

RESOLUTION NO. 210680

MAY 23 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 SEWER AND APPURTENANCES THERETO ACROSS PORTIONS OF LOT 12, RANCHO MISSION, 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 A CERTAIN EASEMENT FOR SAID PUBLIC SEWER AND APPURTENANCES THERETO, TOGETHER WITH THE PRIVILEGE AND RIGHT OF TEMPORARY USE OF AN ADJACENT WORKING AREA TO BE USED BY THE CITY FOR THE CONSTRUCTION OF SAID PUBLIC SEWER AND APPURTENANCES THERETO WITHIN THE AREA AFORESAID; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENT 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 EASEMENT, TOGETHER WITH THE PRIVILEGE AND RIGHT OF TEMPORARY USE OF AN ADJACENT WORKING AREA.

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

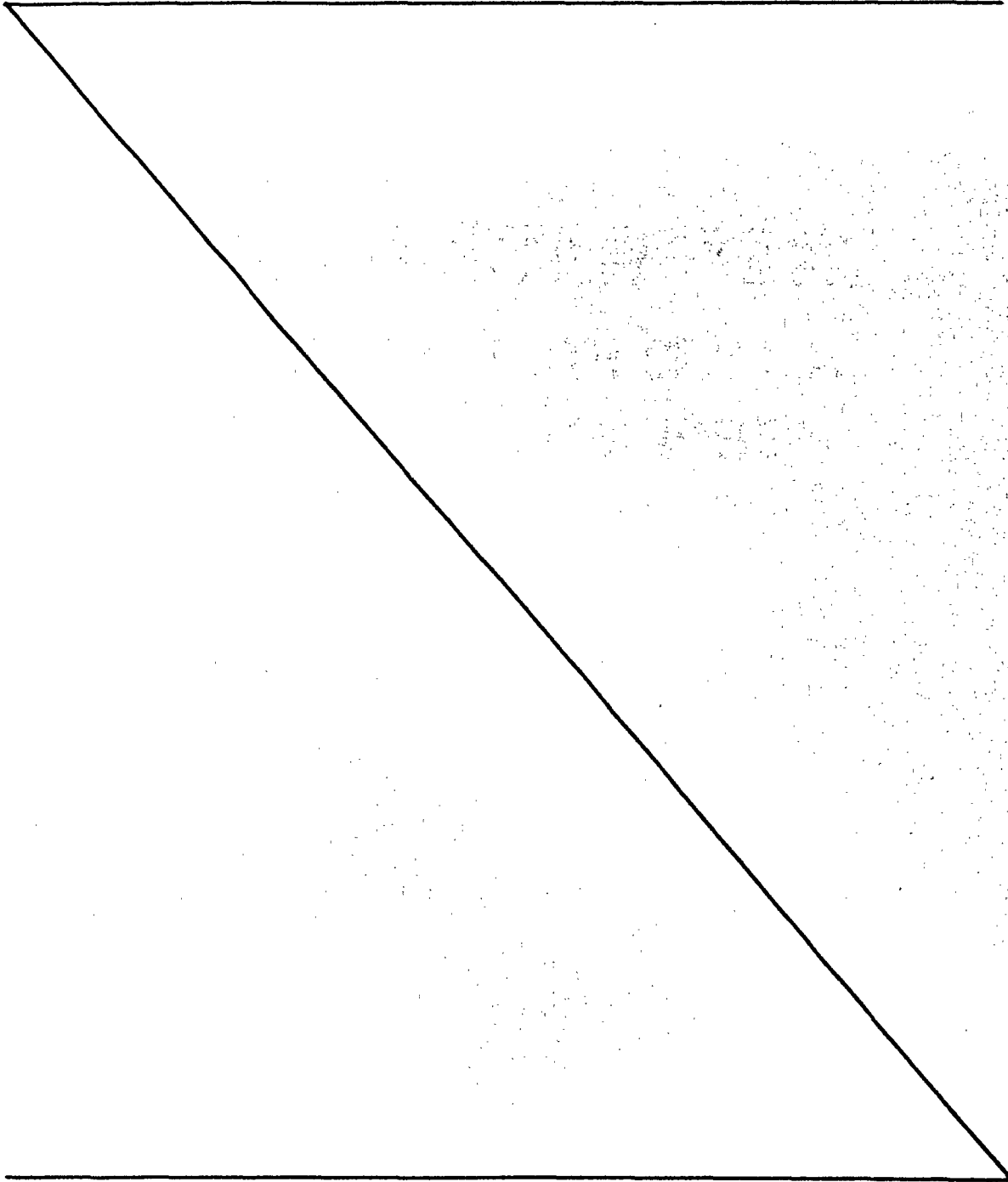
Section 1. That the public interest, convenience and necessity of The City of San Diego and the inhabitants thereof, require the construction, operation and maintenance of a public sewer and appurtenances thereto across portions of Lot 12, Rancho Mission, as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City and the inhabitants thereof demand the acquisition and taking of an easement and right of way for the construction, operation and maintenance of a public sewer and appurtenances thereto, together with the privilege and right of temporary use of an adjacent working area,

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all of said property being situated within the City of San Diego, County of San Diego, State of California.

Section 3. That the property sought to be condemned is described as follows:



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All those portions of Lot 12, Rancho Mission, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 859, on file in the office of the San Diego County Recorder, more particularly described in two parcels as follows:

PARCEL 2 - SEWER EASEMENT

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

Commencing at the Southwest corner of Lot 79, Hermosillo Manor, according to Map thereof No. 2675, on file in the office of the San Diego County Recorder; thence North 85° 49' 14" East, along the southerly boundary of said Hermosillo Manor, 24.30 feet to the TRUE POINT OF BEGINNING; thence continuing North 85° 49' 14" East, along said southerly boundary, 188.50 feet; thence leaving said southerly boundary South 03° 01' 09" West, 20.16 feet to a point hereby set out and designated Point "A" for purposes of describing Parcel 3 below; thence South 85° 49' 14" West, 176.24 feet; thence South 37° 11' 47" West, 18.21 feet; thence North 00° 15' 46" West, 33.74 feet, returning to the TRUE POINT OF BEGINNING.

PARCEL 3 - TEMPORARY WORKING STRIP

The privilege and right of temporary use of additional lands described as follows:

Beginning at Point "A" designated in Parcel 2 above; thence South 85° 49' 14" West, along the southerly boundary of said Parcel 2, a distance of 176.24 feet; thence continuing along said southerly line, South 37° 11' 47" West, 18.21 feet to the southwesterly corner of said Parcel 2 above; thence leaving said southwesterly corner South 00° 15' 46" East, 16.38 feet; thence North 85° 49' 14" East, 185.61 feet; thence North 03° 01' 09" East, 30.24 feet, returning to the Point of Beginning.

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

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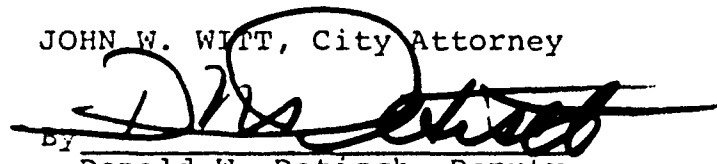
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Section 4. That the taking and acquiring by said City of that certain property interest hereinabove described is deemed necessary for the construction, operation and maintenance of a public sewer and appurtenances thereto by The City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law; that for such public use it is necessary that The City of San Diego condemn and acquire said easement; that said easement is to be used for the construction, operation and maintenance of a public sewer and appurtenances thereto, which is 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 easement as above-described in said parcel of property for the use of said City.

APPROVED: JOHN W. WITT, City Attorney


By Donald W. Detisch, Deputy

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Passed and adopted by the Council of The City of San Diego on

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by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 LaVerne E. Miller Deputy.

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1974 APR 11 AM 9:29
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Office of the City Clerk, San Diego, California

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CC-1276 (REV. 11-73)

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