

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 OVER PORTIONS OF LOT 16 IN BLOCK 1 OF PANAMA HEIGHTS, ACCORDING TO MAP THEREOF NO. 1251, AND LOTS 44 AND 51 OF HORTON'S PURCHASE IN EX MISSION LANDS OF SAN DIEGO, ACCORDING TO MAP THEREOF NO. 283, TOGETHER WITH THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN AN EARTH EXCAVATION OR EMBANKMENT, AND SLOPE OR SLOPES OVER A PORTION OF LOT 16 IN BLOCK 1 OF PANAMA HEIGHTS, 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, TOGETHER WITH AN EARTH EXCAVATION OR EMBANKMENT, AND SLOPE OR SLOPES; 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.

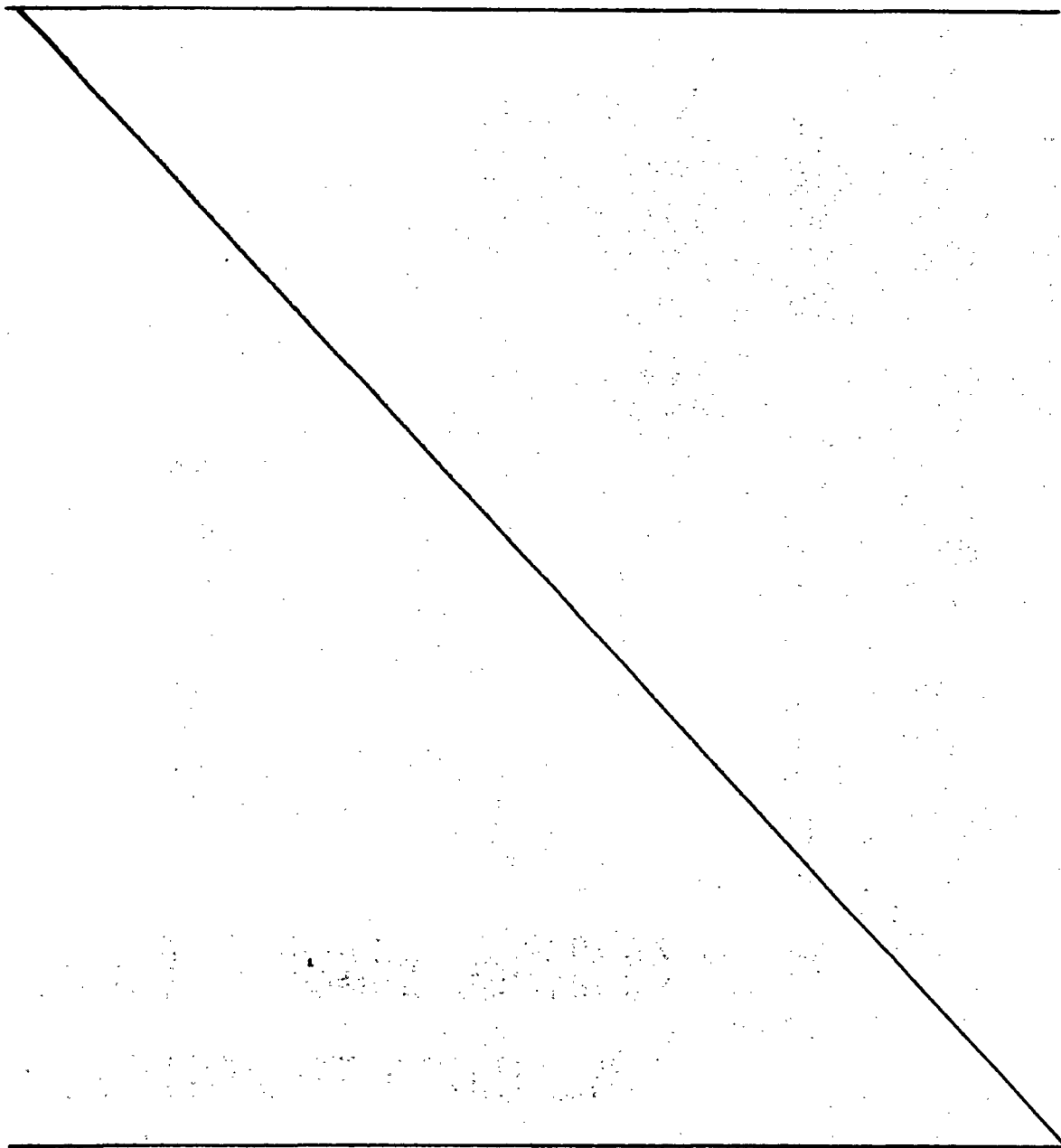
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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 across portions of Lot 16 in Block 1 of Panama Heights, according to Map thereof No. 1251, and Lots 44 and 51 of Horton's Purchase in Ex Mission Lands of San Diego, according to Map thereof No. 283, together with the right to construct, operate and maintain an earth excavation or embankment, and slope or slopes across a portion of Lot 16 in Block 1 of Panama Heights, according to Map thereof No. 1251, all 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, together with the right to construct, operate and maintain an earth excavation or embankment, and slope or slopes, 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:



PARCEL 2:

An easement and right of way for a public street and incidents thereto, together with an earth excavation or embankment, and slope or slopes, through, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

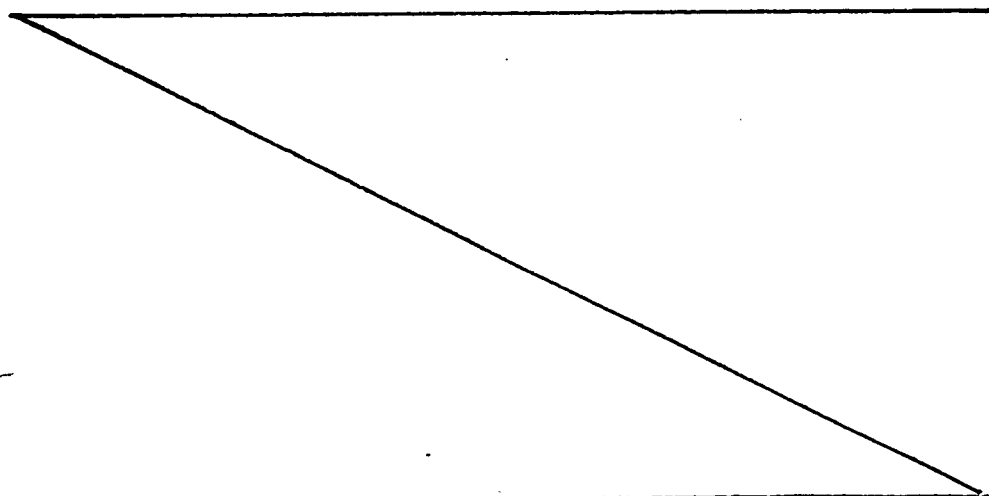
That portion of Lot 16 in Block 1 of Panama Heights, according to Map thereof No. 1251, filed April 15, 1910, in the office of the San Diego County Recorder, more particularly described as follows:

STREET EASEMENT

Beginning at the Northeast corner of said Lot 16; thence South  $89^{\circ} 11' 35''$  West (Record-WEST) along the North line of said Lot 16, 6.00 feet; thence leaving the North line, South  $00^{\circ} 48' 25''$  East, parallel with the East line of said Lot 16, 113.82 feet to the beginning of a tangent 16.00 foot radius curve, concave northwesterly; thence southwesterly along said 16.00 foot radius curve through an angle of  $90^{\circ} 00' 00''$ , a distance of 25.13 feet to a point in the South line of said Lot 16; thence along said South line, North  $89^{\circ} 11' 35''$  East (Record-EAST), 22.00 feet to the Southeast corner of said lot; thence along the East line of said Lot 16, North  $00^{\circ} 48' 25''$  West, 129.82 feet (Record-130.00 feet) to the Point of Beginning.

SLOPE EASEMENT

Commencing at the Northeast corner of said Lot 16; thence South  $89^{\circ} 11' 35''$  West (Record-WEST) along the North line of said Lot 16, 6.00 feet to the TRUE POINT OF BEGINNING; thence South  $00^{\circ} 48' 25''$  East, 113.82 feet to a tangent 16.00 foot radius curve, concave Northwesterly; thence southwesterly along said curve to a line which bears South  $01^{\circ} 42' 30''$  West from the TRUE POINT OF BEGINNING; thence North  $01^{\circ} 42' 30''$  East, 126.04 feet to the TRUE POINT OF BEGINNING.

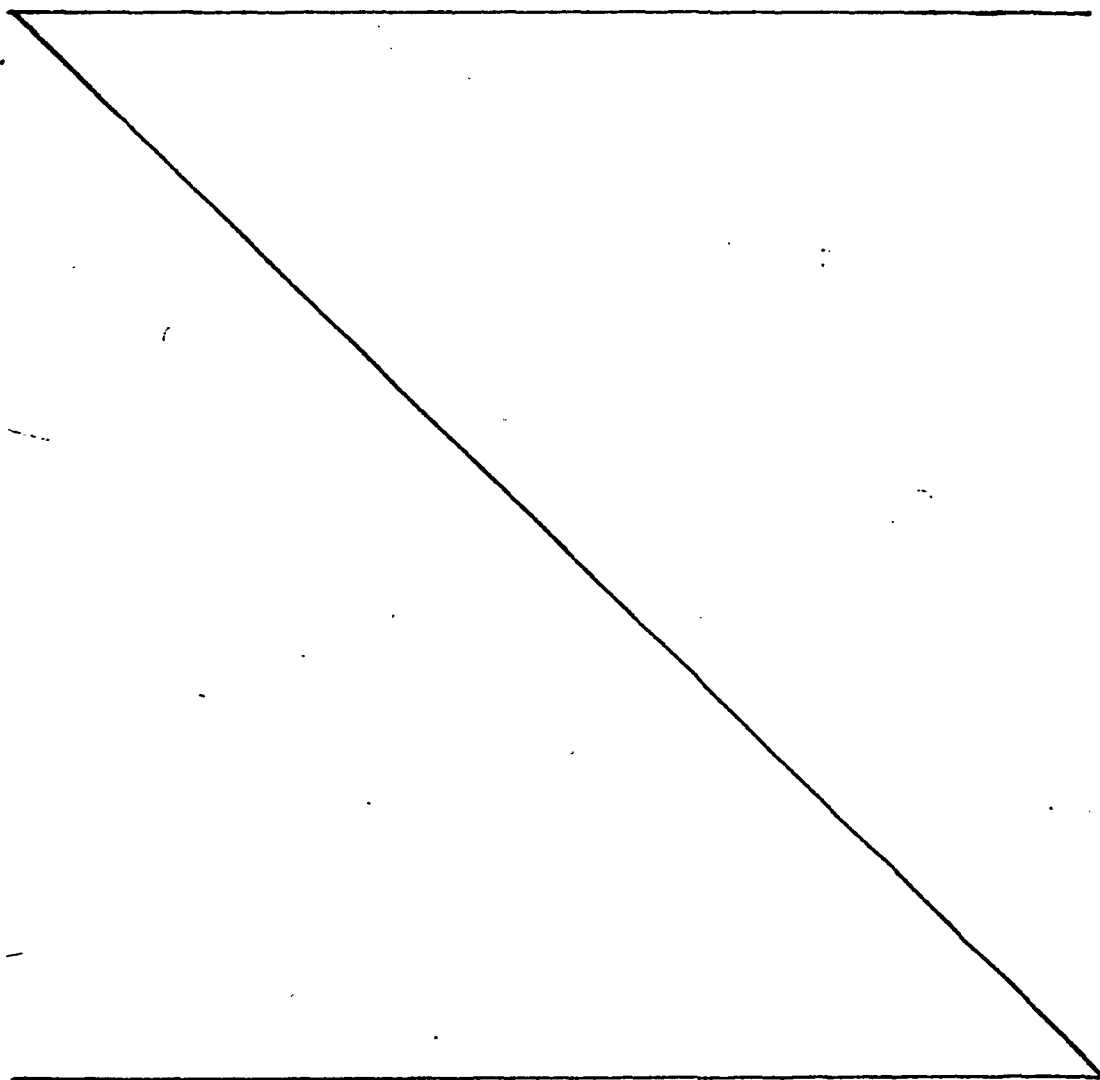


PARCEL 5:

An easement and right of way for a public street and incidents thereto, through, over, under, upon, along and across all that real property situate in the City of San Diego, County of San Diego, State of California, described as follows:

All that portion of Lot 51 of the Ex Mission Lands commonly known as Horton's Purchase, according to Map thereof No. 283, filed March 9, 1878, in the office of the San Diego County Recorder, more particularly described as follows:

Beginning at the intersection of the southerly line of Imperial Avenue, 60.00 feet wide and the westerly line of West Street, 40.00 feet wide as said streets are located and established on the date of this instrument; thence westerly along said southerly line of Imperial Avenue, 19.98 feet to a point of cusp and the beginning of a 20.00 foot radius curve, concave southwesterly; thence southeasterly and southerly along the arc of said curve through a central angle of  $89^{\circ} 57' 20''$ , a distance of 31.40 feet to a point of cusp on said westerly line of West Street; thence northerly along said westerly line, 19.98 feet returning to the Point of Beginning.



PARCEL 11:

An easement and right of way for a public street and incidents thereto, through, over, under, upon, along and across all that real property situate in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

All that portion of the West Half of Lot 44 of Horton's Purchase in Ex Mission Lands of San Diego, according to Map thereof No. 283, filed March 9, 1878, in the office of the San Diego County Recorder, more particularly described as follows:

Beginning at the Southeast corner of that certain parcel of land conveyed to George Thomas Prout and Edna L. Prout by deed dated March 27, 1964, and recorded March 27, 1964, as Document No. 56316 of Official Records of the San Diego County Recorder; thence westerly along the southerly line of said land, 170.75 feet to the Southwest corner thereof; thence northerly along the westerly line of said land to a line that is parallel to and distant northerly 12.00 feet, measured at right angles, from said southerly line; thence easterly along said parallel line to the intersection with the easterly line of said land; thence southerly along said easterly line 12.00 feet more or less returning to the Point of Beginning.



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, together with the right to construct, operate and maintain an earth excavation or embankment, and slope or slopes 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, together with the right to construct, operate and maintain an earth excavation or embankment, and slope or slopes, 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/7-30-70

(04) 6 votes

**AUG 11 1970**

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_, by the following vote:

RECEIVED  
CITY CLERK'S OFFICE  
1970 AUG -5 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 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.

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

(Seal)

By Elfa J. Hamel, Deputy. FR

Office of the City Clerk, San Diego, California	
Resolution Number	<b>200515</b>
Adopted	<b>AUG 11 1970</b>