

MAR 7 1972

RESOLUTION NO. 205093

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 EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR DRAINS AND APPURTENANCES 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, TOGETHER WITH EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR DRAINS AND 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.

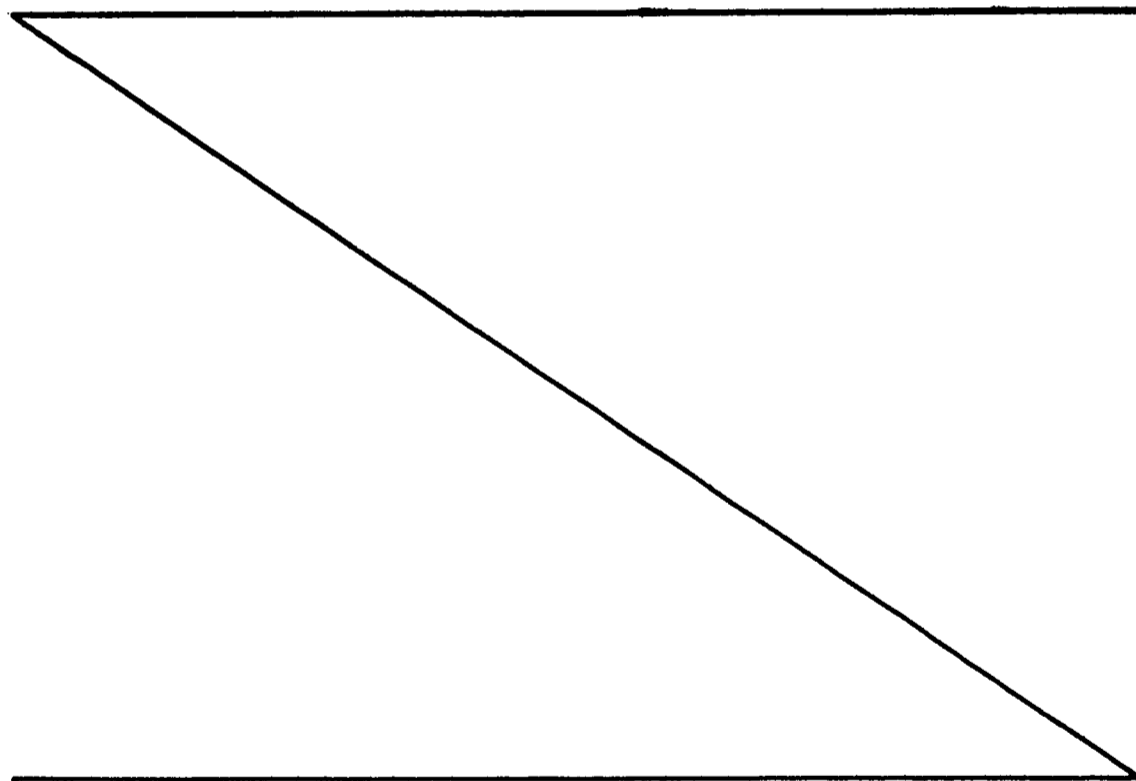
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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 earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto across portions of Pueblo Lot 1289 of the Pueblo Lands of San Diego, 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, 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 earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances 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 and rights of way for a public street and incidents thereto, together with earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto, through, over, under, along and across all that real property situated in the City of San Diego, State of California, described as follows:

Those portions of Pueblo Lot 1289 of the Pueblo Lands of San Diego, 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: (TORREY PINES ROAD)

Commencing at the Northeast corner of said Pueblo Lot 1289; thence along the northerly line of said Pueblo Lot, South $76^{\circ} 01' 52''$ West, 633.74 feet (Record: per deed, South $75^{\circ} 24' 00''$ West, 633.60 feet); thence leaving said northerly line, South $13^{\circ} 43' 57''$ East, 171.86 feet to the Northwest corner of Lot 56, Azure Coast Unit No. 2, according to Map thereof No. 5676, filed in the office of the San Diego County Recorder; thence continuing South $13^{\circ} 43' 57''$ East along the westerly line of said Lot 56 (Record: per Map No. 5676, South $14^{\circ} 13' 21''$ East), a distance of 103.14 feet; thence along the northerly line of Lot 55 of said Azure Coast Unit No. 2, South $75^{\circ} 53' 44''$ West (Record: per Map No. 5676, South $75^{\circ} 31' 33''$ West), 80.00 feet to an angle point in the boundary of said Lot 55; thence leaving said boundary of Lot 55, South $75^{\circ} 56' 44''$ West, 191.97 feet to a point on the arc of a 583.47 foot radius curve, concave northwesterly to which a radial bears South $47^{\circ} 10' 09''$ East, said point also being the TRUE POINT OF BEGINNING; thence northeasterly along the arc of said curve through a central angle of $19^{\circ} 32' 27''$, a distance of 198.99 feet to a point hereby set out as Point "A" for purposes of this description, being a point on the most westerly line of land described in deed dated December 1, 1942, and filed in the office of the San Diego County Recorder in Book 1435, Page 458 as Document No. 79728 of Official Records, also being a point on the arc of a 230.00 foot radius curve, concave northwesterly, a radial to said point bears South $53^{\circ} 20' 59''$ East; thence along said westerly line and southwesterly along the arc of said curve through a central angle of $06^{\circ} 29' 21''$, a distance of 26.05 feet; thence tangent to said curve and

continuing along said westerly line, South 43° 08' 22" West, 100.00 feet to the beginning of a tangent 830.00 foot radius curve, concave northwesterly; thence continuing along said westerly line and southwesterly along the arc of said curve through a central angle of 09° 36' 24", a distance of 139.16 feet to a point to which a radial bears South 37° 15' 14" East; thence leaving said westerly line, North 75° 56' 44" East, 82.72 feet, returning to the TRUE POINT OF BEGINNING.

PARCEL 2: (SLOPE EASEMENT)

Beginning at Point "A" set out in Parcel 1 above, said point being a point on the arc of a 230.00 foot radius curve, concave northwesterly, a radial to said point bears South 53° 20' 59" East, said point also being on the most westerly line of land described in Document No. 79728 described above; thence along said westerly line and northeasterly along the arc of said curve through a central angle of 22° 24' 23", a distance of 89.95 feet to a point hereby set out as Point "B" for purposes of this description, a radial to said point bears South 75° 45' 22" East; thence leaving the arc of said curve, South 26° 20' 10" East, 3.75 feet; thence North 63° 39' 50" East, 6.73 feet; thence South 17° 36' 03" East, 151.44 feet; thence South 13° 55' 24" West, 57.00 feet to the angle point in Lot 55, Azure Coast Unit No. 2, described in Parcel 1 above; thence South 75° 56' 44" West, 191.97 feet to a point on the arc of a 583.47 foot radius curve, concave northwesterly, a radial to said point bears South 47° 10' 09" East; thence northeasterly along the arc of said curve through a central angle of 19° 32' 27", a distance of 198.99 feet, returning to the POINT OF BEGINNING.

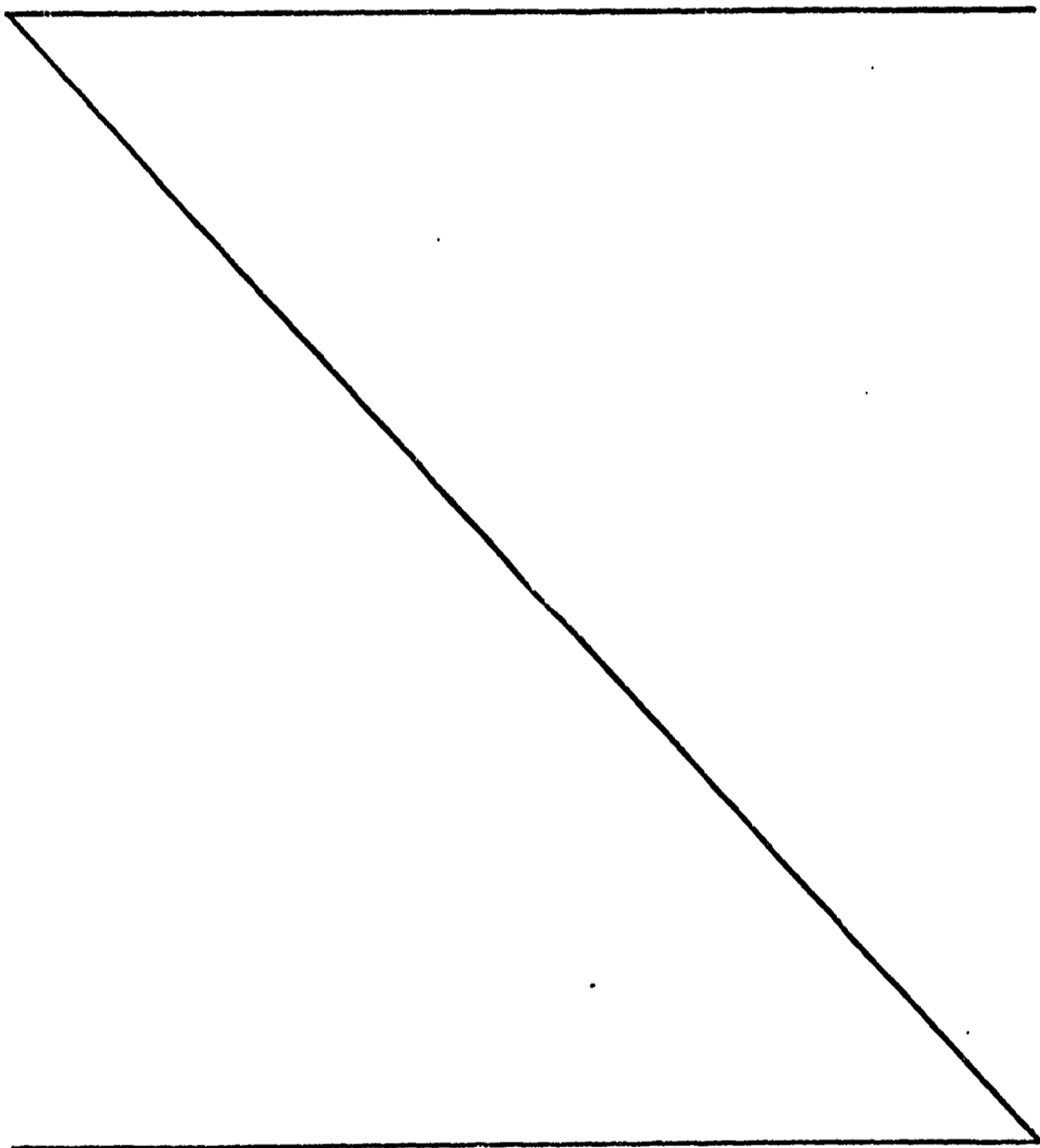
PARCEL 3: (DRAIN EASEMENT)

Beginning at Point "B" described in Parcel 2 above; thence South 26° 20' 10" East, 3.75 feet; thence North 63° 39' 50" East, 15.00 feet; thence North 26° 20' 10" West, 23.29 feet to a point on the arc of a 230.00 foot radius curve, concave northwesterly, a radial to said point bears South 81° 53' 41" East, being also a point on the most westerly line of land described in Document No. 79728 described in Parcel 1 above; thence along said westerly line and southwesterly along the arc of said curve through a central angle of 06° 08' 19", a distance of 24.64 feet, returning to the POINT OF BEGINNING.

As to Parcel 3 only of this description:

RESERVING unto the Grantor herein, his heirs and assigns the continued use of the above-described parcel of land subject to the following conditions:

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipelines shall be prohibited except by written permission from The City of San Diego.



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 earth excavations, embankments, slope or slopes and a storm drain or drains and 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, operation and maintenance of a public street and incidents thereto, together with earth excavations, embankments, slope or slopes and a storm drain or drains and 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 
Larry L. Marshall, Deputy

205093

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Passed and adopted by the Council of The City of San Diego on MAR 7 1972,
 by the following vote:

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 CITY CLERK'S OFFICE
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SAN DIEGO, CALIF.
 Councilmen
 Gil Johnson
 Maureen F. O'Connor
 Henry L. Landt
 Leon L. Williams
 Floyd L. Morrow
 Bob Martinet
 Allen Hitch
 Jim Bates
 Mayor Pete Wilson

Yeas	Nays	Excused	Absent
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AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Judith A. Dillon, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 205093 Adopted MAR 7 1972
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