

RESOLUTION NO. 203795 SEP 21 1971

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, TOGETHER WITH ABUTTERS' RIGHTS OF ACCESS, EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR DRAINS AND ALL APPURTENANCES THERETO OVER PORTIONS OF PUEBLO LOTS 1205, 1212, AND 1213 OF THE PUEBLO LANDS OF SAN DIEGO, AND A PORTION OF LOT 11 OF LEMONA, ACCORDING TO MAP THEREOF NO. 684, 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 ABUTTERS' RIGHTS OF ACCESS, EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR DRAINS AND ALL APPURTENANCES 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.

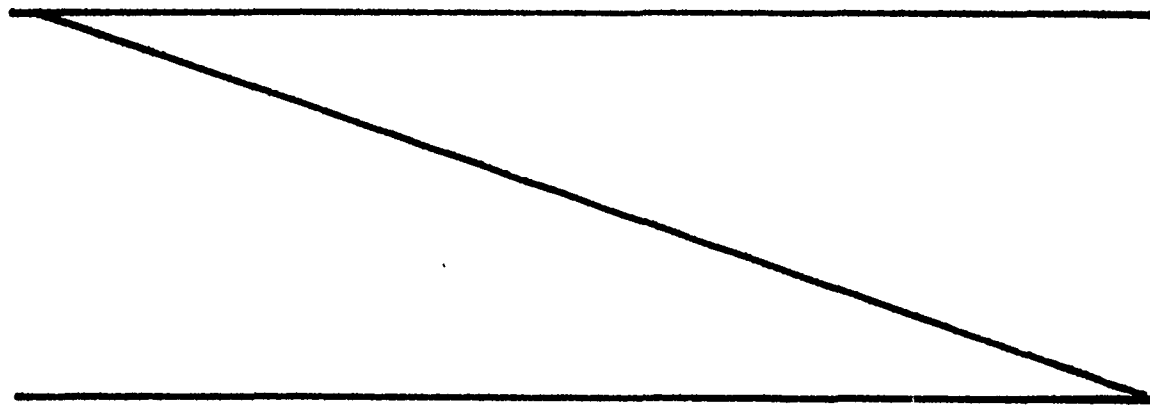
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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, together with abutters' rights of access, earth excavations, embankments, slope or slopes and a storm drain or drains and all appurtenances thereto across portions of Pueblo Lots 1205, 1212 and 1213 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, and a portion of Lot 11 of Lemona, according to Map thereof No. 684, filed September 15, 1891, in the office of the San Diego County Recorder, 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 abutters' rights of access, earth excavations, embankments, slope or slopes and a storm drain or drains and all appurtenances thereto, said easements lying with 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:



An easement for a right of way for a public street and incidents thereto, together with abutters' rights of access, and an earth excavation or embankment, slope or slopes, and incidents thereto, through, over, under, upon, along and across all that real property, in the City of San Diego, County of San Diego, State of California, together with the permanent easement and right of way to construct, reconstruct, maintain, operate and repair a storm drain or drains, 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:

Those portions of Pueblo Lots 1205 and 1212 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 County Recorder of San Diego County November 14, 1921, and is known as Miscellaneous Map No. 36, and being more particularly described as follows:

PARCEL 1: (STREET EASEMENT)

Beginning at the Northeasterly corner of said Pueblo Lot 1205; thence along the Easterly line of said Pueblo Lot 1205, South $00^{\circ}51'59''$ West, 101.01 feet; thence North $28^{\circ}58'22''$ West, 20.90 feet to the beginning of a tangent 1,051.00 foot radius curve, concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of $22^{\circ}30'00''$, a distance of 412.73 feet; thence tangent to said curve North $06^{\circ}28'22''$ West, 665.25 feet to the beginning of a tangent 949.00 foot radius curve, concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of $12^{\circ}18'08''$, a distance of 203.79 feet to a point herein designated as Point "A"; thence continuing Northwesterly along the arc of said curve through a central angle of $12^{\circ}41'52''$, a distance of 210.29 feet to a point herein designated a Point "B"; thence tangent to said curve North $31^{\circ}28'22''$ West, a distance of 548.64 feet to the beginning of a tangent 1,051.00 foot radius curve, concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of $19^{\circ}15'00''$, a distance of 353.11 feet; thence tangent to said curve North $12^{\circ}13'22''$ West, 250.96 feet to the beginning of a tangent 949.00 foot radius curve, concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of $10^{\circ}43'25''$, a distance of 177.62 feet; thence tangent to said curve North $22^{\circ}56'47''$ West, 80.05 feet to the Northerly line of said Pueblo Lot 1212; thence along said Northerly line South $88^{\circ}54'35''$ East (Record South $89^{\circ}27'08''$ East), 111.68 feet; thence South $22^{\circ}56'47''$ East, 34.55 feet to the beginning of a tangent 1,051.00 foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of $02^{\circ}11'27''$, a distance of 40.19 feet to the Northwesterly line of land described in Exception Parcel 4 in deed to Roy G. Anderson, et ux, recorded November 25, 1955 in Book 5882, Page 568 of Official Records; thence along the boundary of said Exception Parcel 4 as follows: South $62^{\circ}26'40''$ West, 61.77 feet to the most Westerly corner of said Parcel; South $24^{\circ}49'35''$ East, 150.17 feet (Record South $25^{\circ}38'55''$ East, 149.50 feet) to the most Southerly corner of said Exception Parcel 4; and North $62^{\circ}26'40''$ East (Record North $61^{\circ}37'20''$ East) 39.85 feet to a point on the arc of a 1,051.00 foot radius curve, concave Southwesterly, a radial line of said curve bears North $77^{\circ}34'52''$ East to said point, and being also a point herein designated as Point "C"; thence Southeasterly along the arc of said curve through a central angle of $00^{\circ}11'46''$, a distance of 3.60 feet; thence tangent to said curve South $12^{\circ}13'22''$ East, 210.96 feet to a point herein designated as Point "D"; thence continuing South $12^{\circ}13'22''$ East, 40.00 feet to the beginning of a tangent 949.00 foot radius curve, concave Northeasterly; thence Southeasterly along the arc of said curve

through a central angle of 19°15'00", a distance of 318.85 feet, being a point herein designated as Point "E"; thence tangent to said curve South 31°28'22" East, 115.00 feet to a point herein designated as Point "F"; thence continuing South 31°28'22" East, 100.00 feet to a point herein designated as Point "G"; thence continuing South 31°28'22" East, 333.64 feet to the beginning of a tangent 1,051.00 foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of 15°13'33", a distance of 279.29 feet to a point herein designated as Point "H"; thence continuing Southerly along the arc of said curve through a central angle of 06°00'58", a distance of 110.35 feet to a point herein designated as Point "I"; thence continuing Southerly along the arc of said curve through a central angle of 03°45'29", a distance of 68.94 feet; thence tangent to said curve South 06°28'22" East, 429.41 feet to a point herein designated as Point "J"; thence continuing South 06°28'22" East, 235.84 feet to the beginning of a tangent 949.00 foot radius curve, concave Northeasterly; thence Southeasterly along the arc of said curve through a central angle of 11°00'35", a distance of 182.35 feet to the Easterly line of said Pueblo Lot 1212; thence along said Easterly line South 01°04'29" West, 141.32 feet to the Point of Beginning.

Including all abutters' rights of access appurtenant to the adjoining property, adjacent to boundaries of the hereinabove described right of way; EXCEPTING that portion of said adjoining property shall have access to the Northeasterly boundary of said right of way between points "F" and "G" as designated in Parcel No. 1 above.

PARCEL 1A: (SLOPES)

Beginning at the most Southerly corner of Parcel 1 hereinabove described, being a point on the Easterly line of said Pueblo Lot 1205; thence along said Easterly line South 00°51'59" West, 38.08 feet; thence North 16°33'55" West, 33.82 feet; thence North 47°31'46" West, 55.18 feet; thence North 41°18'40" West, 56.45 feet; thence North 20°10'35" West, 225.00 feet; thence North 07°41'40" West, 104.56 feet; thence North 00°06'25" West, 152.33 feet; thence North 24°13'03" West, 104.99 feet; thence North 07°37'07" West, 241.56 feet; thence North 15°46'53" East, 176.44 feet to the Westerly line of Parcel 1 hereinabove described; thence Southerly and Southeasterly along the Westerly and Southwesterly boundary of said Parcel 1 above to the Point of Beginning.

PARCEL 1B: (SLOPES)

Beginning at said Point "C" hereinabove designated in Parcel 1 above; thence along the boundary of said Parcel 1 above as follows: Southeasterly along the arc of a 1,051.00 foot radius curve, concave Southwesterly, through a central angle of 00°11'46", a distance of 3.60 feet; and tangent to said curve South 12°13'22" East, 101.32 feet; thence North 07°34'52" West, 107.67 feet to a line which bears North 62°26'40" East from the Point of Beginning; thence South 62°26'40" West, 9.04 feet to the Point of Beginning.

PARCEL 1C: (SLOPES)

Beginning at said Point "I" hereinabove designated in Parcel 1 above; thence North 79°46'09" East, 16.00 feet; thence South 05°03'05" East, 149.39 feet; thence South 04°50'16" West, 50.99 feet to the Easterly line of said Parcel 1 above; thence along the Easterly boundary of said Parcel 1 above as follows: North 06°28'22" West, 129.41 feet to the beginning of a tangent 1,051.00 foot radius curve, concave Southwesterly; and Northerly along the arc of said curve through a central angle of 03°45'29", a distance of 68.94 feet to the Point of Beginning.

PARCEL 1D: (SLOPES)

Beginning at said Point "J" hereinabove designated in Parcel 1 above; thence South 17°46'58" East, 152.97 feet; thence South 21°46'28" West, 63.39 feet to the Easterly line of said Parcel 1 above; thence along said Easterly line North 06°28'22" West, 205.84 feet to the Point of Beginning.

PARCEL 1E: (DRAINAGE)

Beginning at said Point "A" hereinabove designated in Parcel 1 above; thence North 59°28'22" West, 75.28 feet; thence at right angles North 30°31'38" East, 25.00 feet; thence at right angles South 59°28'22" East, 44.96 feet to the Southwesterly line of said Parcel 1 above; thence along said Southwesterly line Southeasterly along the arc of a 949.00 foot radius curve, concave Southwesterly through a central angle of 02°22'21", a distance of 39.28 feet to the Point of Beginning.

PARCEL 1F: (DRAINAGE)

Beginning at said Point "B" hereinabove designated in Parcel 1 above; thence North 31°28'22" West, 99.00 feet; thence South 09°28'22" East, 106.78 feet to a line which bears South 58°31'38" West from the Point of Beginning; thence North 58°31'38" East, 40.00 feet to the Point of Beginning.

PARCEL 1G: (DRAINAGE)

Beginning at said Point "D" hereinabove designated in Parcel 1 above; thence North 77°46'38" East, 16.00 feet; thence South 12°13'22" East, 40.00 feet; thence South 05°29'22" East, 95.74 feet to the Easterly boundary of said Parcel 1 above; thence along said Easterly boundary as follows:
Northerly along the arc of a 949.00 foot radius curve, concave Northeasterly through a central angle of 05°45'00", a distance of 95.22 feet; and tangent to said curve North 12°13'22" West, 40.00 feet to the Point of Beginning.

PARCEL 1H: (DRAINAGE)

Beginning at said Point "E" hereinabove designated in Parcel 1 above; thence North 58°31'38" East, 6.00 feet; thence South 40°32'40" East, 187.91 feet; thence South 09°28'22" East, 95.00 feet to the Northeasterly line of said Parcel 1 above; thence along said Northeasterly line North 31°28'22" West, 273.64 feet to the Point of Beginning.

PARCEL 1I: (DRAINAGE)

Beginning at said Point "H" hereinabove designated in Parcel 1 above; thence along the Easterly boundary of said Parcel 1 above, Southerly along the arc of a 1,051.00 foot radius curve, concave Southwesterly, through a central angle of 06°00'58", a distance of 110.35 feet; thence North 79°46'09" East, 70.00 feet; thence North 13°14'20" West, 117.65 feet to a line which bears North 73°45'11" East from the Point of Beginning; thence South 73°45'11" West, 70.00 feet to the Point of Beginning.

An easement and right of way for a public street and incidents thereto, together with abutters' rights of access, and earth excavations and embankments, slope or slopes, through, 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 parcel of land described as Exception Parcel 4 in Deed to Roy G. Anderson, et ux, recorded November 25, 1955 in Book 5882, Page 568 of Official Records, being a portion of Pueblo Lot 1212 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 County Recorder of San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36 and being more particularly described as follows:

PARCEL 2: (STREET EASEMENT)

Commencing at the intersection of the most Northerly line of said Pueblo Lot 1212 with the Westerly boundary of Clairemont Mesa South Unit No. 1, according to Map thereof No. 4800, filed in the Office of the County Recorder in the County of San Diego June 22, 1961; thence along said most Northerly line North $88^{\circ}54'35''$ West (record North $89^{\circ}27'08''$ West), 332.35 feet; thence South $22^{\circ}56'47''$ East, 34.55 feet to the beginning of a tangent 1,051.00 foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of $02^{\circ}11'27''$, a distance of 40.19 feet to the Northwesterly line of said Exception Parcel 4 and being the TRUE POINT OF BEGINNING; thence continuing Southeasterly along the arc of said curve through a central angle of $08^{\circ}20'12''$, a distance of 152.92 feet to the Southeasterly line of said Exception Parcel 4; thence along the boundary of said Exception Parcel 4 as follows: South $62^{\circ}26'40''$ West (record South $61^{\circ}37'20''$ West), 39.85 feet to the most Southerly corner of said parcel; North $24^{\circ}49'35''$ West, 150.17 feet (record North $25^{\circ}38'55''$ West, 149.50 feet) to the most Westerly corner of said parcel; and North $62^{\circ}26'40''$ East, 61.77 feet to the TRUE POINT OF BEGINNING.

Including all abutters' rights of access appurtenant to the remaining portion of said Exception Parcel 4 adjacent to the boundary of the property hereinabove described.

PARCEL 2A: (SLOPE EASEMENT)

Beginning at the most Northerly corner of Parcel 2 hereinabove described; thence South $26^{\circ}29'31''$ East, 100.02 feet; thence South $07^{\circ}34'52''$ East, 53.20 feet to the Southeasterly line of said Exception Parcel 4 hereinabove referred to in Parcel 2; thence along said Southeasterly line South $62^{\circ}26'40''$ West (record South $61^{\circ}37'20''$ West), 9.04 feet to the Northeasterly line of said hereinabove described Parcel 2; thence Northwesterly along said Northeasterly line of said hereinabove described Parcel 2 to the point of beginning.

Job: 8541/W.O. 90119/Dwg: 14721-3-D/Genesee Avenue/Clairemont Properties/STEFFEN/
JCG/ch/8-25-71

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An easement and right of way for a public street and incidents thereto, together with abutters' rights of access, through, 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:

PARCEL 3: (STREET EASEMENT)

That parcel of land described in Deed to Alice J. Martin, recorded March 14, 1928 in Book 1454, Page 95 of Deeds, being a portion of Pueblo Lot 1213 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 County Recorder of San Diego County November 14, 1921 and is known as Miscellaneous Map No. 36, and being more particularly described as follows:

Beginning at the Southwesterly corner of said Pueblo Lot 1213; thence along the Westerly line of said Pueblo Lot 1213 North $01^{\circ}04'29''$ East (record North $00^{\circ}59'04''$ East), 134.57 feet to a point on the arc of a 949.00 foot radius curve, concave Northeasterly, a radial line of said curve bears South $72^{\circ}31'03''$ West to said point; thence Southeasterly along the arc of said curve through a central angle of $09^{\circ}16'47''$, a distance of 153.70 feet to the Southerly line of said Pueblo Lot 1213; thence along said Southerly line North $89^{\circ}06'54''$ West (record North $89^{\circ}12'19''$ West), 60.48 feet to the point of beginning.

Including all abutters' rights of access appurtenant to the remaining portion of said Martin's land adjacent to the boundary of the property hereinabove described.

Job: 8541/W.O. 90119/Dwg: 14721-3-D/Genesee Avenue/Martin/STEFFEN/JCG/ch/8-25-71

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An easement and right of way for a public street and incidents thereto, together with abutters' rights of access through, 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:

PARCEL 4: (STREET EASEMENT)

That portion of Lot 11 of Lemona, according to Map thereof No. 684, filed in the Office of the County Recorder of San Diego County September 15, 1891, described as follows:

Commencing at the Southwest corner of said Lot 11; thence along the Westerly line of said Lot 11, North $00^{\circ}53'00''$ East, 53.67 feet to the TRUE POINT OF BEGINNING; thence South $59^{\circ}51'11''$ East, 107.20 feet to the Southerly line of said Lot 11; thence along said Southerly line South $89^{\circ}53'27''$ East, 203.76 feet; thence North $59^{\circ}51'11''$ West, 64.14 feet to a point herein designated as Point "A"; thence continuing North $59^{\circ}51'11''$ West, 100.00 feet to a point herein designated as Point "B"; thence continuing North $59^{\circ}51'11''$ West, 176.61 feet to the Westerly line of said Lot 11; thence along said Westerly line South $00^{\circ}53'00''$ West, 116.91 feet to the TRUE POINT OF BEGINNING.

Including all abutters' rights of access appurtenant to the remaining portion of said Lot 11; EXCEPTING that portion adjacent to the Northeasterly line of the above described right of way between Points "A" and "B" as set out in Parcel 4 above.

PARCEL 4A: (EXCESS)

That portion of Lot 11 of Lemona in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 684, filed in the Office of the County Recorder of San Diego County, September 15, 1891, described as follows:

Beginning at the Southwest corner of said Lot 11; thence along the Westerly line of said Lot 11, North $00^{\circ}53'00''$ East, 53.67 feet; thence South $59^{\circ}51'11''$ East, 107.20 feet to the Southerly line of said Lot 11; thence along said Southerly line North $89^{\circ}53'27''$ West, 93.53 feet, returning to the point of beginning.

Job: 8541/W.O. 90119/Dwg: 14721-1-D/Genesee Avenue/Baronofsky/STEFFEN/JCG/ch/
8-25-71

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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 abutters' rights of access, earth excavations, embankments, slope or slopes and a storm drain or drains and all appurtenances 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 of a public street and incidents thereto, together with abutters' rights of access, earth excavations, embankments, slope or slopes and a storm drain or drains 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

rb/8-26-71

By 
Larry L. Marshall, Deputy

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203795

SEP 21 1971

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

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

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AUTHENTICATED BY:

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

EDWARD NIELSEN
~~JOHN LOCKWOOD~~

City Clerk of The City of San Diego, California.

By *LaVerne E. Miller*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution **203795**
Number Adopted **SEP 21 1971**
eh