said southerly line, North 71° 48' 22" East, 561.11 feet to the TRUE POINT OF BEGINNING; thence leaving said southerly line, South 18° 11' 38" East, 96.06 feet to a terminus in the southerly line of Parcel 2-A above which bears North 69° 08' 43" East through said point of terminus.

Section 4. That the taking and acquiring by said City of those certain property interests hereinabove described is deemed necessary for the construction, operation and maintenance of a public street and incidents thereto, drain or drains and incidents thereto, together with earth excavations, embankments, slope or slopes and incidents thereto, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such uses are public uses authorized by law; that for such public uses it is necessary that The City of San Diego condemn and acquire said easements; that said easements are to be used for the construction, operation and maintenance of a public street and incidents thereto, drain or drains and incidents thereto, together with earth excavations, embankments, slope or slopes and incidents thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 5. That the City Attorney of The City of San Diego be, and he is hereby authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name and on behalf of The City of San Diego, against all owners and claimants to an interest in the above-described real property, for the purpose of condemning and acquiring the easements as above-described in said parcels of property for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By _____
Clifton E. Reed, Deputy

rb/1-6-70

Passed and adopted by the Council of The City of San Diego on JAN 13 1970,
by the following vote:

RECEIVED
CITY CLERK'S OFFICE

1970 JAN -7 PM 12:20

SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Helen Cobb	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sam T. Loftin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Schaefer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Frank Curran	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

FRANK CURRAN
Mayor of The City of San Diego, California.

(Seal)

JOHN LOCKWOOD
City Clerk of The City of San Diego, California.

By Elfa J. Harnel, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 198864 Adopted JAN 13 1970