

RESOLUTION NO. 205095 MAR 7 1972

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 THE SOUTHWEST QUARTER AND THE WEST HALF OF THE WEST HALF OF THE SOUTHEAST QUARTER IN SECTION 5, TOWNSHIP 15 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF, 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.

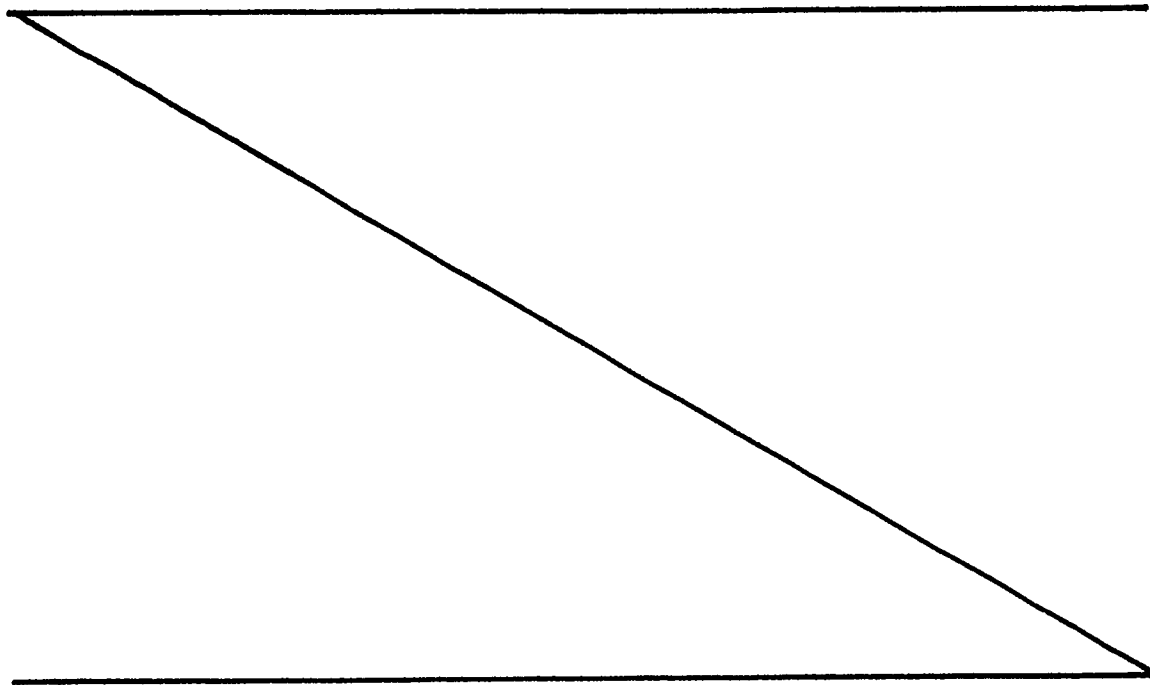
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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 the Southwest Quarter and the West Half of the West Half of the Southeast Quarter in Section 5, Township 15 South,

Range 2 West, San Bernardino Base and Meridian, according to Official Plat thereof, 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, County of San Diego, State of California, described as follows:

Those portions of the Southwest Quarter and the West Half of the West Half of the Southeast Quarter in Section 5, Township 15 South, Range 2 West, San Bernardino Base and Meridian, according to Official Plat thereof, described as follows:

PARCEL 1-A: (POMERADO ROAD)

Commencing at the most westerly corner of Lot 1 of United States International University, according to Map thereof No. 5960; filed in the office of the San Diego County Recorder; thence along the West line of Pomerado Road, according to said Map No. 5960; North 22° 55' 19" West (Record: North 23° 21' 19" West) 35.69 feet; thence North 29° 01' 17" West, 192.00 feet; thence South 60° 58' 43" West, 1,856.80 feet to the beginning of a tangent 4,949.00 foot radius curve, concave northerly; thence westerly along said curve 100.46 feet through an angle of 01° 09' 47" to the northwesterly right of way line of Mission Road 1-A as said right of way existed on January 20, 1969, being the TRUE POINT OF BEGINNING; thence continuing westerly along said curve 1,259.21 feet through an angle of 14° 34' 41"; thence tangent to said curve South 76° 43' 12" West 168.80 feet to the easterly line of the land described in PARCEL 2 in deed to the State of California, recorded February 28, 1964 as Document No. 37844 of Official Records; thence along said easterly line South 13° 16' 48" East, 4.75 feet to the northerly right of way line of said Mission Road 1-A; thence along said northerly line North 76° 43' 12" East, 1,015.91 feet to the beginning of a tangent curve, concave northwesterly having a radius of 475.00 feet; thence northeasterly along said curve 265.64 feet through an angle of 32° 02' 31"; thence tangent to said curve North 44° 40' 41" East, 172.89 feet to the TRUE POINT OF BEGINNING.

PARCEL 1-B: (SLOPE RIGHTS AND DRAINAGE EASEMENT)

Commencing at the most westerly corner of Lot 1 of United States International University, according to Map thereof No. 5960, filed in the office of the San Diego County Recorder; thence along the West line of Pomerado Road, according to said Map No. 5960, North 22° 55' 19" West

(Record: North 23° 21' 19" West) 35.69 feet; thence North 29° 01' 17" West, 102.00 feet; thence South 60° 58' 43" West, 1,856.80 feet to the beginning of a tangent 4,949.00 foot radius curve, concave northerly; thence westerly along said curve 100.46 feet through an angle of 01° 09' 47" to the northwesterly right of way line of Mission Road 1-A as said right of way existed on January 20, 1969, being the TRUE POINT OF BEGINNING; thence continuing westerly along said curve, 1,259.21 feet through an angle of 14° 34' 41"; thence tangent to said curve South 76° 43' 12" West, 168.80 feet to the easterly line of the land described in PARCEL 2 in deed to the State of California, recorded February 28, 1964 as Document No. 37844 of Official Records; thence along said easterly line and the prolongation thereof North 13° 16' 48" West, 23.00 feet; thence North 75° 48' 52" East, 359.06 feet; thence North 56° 21' 14" East, 106.05 feet; thence North 73° 05' 40" East, 515.34 feet; thence North 67° 20' 10" East, 295.38 feet; thence North 61° 54' 46" East, 100.00 feet; thence North 08° 07' 41" East, 64.72 feet; thence North 61° 41' 41" East, 97.42 feet; thence South 68° 13' 46" East, 53.32 feet to said northwesterly right of way line of Mission Road 1-A; thence along said Northwest line South 44° 40' 41" West, 127.11 feet to the TRUE POINT OF BEGINNING.

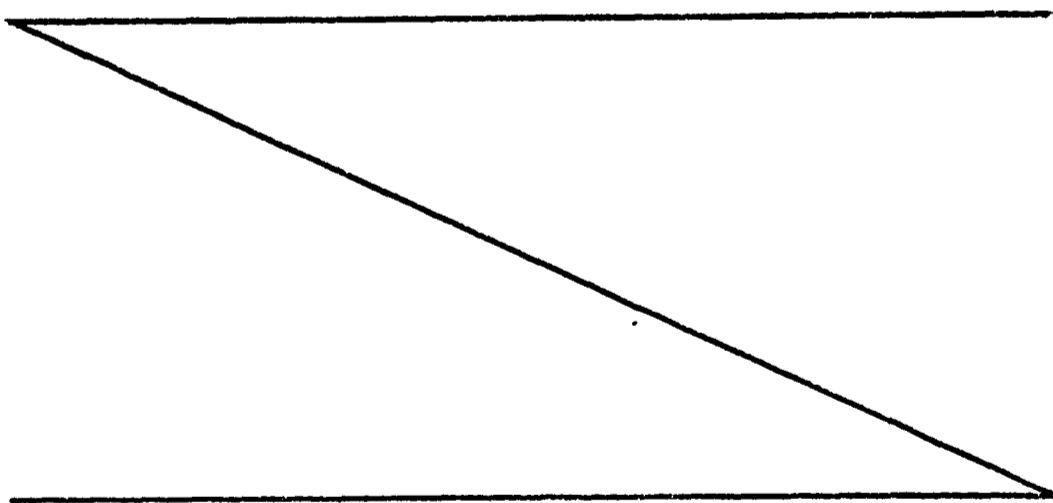
PARCEL 1-C: (SLOPE AND DRAINAGE EASEMENT)

Commencing at the most westerly corner of Lot 1 of United States International University, according to Map thereof No. 5960, filed in the office of the San Diego County Recorder; thence along the West line of Pomerado Road, according to said Map No. 5960, North 22° 55' 19" West (Record: North 23° 21' 19" West) 35.69 feet; thence North 29° 01' 17" West, 102.00 feet; thence South 60° 58' 43" West, 1,856.80 feet to the beginning of a tangent 4,949.00 foot radius curve, concave northerly; thence westerly along said curve, 100.46 feet through an angle of 01° 09' 47" to the northwesterly right of way line of Mission Road 1-A as said right of way existed on January 20, 1969, being the TRUE POINT OF BEGINNING; thence along said northwesterly line North 44° 40' 41" East, 127.11 feet; thence South 68° 13' 46" East, 15.46 feet; thence North 61° 54' 06" East, 36.30 feet to the center line of said Mission Road 1-A, South 44° 40' 41" West, 85.87 feet to a point on that 4,949.00 foot radius curve, concave northerly described above; thence westerly along said curve 85.66 feet through an angle of 00° 59' 30" to the TRUE POINT OF BEGINNING.

PARCEL 1-D: (SLOPE RIGHTS AND DRAINAGE EASEMENT)

Commencing at the most westerly corner of Lot 1 of United States International University, according to Map thereof No. 5960, filed in the office of the San Diego County Recorder; thence along the West line of Pomerado Road, according to said Map No. 5960; North  $22^{\circ} 55' 19''$  West (Record: North  $23^{\circ} 21' 19''$  West) 35.69 feet; thence South  $60^{\circ} 58' 43''$  West, 1.856.80 feet to the beginning of a tangent 5,051.00 foot radius curve, concave northerly; thence westerly along said curve 76.67 feet through an angle of  $00^{\circ} 52' 11''$  to the southeasterly right of way line of Pomerado Road as described in deed to The City of San Diego, recorded March 2, 1965 as File No. 38834 of Official Records, being the TRUE POINT OF BEGINNING; thence continuing westerly along said curve 619.64 feet through an angle of  $07^{\circ} 01' 44''$  to the southerly right of way line of Mission Road 1-A, 50.00 feet wide, as said road existed on January 20, 1969; thence along said southerly line North  $76^{\circ} 43' 12''$  East, 87.44 feet to the North and South center line of said Section 5; thence along said North and South center line, South  $01^{\circ} 45' 58''$  West, 9.52 feet; thence North  $66^{\circ} 48' 11''$  East, 413.26 feet; thence North  $63^{\circ} 15' 40''$  East, 32.06 feet to said southeasterly line of Pomerado Road; thence along said southeasterly line North  $44^{\circ} 40' 41''$  East, 98.96 feet to the TRUE POINT OF BEGINNING.

EXCEPTING that portion lying southerly of the center line of said 50.00 foot right of way of Mission Road 1-A.



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

rb/2-17-72  
Job: 7082

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

RECEIVED  
 CITY CLERK'S OFFICE  
 1972 MAR -1 AM 11:43  
 SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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 G. Nielsen*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number 205095 Adopted MAR 7 1972

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