

RESOLUTION NO. 199056

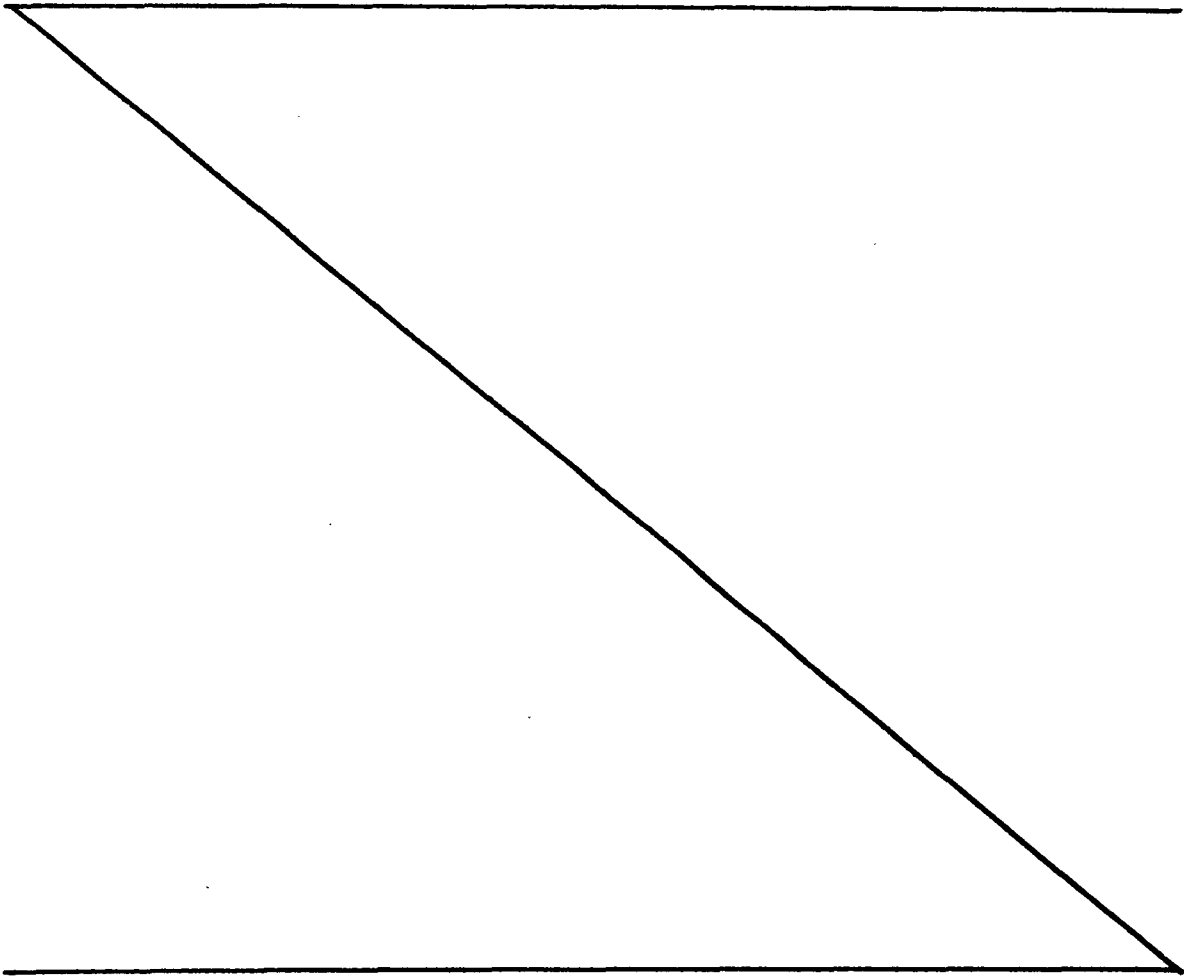
A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO ACROSS PORTIONS OF QUARTER SECTION 109 OF RANCHO DE LA NACION, PORTIONS OF TRACT 602 OF LINCOLN ACRES ANNEX NO. 4, AND PORTIONS OF LOTS 372, 378 AND 380 OF LINCOLN ACRES ANNEX NO. 2, TOGETHER WITH THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN UNDERGROUND ELECTRICAL FACILITIES AND ALL APPURTENANCES THERETO IN A PORTION OF QUARTER SECTION 109 OF RANCHO DE LA NACION, PORTIONS OF SAID PROPERTY BEING SITUATED WITHIN THE CITY OF NATIONAL CITY, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND OTHER PORTIONS OF SAID PROPERTY BEING SITUATED SOLELY WITHIN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF EASEMENTS FOR SAID PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO, AND UNDERGROUND ELECTRICAL FACILITIES AND ALL APPURTENANCES THERETO, TOGETHER WITH THE PRIVILEGE AND RIGHT OF TEMPORARY USE OF ADJACENT WORKING AREAS TO BE USED BY THE CITY FOR THE CONSTRUCTION OF SAID PUBLIC SEWER OR SEWERS AND APPURTENANCES THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO 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 PURPOSES 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 sewer or sewers and all appurtenances thereto, together with the right to construct, operate and maintain underground electrical facilities and all appurtenances thereto across portions of Quarter Section 109 of Rancho de la Nacion, according to Map thereof No. 166, portions of Tract 602 of Lincoln Acres Annex No. 4, according to Map thereof No. 1763, and portions of Lots 372, 378 and 380 of Lincoln Acres Annex No. 2, according to Map thereof No. 1748, 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 sewer or sewers and all appurtenances thereto, and the right to construct, operate and maintain underground electrical facilities and all appurtenances thereto, together with the privilege and right of temporary use of adjacent working areas, portions of said property being situated within the City of National City, County of San Diego, State of California, and other portions of said property being situated solely within the 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:



PARCEL 1:

An easement and right of way to construct, operate and maintain a public sewer or sewers and all appurtenances thereto, over, under, along and across all that real property situated in an unincorporated area of the County of San Diego, State of California, described as follows:

That portion of the East Half of Quarter Section 109 of Rancho de la Nacion, according to Map thereof No. 166, filed May 11, 1869, in the office of the San Diego County Recorder, being a strip of land 20.00 feet wide lying 10.00 feet on each side of the following described center line:

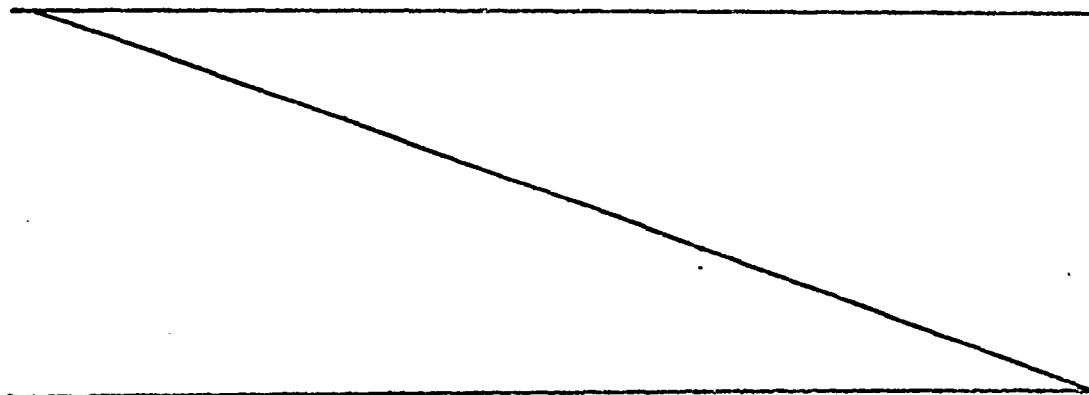
Beginning at a point on the westerly line of said East Half which is South 18° 25' 09" East, 179.14 feet from the center of said Quarter Section 109; thence North 41° 07' 59" East, 5.03 feet; thence North 19° 02' 34" East, 372.76 feet; thence North 00° 13' 39" West, 92.07 feet to the southwesterly line of County Road Survey No. 1323, known as Sweetwater Road.

TEMPORARY WORK AREA

The privilege and right of temporary use of additional lands within a 60.00 foot wide strip of land, lying 30.00 feet on each side of the following described center line:

Beginning at a point on the westerly line of said East Half which is South 18° 25' 09" East, 179.14 feet from the center of said Quarter Section 109; thence North 41° 07' 59" East, 5.03 feet; thence North 19° 02' 34" East, 372.76 feet; thence North 00° 13' 39" West, 92.07 feet to a terminus in the southwesterly line of said County Road Survey No. 1323.

The aforementioned temporary use is for the purpose of the construction of a public sewer, and the privilege and right of use is to remain in force and continue during the construction of said sewer, ceasing and terminating upon completion of the construction thereof.



PARCEL 3:

An easement and right of way to construct, operate and maintain a public sewer or sewers and all appurtenances thereto, over, under, along and across all that real property situated in the City of National City, County of San Diego, State of California, described as follows:

All that portion of Tract 602 of Lincoln Acres Annex No. 4, according to Map thereof No. 1763, filed August 9, 1923, filed in the office of the San Diego County Recorder, being a strip of land 15.00 feet wide lying 7.50 feet on each side of the following described center line:

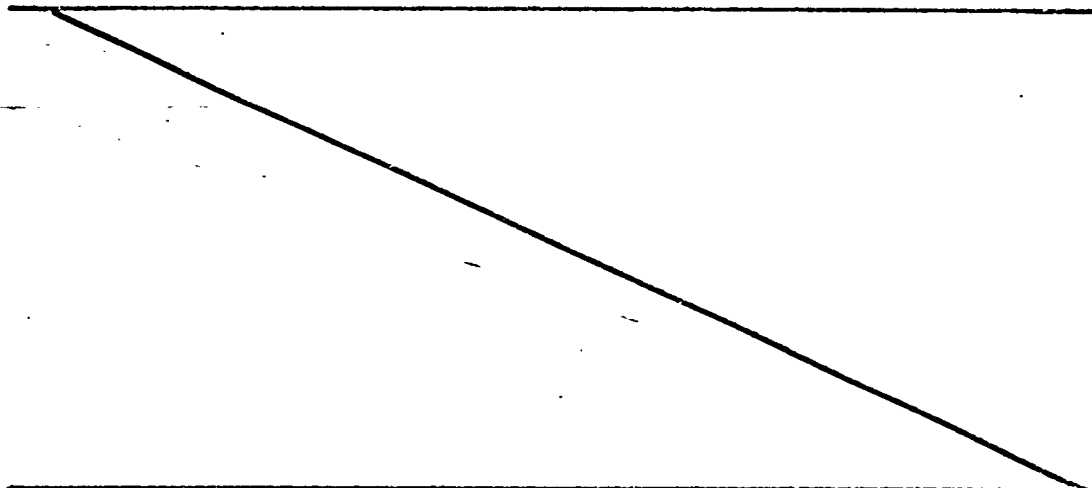
Beginning at a point on the northerly line of said Tract which is South 70° 57' 00" West, 18.38 feet from the northeasterly corner thereof; thence South 33° 08' 52" East, 75.03 feet to a point on the easterly line of said Tract which is South 18° 56' 55" East, 72.83 feet from the northeasterly corner thereof.

TEMPORARY WORK AREA

The privilege and right of temporary use of additional lands, lying northeasterly of the following described line:

Beginning at a point on the northerly line of said Tract which is South 70° 57' 00" West, 44.16 feet from the northeasterly corner thereof; thence South 33° 08' 52" East, 180.23 feet to a terminus on the easterly line of said Tract which is South 18° 56' 55" East, 174.86 feet from the northeasterly corner thereof.

The aforementioned temporary use is for the purpose of the construction of a public sewer, and the privilege and right of use is to remain in force and continue during the construction of said sewer, ceasing and terminating upon completion of the construction thereof.



PARCEL 5:

An easement and right of way to construct, operate and maintain a public sewer or sewers and all appurtenances thereto, over, under, along and across all that real property situated in the City of National City, County of San Diego, State of California, described as follows:

All that portion of Lot 372 of Lincoln Acres Annex No. 2, according to Map thereof No. 1748, filed February 7, 1923, in the office of the San Diego County Recorder, being a strip of land 15.00 feet wide lying 7.50 feet on each side of the following described center line:

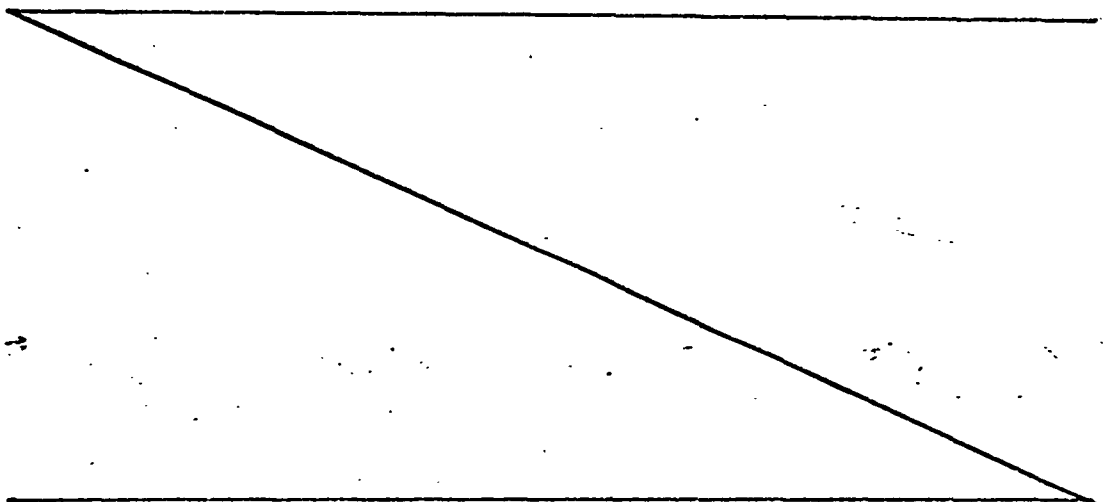
Beginning at a point on the southerly line of said Lot which is North 70° 52' 00" East, 81.15 feet from the southwesterly corner thereof; thence North 18° 01' 20" West, 66.01 feet to a point on the northerly line of said Lot which is North 70° 52' 00" East, 82.22 feet from the northwesterly corner thereof.

TEMPORARY WORK AREA

The privilege and right of temporary use of additional lands within a 50.00 foot wide strip of land, lying 25.00 feet on each side of the following described center line:

Beginning at a point on the southerly line of said Lot which is North 70° 52' 00" East, 81.15 feet from the southwesterly corner thereof; thence North 18° 01' 20" West 66.01 feet to a terminus in the northerly line of said lot which is North 70° 52' 00" East, 82.22 feet from the northwesterly corner thereof.

The aforementioned temporary use is for the purpose of the construction of a public sewer, and the privilege and right of use is to remain in force and continue during the construction of said sewer, ceasing and terminating upon completion of the construction thereof.



PARCEL 6:

An easement and right of way to construct, operate and maintain a public sewer or sewers and all appurtenances thereto, over, under, along and across all that real property situated in the City of National City, County of San Diego, State of California, described as follows:

All that portion of Lot 378 of Lincoln Acres Annex No. 2, according to Map thereof No. 1748, filed February 7, 1923, in the office of the San Diego County Recorder, being a strip of land 15.00 feet wide lying 7.50 feet on each side of the following described center line:

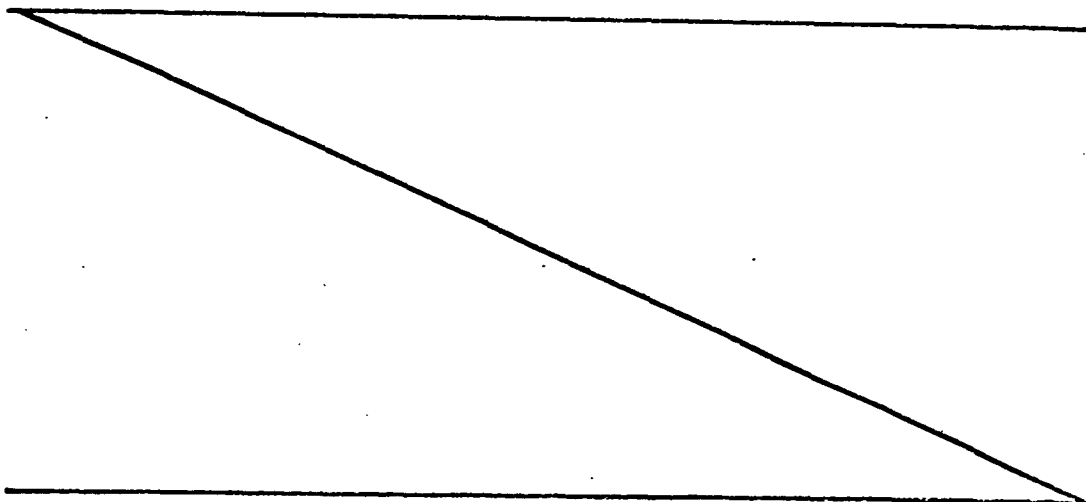
Beginning at a point on the southerly line of said Lot which is North 70° 52' 00" East, 42.99 feet from the southwesterly corner thereof; thence North 10° 18' 40" West, 66.79 feet to a point on the northerly line of said Lot which is North 70° 52' 00" East, 53.03 feet from the northwesterly corner thereof.

TEMPORARY WORK AREA

The privilege and right of temporary use of additional lands within a 50.00 foot wide strip of land, lying 25.00 feet on each side of the following described center line:

Beginning at a point on the southerly line of said Lot which is North 70° 52' 00" East, 42.99 feet from the southwesterly corner thereof; thence North 10° 18' 40" West, 66.79 feet to a terminus on the northerly line of said Lot which is North 70° 52' 00" East, 53.03 feet from the northwesterly corner thereof.

The aforementioned temporary use is for the purpose of the construction of a public sewer, and the privilege and right of use is to remain in force and continue during the construction of said sewer, ceasing and terminating upon completion of the construction thereof.



PARCEL 7:

An easement and right of way to construct, operate and maintain a public sewer or sewers and all appurtenances thereto, over, under, along and across all that real property situated in the City of National City, County of San Diego, State of California, described as follows:

All that portion of Lot 380 of Lincoln Acres Annex No. 2, according to Map thereof No. 1748, filed February 7, 1923, in the office of the San Diego County Recorder, being a strip of land 15.00 feet wide lying 7.50 feet on each side of the following described center line:

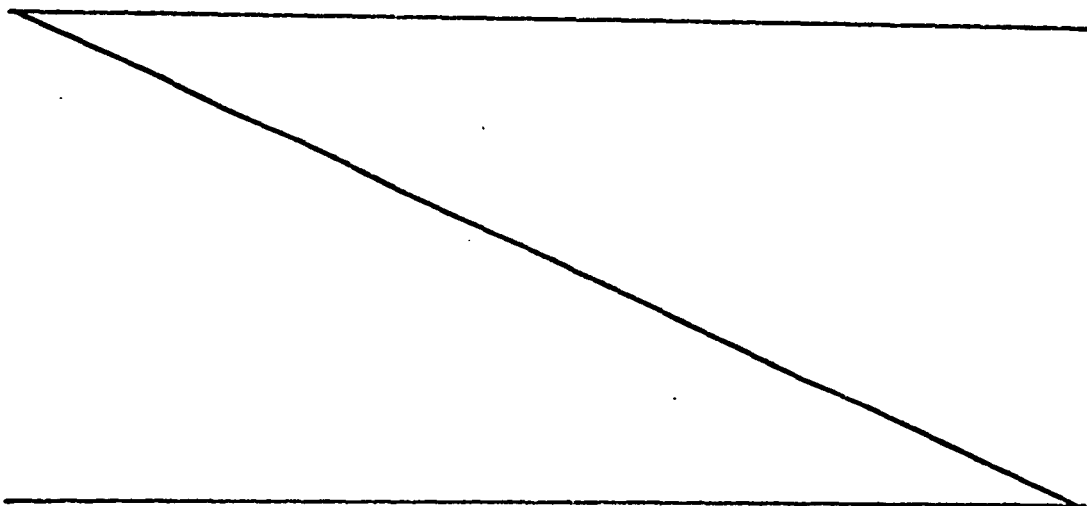
Beginning at a point on the southerly line of said Lot which is North 70° 52' 00" East, 69.32 feet from the southwesterly corner thereof; thence North 21° 09' 43" East, 86.53 feet to a point on the northerly line of said Lot which is North 70° 52' 00" East, 125.08 feet from the northwesterly corner thereof.

TEMPORARY WORK AREA

The privilege and right of temporary use of additional lands within a 50.00 foot wide strip of land, lying 25.00 feet on each side of the following described center line:

Beginning at a point on the southerly line of said Lot 380 which is North 70° 52' 00" East, 69.32 feet from the southwesterly corner thereof; thence North 21° 09' 43" East, 86.53 feet to a terminus on the northerly line of said Lot which is North 70° 52' 00" East, 125.08 feet from the northwesterly corner thereof.

The aforementioned temporary use is for the purpose of the construction of a public sewer, and the privilege and right of use is to remain in force and continue during the construction of said sewer, ceasing and terminating upon completion of the construction thereof.



PARCEL 8:

An easement and right of way to construct, operate and maintain a public sewer or sewers and all appurtenances thereto, over, under, along and across all that real property situated in the City of National City, County of San Diego, State of California, described as follows:

All that portion of the Southwest Quarter Section of Quarter Section 109 of Rancho de la Nacion, according to Map thereof No. 166, filed May 11, 1869, in the office of the San Diego County Recorder, being a strip of land 20.00 feet wide lying 10.00 feet on each side of the following described center line:

Commencing at a point on the easterly line of said Southwest Quarter which is North 18° 25' 09" West, 732.47 feet from the Southeast corner thereof; thence North 82° 40' 09" West, 374.55 feet; thence North 86° 40' 09" West, 55.82 feet to the TRUE POINT OF BEGINNING; thence South 41° 07' 59" West, 25.16 feet; thence South 11° 21' 36" West, 598.49 feet to a point on the southwesterly line of Record of Survey No. 4059 which is South 49° 05' 30" East, 514.36 feet from an angle point therein.

ELECTRICAL EASEMENT

An easement and right of way to construct, operate and maintain underground electrical conduits, ducts and metering station and all appurtenances thereto, in said Southwest Quarter Section of Quarter Section 109 of Rancho de la Nacion, being a strip of land 10.00 feet wide lying 5.00 feet on each side of the following described center line:

Commencing at the Southwest corner of said Quarter Section 109; thence North 42° 37' 36" East, 667.48 feet; thence North 11° 21' 36" East, 443.03 feet to the TRUE POINT OF BEGINNING; thence South 59° 48' 40" East, 170.79 feet to a terminus.

TEMPORARY WORK AREA

The privilege and right of temporary use of additional lands within a 60.00 foot wide strip of land, lying 30.00 feet on each side of the following described center line:

Commencing at the Southwest corner of said Quarter Section 109; thence North 42° 37' 36" East, 667.48 feet; thence North 11° 21' 36" East, 73.58 feet to the TRUE POINT OF BEGINNING; thence continuing North 11° 21' 36" East, 598.49 feet; thence North 41° 07' 59" East, 25.16 feet to a terminus.

The aforementioned temporary use is for the purpose of the construction of a public sewer, and the privilege and right of use is to remain in force and continue during the construction of said sewer, ceasing and terminating upon completion of the construction thereof.



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 sewer or sewers and all appurtenances thereto, and the right to construct, operate and maintain underground electrical facilities and all appurtenances thereto, together with the privilege and right of temporary use of adjacent working areas, 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 sewer or sewers and all appurtenances thereto, together with the right to construct, operate and maintain underground electrical facilities, 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/l-15-70

Passed and adopted by the Council of The City of San Diego on FEB 12 1970,  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE

1970 FEB -6 PM 12:22

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mayor Frank Curran	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By Elfa J. Hamel Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 199056 Adopted FEB 12 1970

*Handwritten initials*