

RESOLUTION NO. 209983 FEB 26 1974

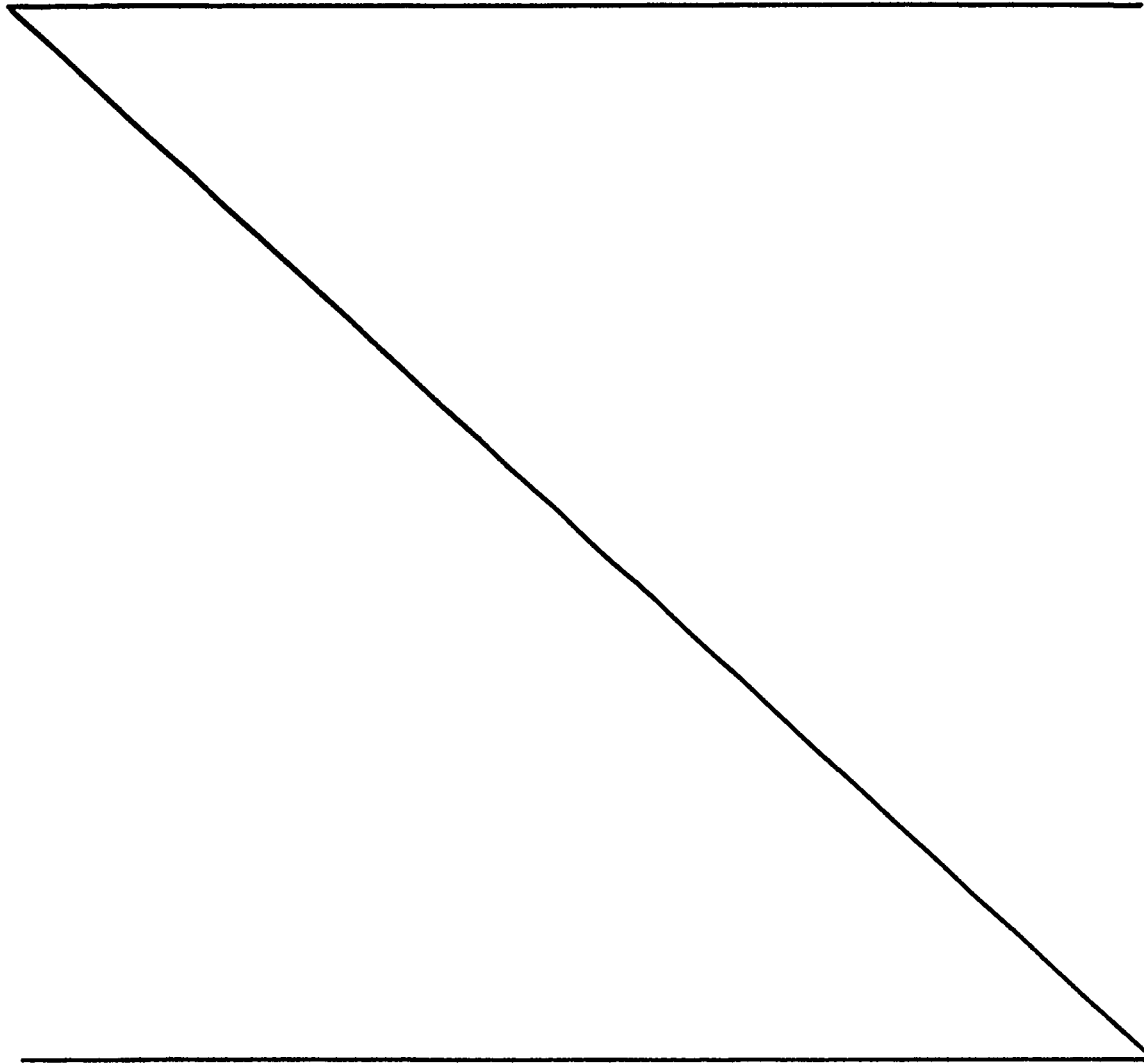
A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUBLIC STREET, TOGETHER WITH THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN CERTAIN EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, ACROSS PORTIONS OF SECTION 1, TOWNSHIP 15 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO UNITED STATES GOVERNMENT SURVEY 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 CERTAIN FEE SIMPLE AND EASEMENT INTERESTS FOR SAID PUBLIC STREET, EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE FEE SIMPLE AND EASEMENT INTERESTS IN THE REAL 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 CONDEMNING AND ACQUIRING SAID FEE SIMPLE AND EASEMENT INTERESTS.

Section 1. That the public interest, convenience and necessity of The City of San Diego and the inhabitants thereto, require the construction, operation and maintenance of a public street, together with the right to construct, operate and maintain certain earth excavations or embankments, slope or slopes and incidents thereto across portions of Section 1, Township 15 South, Range 3 West, San Bernardino Base and Meridian, 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 fee simple and easement interests

for the construction, operation and maintenance of a public street, together with the right to construct, operate and maintain certain earth excavations or embankments, slope or slopes and incidents thereto, said fee simple and easement interests 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:



All those portions of Section 1, Township 15 South, Range 3 West, San Bernardino Base and Meridian, according to United States Government Survey thereof, situated in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

PARCEL 1: Camino Ruiz (Fee)

A strip of land 102.00 feet wide lying 51.00 feet on each side of the following described center line:

Commencing at a point on the southerly line of Mira Mesa Verde Unit No. 13-B, according to Map No. 6897, said point being the intersection of the southerly terminus of the center line of Camino Ruiz as dedicated on said Map No. 6897, said point being a point on the arc of a 1,200.00 foot radius curve, concave westerly, to which point a radial bears North $71^{\circ} 41' 04''$ East; thence southeasterly along said curve through a central angle of $00^{\circ} 41' 56''$, a distance of 14.64 feet to the beginning of a tangent line; thence along said tangent line South $17^{\circ} 37' 00''$ East, 278.28 feet to the beginning of a tangent 1,000.00 foot radius curve, concave northeasterly; thence southeasterly along said curve through a central angle of $44^{\circ} 28' 00''$, a distance of 776.09 feet to the beginning of a tangent line; thence along said tangent line South $62^{\circ} 05' 00''$ East, 892.38 feet to a point of intersection with the northerly line of that parcel of land conveyed to Ruth Lane by deed recorded in the office of the County Recorder on February 16, 1956, in Book 5978, Page 383, said point also being the TRUE POINT OF BEGINNING; thence South $62^{\circ} 05' 00''$ East, 941.11 feet to the beginning of a tangent 1,800.00 foot radius curve, concave southwesterly; thence southeasterly along said curve through a central angle of $11^{\circ} 48' 20''$, a distance of 370.88 feet to a terminus in the easterly line of said Section 1.

The sidelines of the above-described strip of land shall be shortened or prolonged so as to terminate northwesterly in said northerly line of said parcel of land conveyed to Ruth Lane, and southeasterly in the easterly line of said Section 1.

209983

PARCEL 2: Slope (Easement)

The permanent easement and right of way for an earth excavation or embankment, slope or slopes, and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at the intersection of the northeasterly sideline of Parcel 1 described above with said easterly line of said Section 1; said point being a point in the arc of a 1,800.00 foot radius curve, concave southwesterly, a radial bears North 38° 31' 26" East to said point; thence northwesterly along said northeasterly sideline of said Parcel 1 and along the arc of said curve through a central angle of 10° 36' 26", a distance of 342.68 feet to the beginning of a tangent line; thence North 62° 05' 00" West along said northeasterly sideline and along said tangent line a distance of 847.11 feet to a point on said northerly line of said parcel conveyed to Ruth Lane; thence North 89° 26' 01" East, along said northerly line, a distance of 50.33 feet; thence leaving said northerly line, South 62° 05' 00" East, 243.64 feet; thence South 54° 21' 45" East, 111.64 feet; thence South 72° 00' 10" East, 183.50 feet; thence South 50° 11' 30" East, 197.08 feet; thence South 68° 15' 30" East, 284.33 feet; thence South 48° 40' 55" East, 119.79 feet to the easterly line of said Section 1; thence South 02° 18' 12" West along said easterly line a distance of 38.20 feet returning to the POINT OF BEGINNING.

PARCEL 3: Slope (Easement)

The permanent easement and right of way for an earth excavation or embankment, slope or slopes, and incidents thereto, over, under, upon, along and across all that real property described as follows:

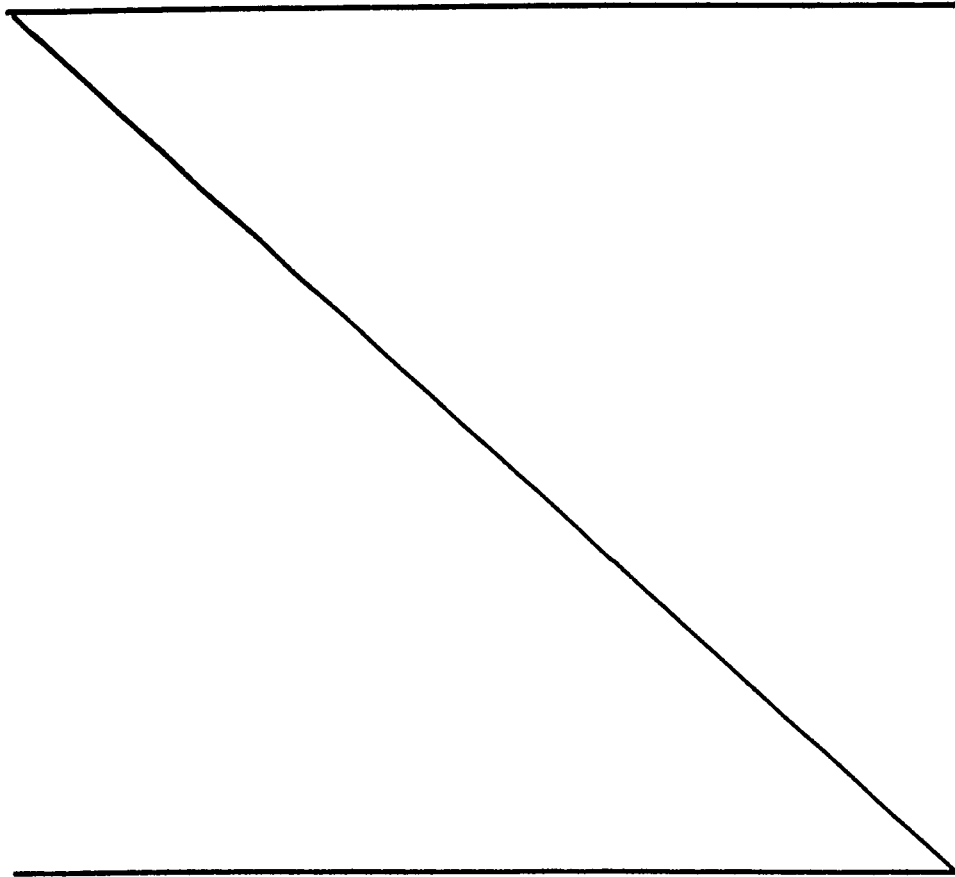
Beginning at the intersection of the southwesterly sideline of said Parcel 1 with the easterly line of said Section 1, said point being a point in the arc of a 1,749.00 foot radius curve, concave southwesterly, a radial bears North 41° 00' 42" East to said point; thence northwesterly along said southwesterly sideline and along the arc of said curve through a central angle of 13° 05' 42", a distance of 399.74 feet to the beginning of a tangent line; thence North 62° 05' 00" West along said southwesterly sideline and along said tangent line a distance of 1,035.11 feet to said northerly line of said parcel conveyed to

209983

Ruth Lane; thence South 89° 26' 01" West along said northerly line, a distance of 50.33 feet; thence leaving said northerly line, South 62° 05' 00" East, 520.10 feet; thence South 82° 51' 10" East, 45.84 feet; thence South 51° 48' 00" East, 185.15 feet; thence South 67° 31' 05" East, 335.72 feet; thence South 56° 27' 45" East, 335.08 feet; thence South 39° 19' 40" East, 82.85 feet to said easterly line of said Section 1; thence South 02° 18' 12" West, along said easterly line, a distance of 31.48 feet returning to the TRUE POINT OF BEGINNING.

RESERVING unto the owner in fee simple of record the continued use of Parcels 2 and 3 above, 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.



209983

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, together with the right to construct, operate and maintain certain earth excavations or embankments, slope or slopes and incidents 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 fee simple and easement interests; that said fee simple and easement interests are to be used for the construction, operation and maintenance of a public street, together with the right to construct, operate and maintain certain earth excavations or embankments, slope or slopes and incidents 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 fee simple and easement interests as above-described in said parcels of property for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By *Donald W. Detisch*
Donald W. Detisch, Deputy

209983

FEB 26 1974

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

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"/>
Lee Hubbard	<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"/>
Jim Ellis	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 *Glenda Limon*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **209983** Adopted **FEB 26 1974**