

RESOLUTION NO. 201134 OCT 29 1970

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 LOTS 1, 2 AND 3, BLOCK 1, HOMELAND VILLAS, PORTIONS OF LOT 1, HOMELAND VILLAS RESUBDIVISION NO. 1 AND PORTIONS OF PUEBLO LOTS 1777 AND 1788 OF THE PUEBLO LANDS OF SAN DIEGO, ALL WITHIN 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, 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 ALL APPURTENANCES THERETO WITHIN THE AREA AFORESAID; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY 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 ACQUIRING SAID EASEMENTS, TOGETHER WITH THE PRIVILEGE AND RIGHT OF TEMPORARY USE OF ADJACENT WORKING AREAS.

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

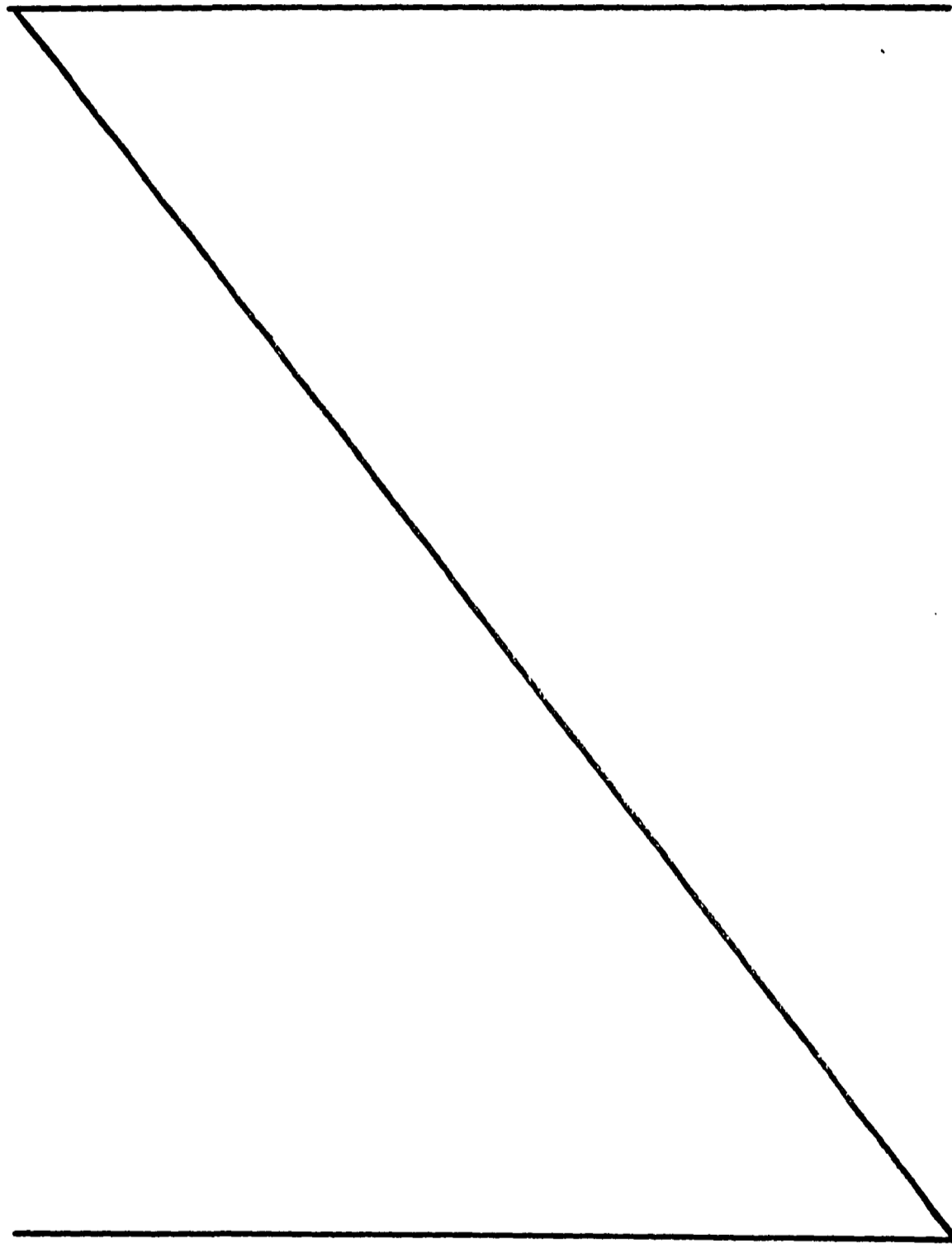
Section 1. That the public interest, convenience and necessity of The City of San Diego and the inhabitants thereof, require the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto across portions of Lots 1, 2 and 3, Block 1, Homeland Villas, portions of Lot 1, Homeland Villas Resubdivision No. 1, and portions of Pueblo Lots 1777 and 1788 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 for the purpose of rights of way for the construction, operation and maintenance of a public sewer or sewers and all appurtenances

MICROFILMED

thereto, together with the privilege and right of temporary use of adjacent working areas, 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:



PARCELS 1-A, 1-B AND 1-C:

PARCEL 1-A:

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

A strip of land 20.00 feet in width over that portion of Lot 3 in Block 1 of Homeland Villas, according to Map thereof No. 1010, filed October 9, 1906, in the office of the San Diego County Recorder, the center line of said 20.00 foot strip of land being described as follows:

Commencing at the Northeast corner of said Lot 3; thence South 63° 08' 50" West along the northerly boundary line of said Lot 3, 164.21 feet to a point on the easterly boundary line of Mission Bay Drive as said Drive is set out and established as of the date of this instrument; thence South 16° 19' 21" East along the easterly boundary line, 26.07 feet to the TRUE POINT OF BEGINNING, said point being on the arc of a nontangent curve, concave southerly and having a radius of 45.00 feet a radial line through said point bears North 44° 10' 30" West; thence easterly along the arc of said curve through a central angle of 30° 42' 00", a distance of 24.11 feet; thence tangent to said curve, North 76° 31' 30" East, 117.50 feet to the beginning of a tangent curve, concave northerly and having a radius of 45.00 feet; thence easterly along the arc of said curve through a central angle of 24° 09' 00", a distance of 18.97 feet to a point on the westerly line of Lot 1 of Homeland Villas, Resubdivision No. 1, according to Map thereof No. 4451, filed January 25, 1960, in the office of the San Diego County Recorder, distant thereon South 13° 55' 30" East (Record South 15° 12' 20" East), 53.79 feet from the northwesterly corner of said Lot 1.

The sidelines of said 20.00 foot strip of land shall be prolonged or shortened so as to terminate on the West with the easterly line of said Mission Bay Drive and on the East with the West line of Lot 1 of said Homeland Villas Resubdivision No. 1.

PARCEL 1-B:

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

201134

MICROFILMED

PARCELS 1-A, 1-B and 1-C (Cont'd):

PARCEL 1-B (Cont'd):

That portion of Lot 2 in Block 1 of Homeland Villas, according to Map thereof No. 1010, filed October 9, 1906, in the office of the San Diego County Recorder, described as follows:

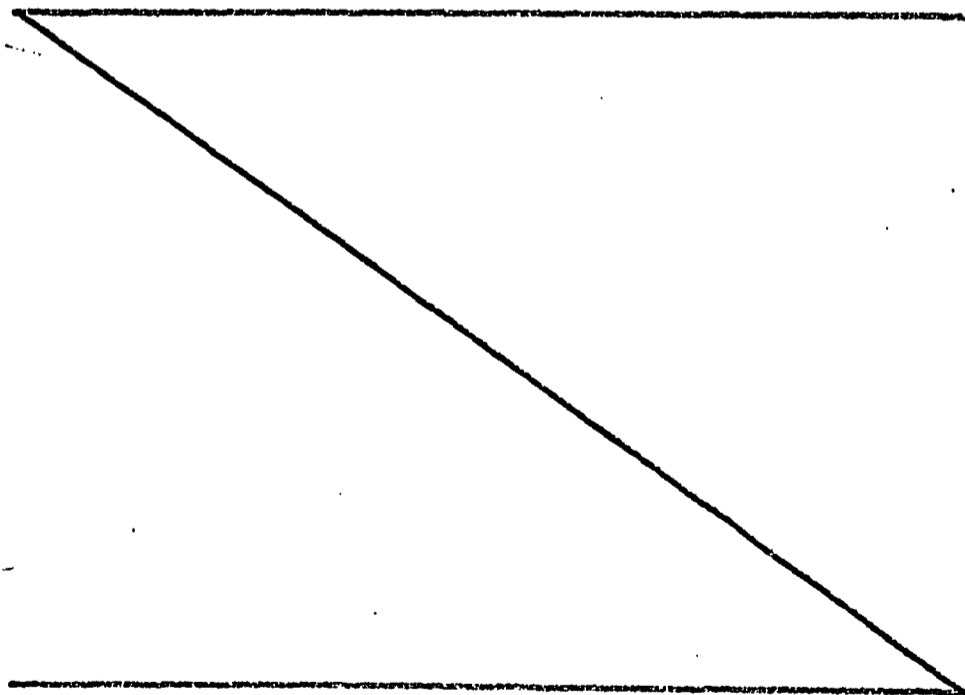
Beginning at a point on the southerly line of said Lot 2, distant thereon South 63° 08' 50" West (Record South 61° 52' 00" West), 72.21 feet from the southeasterly corner thereof; thence North 14° 03' 30" West, 106.44 feet to the northerly boundary line of said Lot 2; thence along said northerly boundary line, South 63° 14' 05" East, 15.47 feet; thence leaving said northerly boundary line, South 14° 01' 47" East, 106.48 feet to the southerly boundary line of said Lot 2; thence along said southerly boundary line, North 63° 08' 50" East, 15.53 feet to the Point of Beginning.

PARCEL 1-C:

The privilege and right of temporary use of portions of said Lots 2 and 3 as above-mentioned, described as follows:

A strip of land containing 1546.5 square feet lying southerly of and containing 1609.0 square feet lying northerly of, adjacent and contiguous to the attached sewer easement described as Parcel 1-A and a strip of land 25.00 feet in width lying westerly of, adjacent and contiguous to the sewer easement described as Parcel 1-B.

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



MICROFILMED

201134

PARCELS 2-A, 2-B AND 2-C:

PARCEL 2-A:

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

A strip of land 20.00 feet in width over that portion of Lot 1 of Homeland Villas Resub-division No. 1, according to Map thereof No. 4451, filed January 25, 1960, in the office of the San Diego County Recorder, the center line of said 20.00 foot strip of land being described as follows:

Beginning at a point on the westerly line of said lot, distant thereon South 13° 55' 30" East (Record South 15° 12' 20" East), 53.79 feet from the northwesterly corner thereof, said point being on the arc of a curve, concave northwesterly and having a radius of 45.00 feet, a radial line through said point bears South 37° 37' 30" East; thence northeasterly along the arc of said curve through a central angle of 14° 12' 30", a distance of 11.16 feet to the westerly line of a 10.00 foot easement as conveyed to The City of San Diego by deed recorded June 6, 1958 in Book 7110, page 102 of Official Records.

The sidelines of said 20.00 foot strip of land shall be prolonged or shortened so as to terminate on the West with the westerly line of said Lot 1 and on the East with the westerly line of said 10.00 foot easement.

PARCEL 2-B:

An easement and right of way to construct, reconstruct, maintain, operate and repair a public sewer or sewers, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across a portion of said Lot 1, as above-mentioned, said easement being more particularly described as follows:

Beginning at a point on the southerly line of Lot 2 in Block 1 of Homeland Villas, according to Map thereof No. 1010, filed October 9, 1906, in the office of the San Diego County Recorder, distant thereon, South 63° 08' 50" West (Record South 61° 61' 00" West), 72.21 feet from the southeasterly corner thereof; thence South 14° 03' 30" East, 20.35 feet to the beginning of a tangent curve, concave westerly and having a radius of 52.50 feet; thence southerly along the arc of said curve, 40.60 feet through an angle of 44° 18' 30" to the easterly line of a 10.00 foot easement as conveyed to The

MICROFILMED

201134

PARCELS 2-A, 2-B AND 2-C (Cont'd):

PARCEL 2-B (Cont'd):

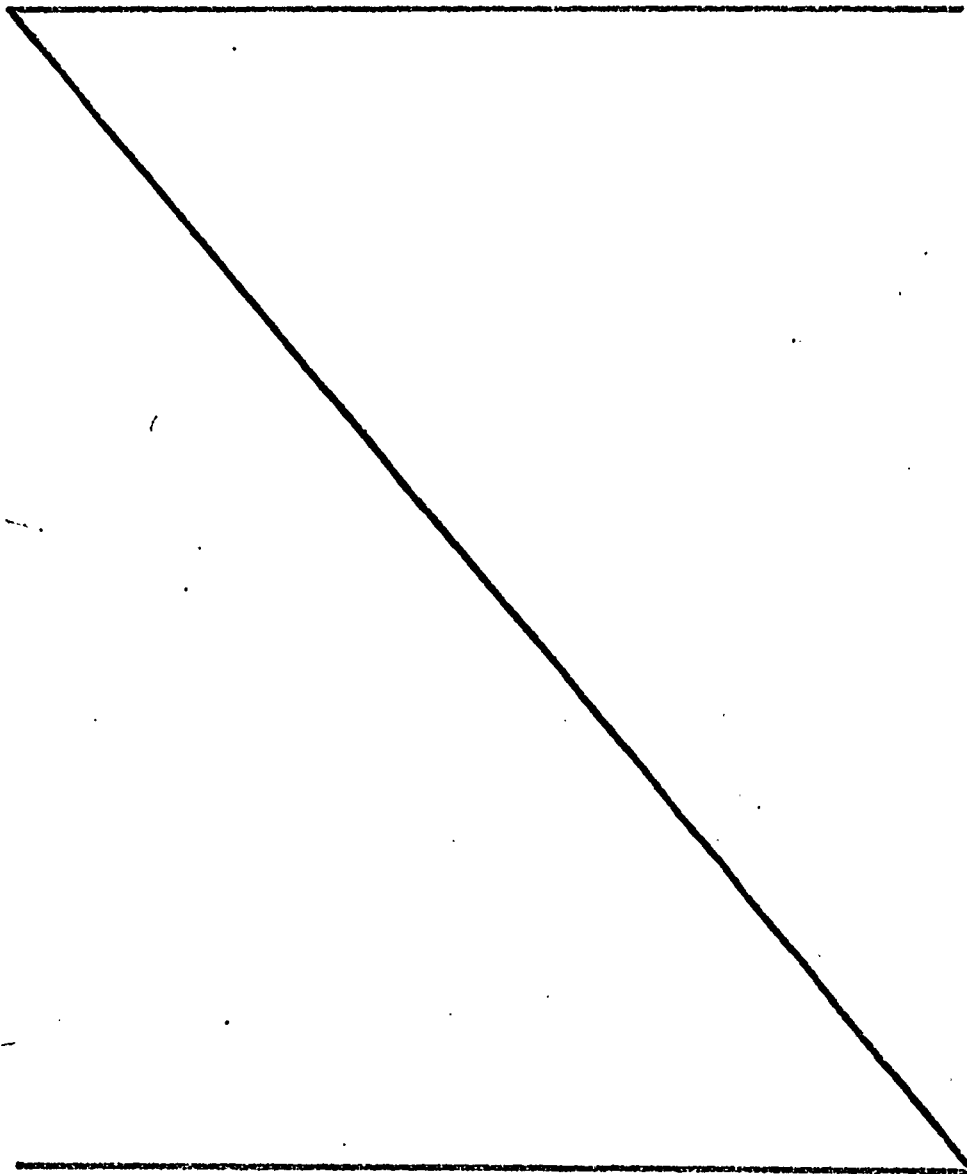
City of San Diego by deed recorded June 6, 1958, in Book 7110, page 102 of Official Records; thence North 14° 04' 50" West along said easterly line, 53.63 feet to the southerly line of said Lot 2; thence North 63° 08' 50" East, 15.53 feet to the Point of Beginning.

PARCEL 2-C:

The privilege and right of temporary use of a portion of said Lot 1 as above-mentioned, described as follows:

A parcel of land containing 1220.4 square feet in the Northwest corner of said Lot 1, northwesterly of, adjacent and contiguous to the sewer easements described in Parcels 2-A and 2-B above.

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



MICROFILMED

201134

PARCELS 3-A AND 3-B:

PARCEL 3-A:

An easement and right of way to construct, reconstruct, maintain, operate and repair a public sewer or sewers, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, 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 1 in Block 1 of Homeland Villas, according to Map thereof No. 1010, filed October 9, 1906, in the office of the San Diego County Recorder, described as follows:

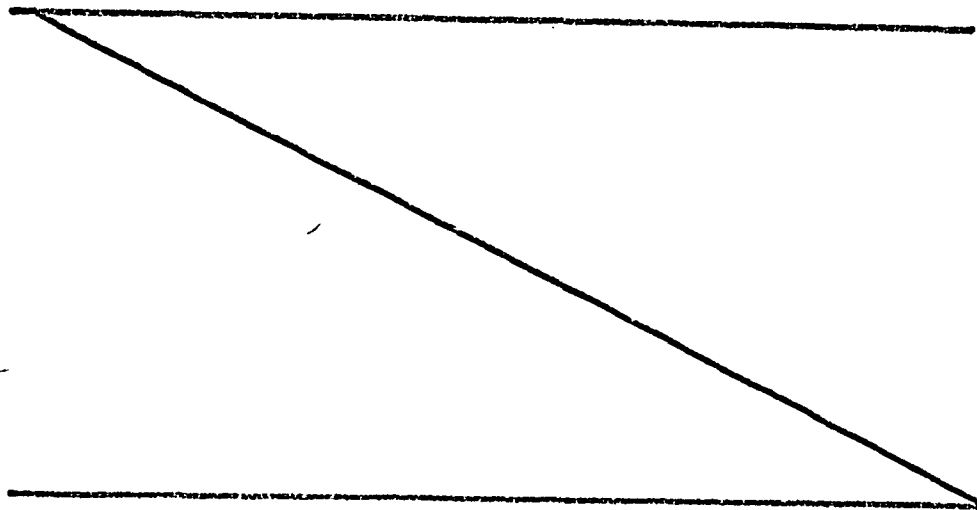
Beginning at a point on the southerly line of said Lot 1, distant thereon South 63° 14' 05" West (Record South 62° 41' 36" West), 48.80 feet from the southeasterly corner thereof; thence North 14° 03' 30" West, 107.57 feet to a point in the northerly line of said Lot 1, distant thereon South 66° 27' 05" West (Record South 65° 53' 35" West), 25.18 feet from the northeasterly corner thereof; thence along said northerly line, South 66° 27' 05" West, 15.25 feet; thence leaving said northerly line South 14° 01' 47" East, 108.46 feet to the southerly line of said Lot 1; thence along said southerly line, North 63° 14' 05" East, 15.47 feet to the Point of Beginning.

PARCEL 3-B:

The privilege and right of temporary use of a portion of said Lot 1 as above-mentioned, described as follows:

A strip of land 25.00 feet in width, lying westerly of, adjacent and contiguous to the sewer easement described in Parcel 3-A above.

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



MICROFILMED

201134

PARCELS 4-A AND 4-B:

PARCEL 4-A:

An easement and right of way to construct, reconstruct, maintain, operate and repair a public sewer or sewers, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, 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 Pueblo Lot 1788 of the Pueblo Lands of San Diego, according to Miscellaneous Map thereof No. 36, made by James Pascoe in 1870, filed in the office of the San Diego County Recorder, described as follows:

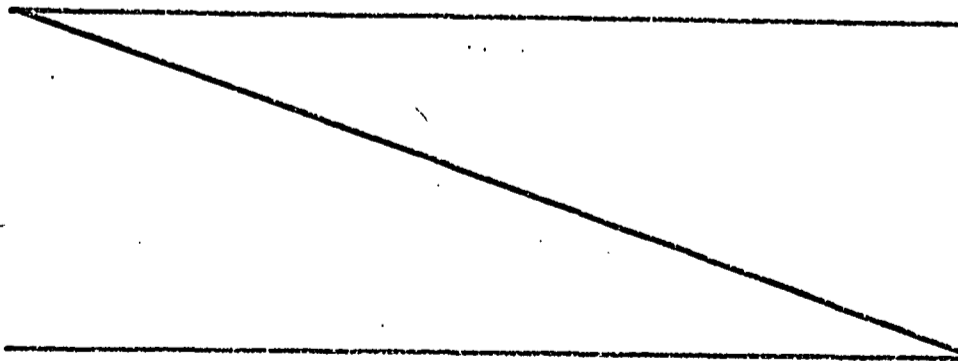
Beginning at a point on the northwesterly line of Lot 1 in Block 1, of Homeland Villas, according to Map thereof No. 1010, filed October 9, 1906, in the office of the San Diego County Recorder, distant thereon South $66^{\circ} 27' 05''$ West 25.18 feet from the northeasterly corner of said Lot 1; thence North $14^{\circ} 03' 30''$ West, 173.79 feet to the northwesterly line of land conveyed to Betty G. Teacher by deed recorded February 14, 1957 in Book 6458, page 6 of Official Records; thence South $43^{\circ} 22' 50''$ West (Record South $42^{\circ} 49' 20''$ West) along said northwesterly line 11.75 feet; thence South $14^{\circ} 00' 40''$ East 169.15 feet to the northwesterly line of said Lot 1; thence North $66^{\circ} 27' 05''$ East along said northwesterly line 10.18 feet to the TRUE POINT OF BEGINNING.

PARCEL 4-B:

The privilege and right of temporary use of a portion of said Pueblo Lot 1788 of the Pueblo Lands of San Diego as above-mentioned, described as follows:

A strip of land 20.00 feet wide lying southwesterly of, adjacent and contiguous to the sewer easement described in Parcel 4-A above.

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



MICROFILMED

201134

PARCELS 5-A AND 5-B:

PARCEL 5-A:

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

A strip of land 20.00 feet in width over that portion of Pueblo Lot 1788 of the Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, a copy of which said Map was filed November 14, 1921, in the office of the San Diego County Recorder, and is known as Miscellaneous Map No. 36, the center line of said 20.00 foot strip of land being described as follows:

Commencing at the intersection of the northwesterly line of Homeland Villas, according to Map thereof No. 1010, filed in the office of the San Diego County Recorder, with the westerly right of way line of the Atchison, Topeka and Santa Fe Railway; thence northwesterly along the said westerly right of way line along the arc of a curve, concave to the Northeast having a radius of 2914.93 feet and whose center bears North 62° 11' 19" East from said point of commencement, through a central angle of 08° 10' 53", a distance of 416.23 feet to the northeasterly corner of that certain parcel of land conveyed to Herbert G. Archibald and wife by deed dated July 23, 1948, and filed August 20, 1948, as Instrument No. 83382 of Official Records; thence south 74° 59' 30" West along the northerly line of said Archibald's land, 905.35 feet to a point in the easterly right of way line of the 100.00 foot California State Highway as said right of way is described in a deed to The City of San Diego, recorded in Book 807 at Page 318 of Official Records of said County of San Diego; thence along said easterly right of way line, North 08° 10' 00" West, a distance of 453.23 feet to the Northwest corner of that certain parcel of land conveyed to Frederick S. Renneker by deed dated August 20, 1948 and recorded in Book 2919 at page 187 of said Official Records; thence North 75° 45' 20" East (Record North 74° 59' 30" East), a distance of 465.31 feet more or less to an intersection with a portion of the easterly boundary of a parcel of land conveyed to the State of California for freeway purposes by deed recorded October 15, 1953, in Book 5017, page 38 of Official Records; thence South 37° 12' 08" East along the boundary of the State of California land above described, 258.73 feet to an angle point therein; thence continuing along the boundary of said State of California land, North 62° 10' 14" East (Record North 61° 36' 08" East), 99.79 feet to the TRUE POINT OF BEGINNING of said center line; thence North 28° 41' 30" East, 258.33 feet to the westerly line of Santa Fe Avenue as granted to The City of San Diego by easement recorded January 20, 1954, as File No. 7944, in Book 5117, page 18 of Official Records.

MICROFILMED

201134

PARCELS 5-A AND 5-B (Cont'd):

PARCEL 5-A (Cont'd):

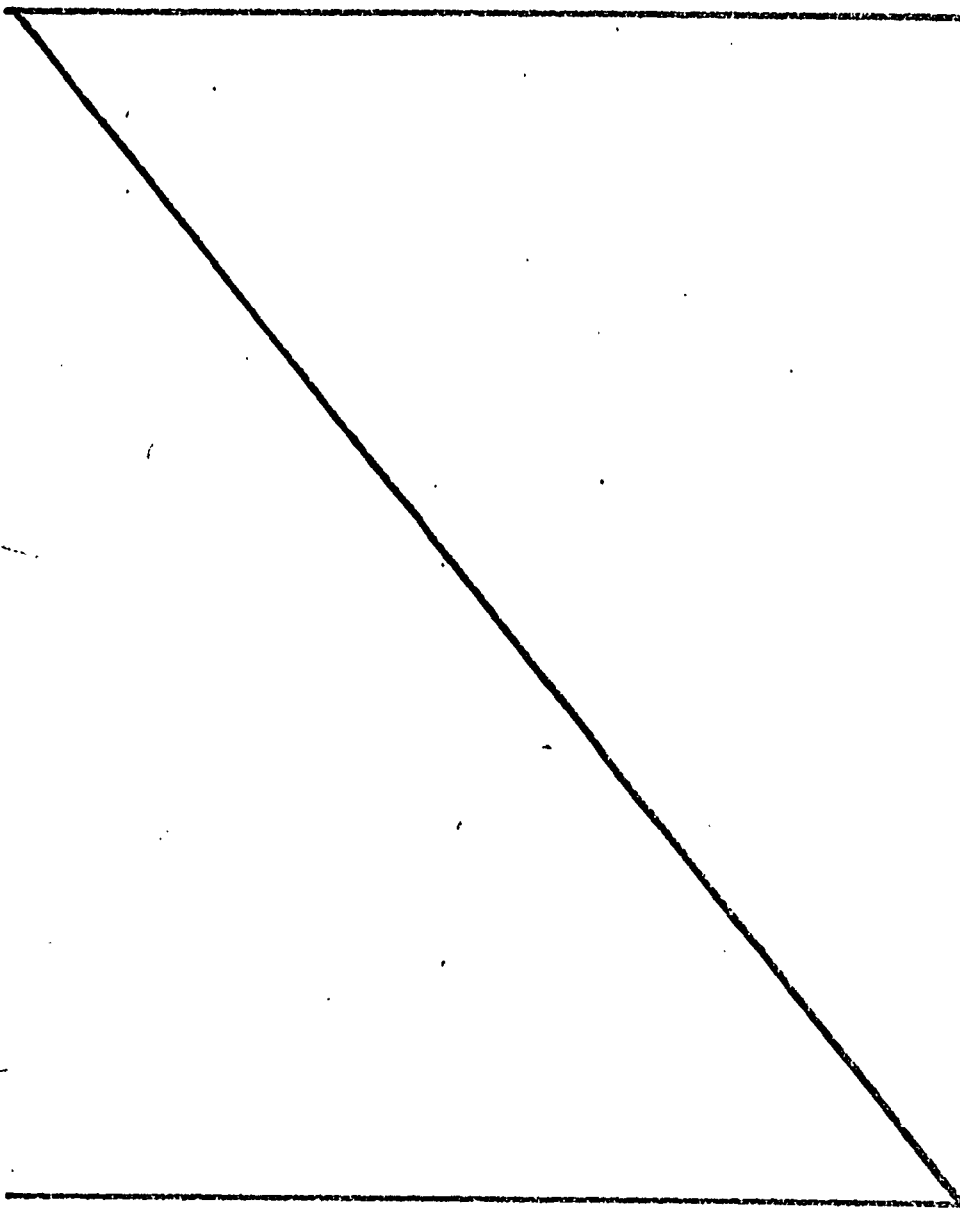
The sidelines of said 20.00 foot strip of land shall be prolonged or shortened so as to terminate on the South with a line bearing South 62° 10' 14" West and on the East with the westerly line of said Santa Fe Avenue.

PARCEL 5-B:

The privilege and right of temporary use of a portion of said Pueblo Lot 1788 of the Pueblo Lands of San Diego as above-mentioned, described as follows:

A strip of land 25.00 feet wide lying southeasterly of, adjacent and contiguous to the sewer easement described in Parcel 5-A above.

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



MICROFILMED

201134

PARCELS 6-A AND 6-B:

PARCEL 6-A:

An easement and right of way to construct, reconstruct, maintain, operate and repair a public sewer or sewers, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, 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 Pueblo Lot 1777 of the Pueblo Lands of San Diego, according to Map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the San Diego County Recorder, November 14, 1921, and is known as Miscellaneous Map No. 36, described as follows:

Beginning at Point "A" of Parcel 1 of Document 42351, recorded March 6, 1964, in the office of the San Diego County Recorder, said document being a Grant Deed to the State of California; thence South $08^{\circ} 19' 15''$ West, 81.36 feet to a point on the arc of a 1257.50 foot radius curve, concave westerly, a radial to said point bears South $62^{\circ} 00' 55''$ East; thence northeasterly and northerly along the arc of said curve through a central angle of $35^{\circ} 08' 10''$, an arc length of 771.15 feet to a point, a radial to said point bears North $82^{\circ} 50' 55''$ East; thence North $13^{\circ} 08' 00''$ West, 141.40 feet to a point of cusp on the arc of a 1550.00 foot radius curve, concave westerly, a radial to said point bears North $81^{\circ} 49' 34''$ East; thence southerly and southwesterly along the arc of said curve through a central angle of $21^{\circ} 42' 50''$, an arc length of 587.42 feet to a point, a radial to said point bears South $76^{\circ} 27' 36''$ East; thence South $76^{\circ} 27' 36''$ East along said radial line, 4.33 feet to the beginning of a 1554.00 foot radius curve, concave northwesterly, a radial to said point bears South $76^{\circ} 28' 58''$ East; thence southerly and southwesterly along the arc of said curve through a central angle of $08^{\circ} 03' 33''$, an arc length of 218.58 feet to a point of reverse curvature, a radial to said point bears North $68^{\circ} 25' 25''$ West; thence along said reverse curve, concave southeasterly with a radius of 970.00 feet through an angle of $00^{\circ} 42' 54''$, an arc length of 12.10 feet, returning to the Point of Beginning.

PARCEL 6-B:

The privilege and right of temporary use of a portion of said Pueblo Lot 1777 of the Pueblo Lands of San Diego as above-mentioned, described as follows:

A strip of land 25.00 feet in width, lying easterly of, adjacent and contiguous to the sewer easement described in Parcel 6-A above and Santa Fe Street as shown on City Engineer's Drawing No. 13954-D.

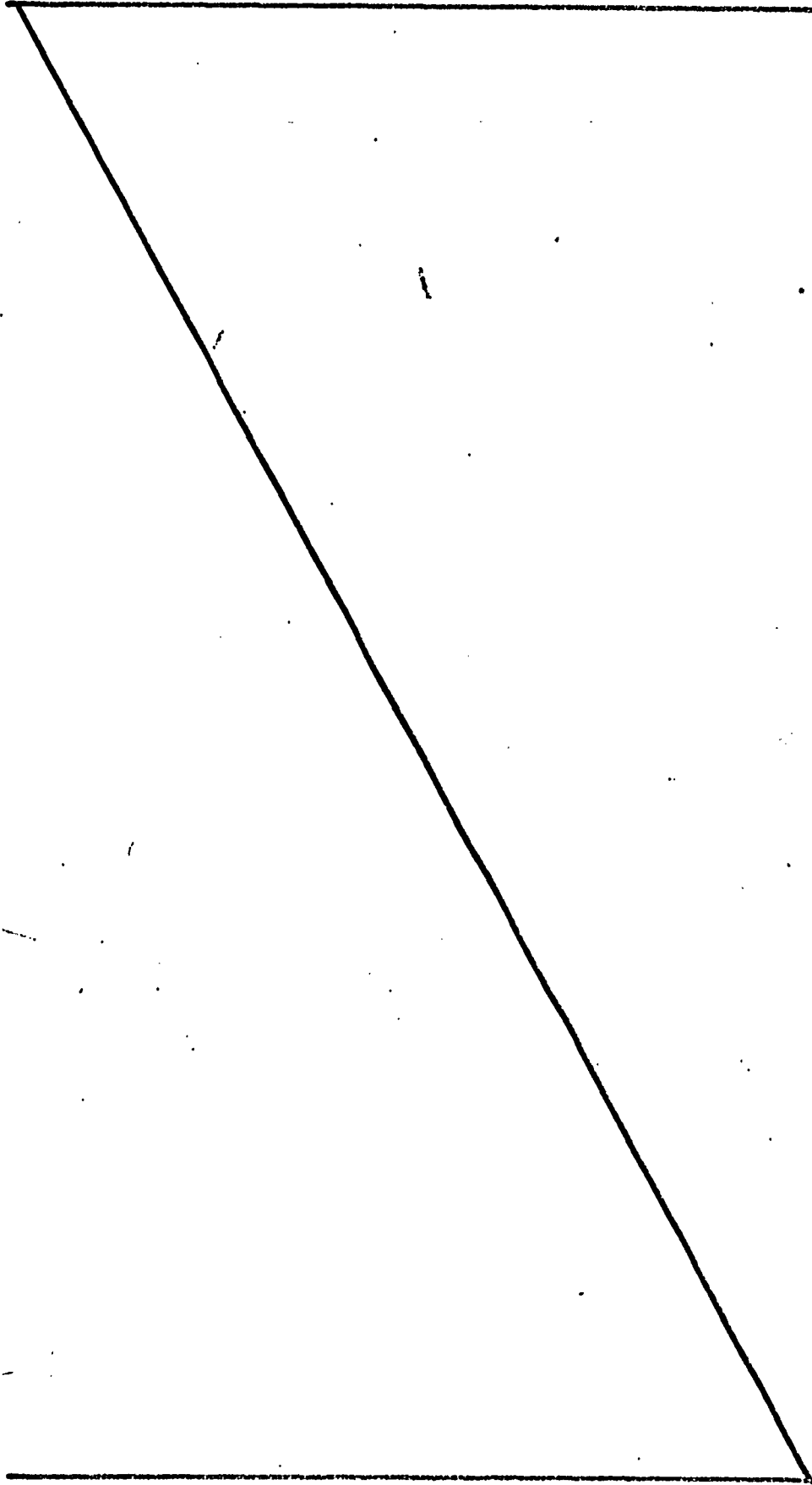
MICROFILMED

201134

PARCELS 6-A AND 6-B (Cont'd):

PARCEL 6-B (Cont'd):

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



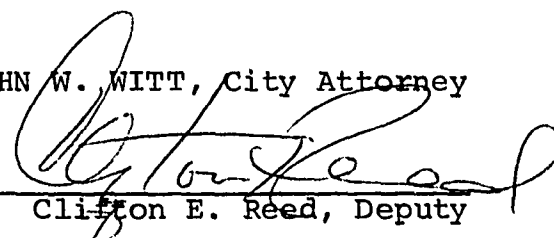
MICROFILMED

201139

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, 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, 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/10-19-70

-13-

MICROFILMED

201134

OCT 29 1970

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

RECEIVED
CITY CLERK'S OFFICE

1970 OCT 23 PM 12:34

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 *Barlene Villani*, Deputy. *KR*

Office of the City Clerk, San Diego, California

Resolution Number 201134 Adopted OCT 29 1970

FORM CC-1276 (1-69)

MICROFILMED