

RESOLUTION NO. 213591

JUN 19 1975

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 SLOPE OR SLOPES, ACROSS PORTIONS OF LOTS 407, 428, 429, 430, 433, 434 AND 435 OF SUNSHINE GARDENS, ACCORDING TO MAP THEREOF NO. 1804, PORTIONS OF THE NORTH HALF OF THE NORTHWEST QUARTER OF LOT 40, HORTON'S PURCHASE, IN THE EX-MISSION LANDS OF SAN DIEGO, ACCORDING TO MAP THEREOF NO. 283 AND PORTIONS OF LOT 1 OF BERLAU SUBDIVISION, ACCORDING TO MAP THEREOF NO. 3125, 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 FEE TITLE AND EASEMENTS TO SAID PROPERTY FOR SAID PUBLIC STREET AND INCIDENTS THERETO, TOGETHER WITH SLOPE OR SLOPES; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID 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 PROPERTY INTERESTS IN FEE SIMPLE AND AS EASEMENTS.

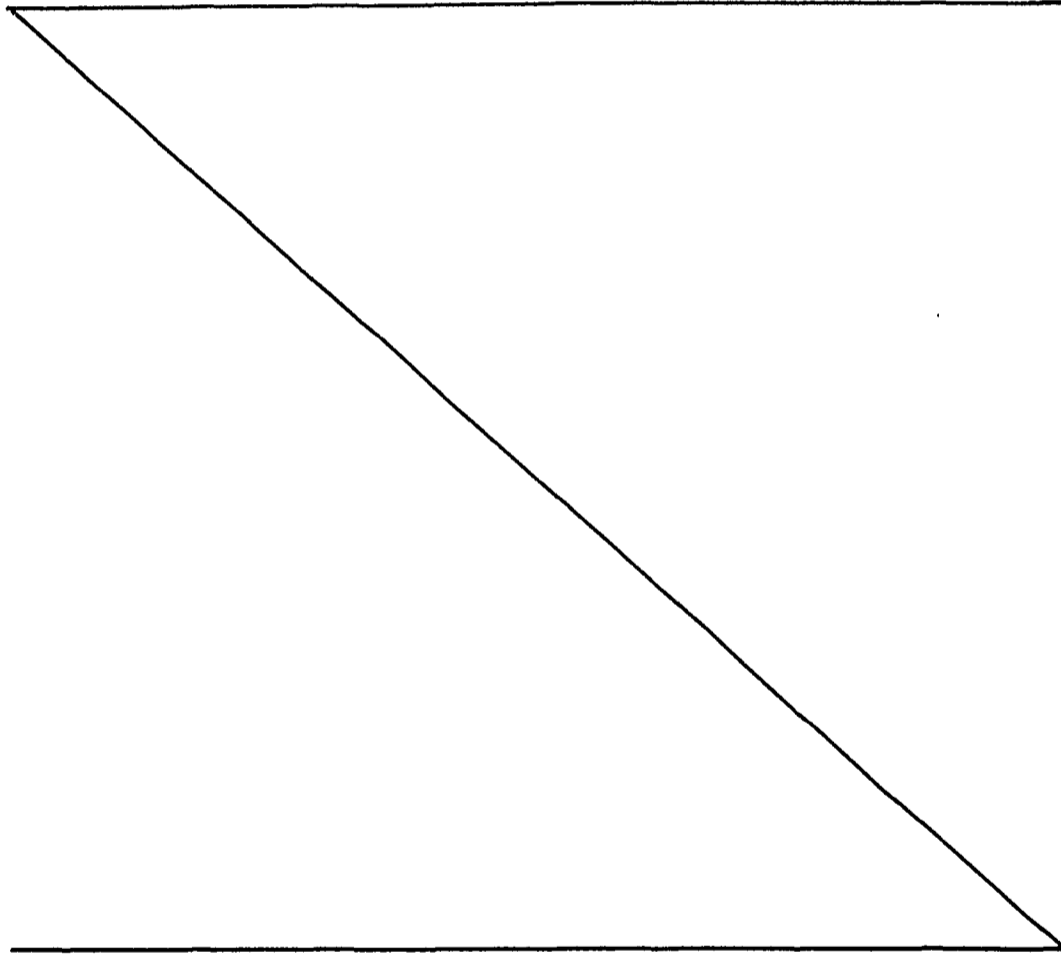
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

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 slope or slopes, across portions of Lots 407, 428, 429, 430, 433, 434 and 435 of Sunshine Gardens, according to Map thereof No. 1804, portions of the North Half of the Northwest Quarter of Lot 40, Horton's Purchase, in the Ex-Mission Lands of San Diego, according to Map thereof No. 283 and portions of Lot 1 of Berlau Subdivision, according to Map thereof No. 3125, 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 title and easements to said property for the construction, operation and maintenance of a public street and incidents thereto, together with slope or slopes, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That the parcels of real property sought to be condemned are described as follows:



PARCEL 1: - FEE

All that portion of Lot 430 of Sunshine Gardens, according to Map thereof No. 1804, filed in the office of the San Diego County Recorder of said County, which lies northeasterly of the northeasterly line of Market Street as said Market Street was described in deed to The City of San Diego, and recorded in Book 1350, Page 367 of Deeds, in the office of said San Diego County Recorder.

PARCEL 1-A: - Market Street

A permanent easement and right of way for public street and incidents thereto, over, under, upon, along and across the following described property:

All that portion of the North Half of the Northwest Quarter of Lot 40 of Horton's Purchase, in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the office of the San Diego County Recorder, together with all that portion of Lots 428 and 429 of Sunshine Gardens, according to Map thereof No. 1804, also on file in the office of the San Diego County Recorder, more particularly described as follows:

Beginning at the northeasterly corner of said Lot 429, being a point in the arc of a 460.00 foot radius curve, concave northeasterly, a radial bears South 43° 57' 58" West to said point; thence southeasterly along the arc of said curve through a central angle of 09° 28' 54", a distance of 76.12 feet to a point on the easterly line of said Lot 430; thence southerly along said easterly line of said Lot 430, a distance of 40.40 feet to a point on the northerly line of said Market Street being also a point on the arc of a nontangent 475.00 foot radius curve, concave northeasterly, a radial bears South 23° 41' 02" West to said point; thence northwesterly along said northerly line of Market Street and along the arc of said curve through a central angle of 19° 40' 11" to a point to which a radial bears South 43° 21' 13" West, being also a point on the northerly line of said Lot 428; thence continuing along the arc of said curve and along the northerly line of Market Street through a central angle of 18° 30' 15", a distance of 153.41 feet; thence tangent to said curve North 28° 08' 32" West along said northerly line, 125.02 feet to the beginning of a 245.00 foot radius curve, concave southwesterly, a radial bears North 61° 51' 28" East to said point; thence northwesterly along the arc of said curve through a central angle of 34° 52' 40", a distance of 149.14 feet to the northerly line of said Lot 40; thence South 89° 07' 43" East along said northerly line, a distance of 14.27 feet to the beginning of a nontangent 415.00 foot radius curve, concave southwesterly, a radial bears North 26° 14' 03" East to said point; thence southeasterly along the

213591

PARCEL 1-A (cont'd):

arc of said curve through a central angle of 25° 59' 20", a distance of 188.24 feet; thence tangent to said curve South 37° 46' 37" East 212.48 feet to the beginning of a tangent 460.00 foot radius curve, concave northeasterly; thence southeasterly along the arc of said curve through a central angle of 08° 15' 25", a distance of 66.29 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 1-B: - Slope

A permanent easement for an earth excavation or embankment, slope or slopes and incidents thereto, over, under, upon, along and across the following described property:

All that portion of said North Half of the Northwest Quarter of Lot 40 of Horton's Purchase, together with all that portion of said Lots 428 and 429 of Sunshine Gardens, more particularly described as follows:

Beginning at said Northeast corner of Lot 429, being a point on the arc of 460.00 foot radius curve, concave northeasterly, a radial bears South 43° 57' 58" West to said point; thence northwesterly along the northeasterly line of Parcel 1-B described above and along the arc of said curve through a central angle of 08° 15' 25", a distance of 66.29 feet; thence tangent to said curve North 37° 46' 37" West, 212.48 feet to the beginning of a tangent 415.00 foot radius curve, concave southwesterly; thence continuing along said northeasterly line of said Parcel 1-B and along the arc of said curve through a central angle of 25° 59' 20", a distance of 188.24 feet to said northerly line of Lot 40; thence South 89° 07' 43" East along said northerly line, 16.30 feet; thence South 60° 52' 37", East, 53.98 feet; thence South 49° 17' 21" East, 56.73 feet; thence South 41° 50' 04" East, 158.15 feet; thence South 29° 09' 42" East, 101.12 feet; thence South 47° 04' 41" East, 96.62 feet to a point on the northerly line of said Sunshine Gardens; thence South 58° 04' 24" East, 54.23 feet to a point on the easterly line of said Lot 430; thence southerly along said easterly line, 19.22 feet to an intersection with the northeasterly line of said Parcel 1-B, being a point in the arc of a nontangent 460.00 foot radius curve concave northeasterly, a radial bears South 34° 29' 04" West to said point; thence northwesterly along said northeasterly line of Parcel 1-B and along the arc of said curve through a central angle of 09° 28' 54", a distance of 76.12 feet returning to the POINT OF BEGINNING.

213591

All that portion of the North Half of the Northwest Quarter of Lot 40 of Horton's Purchase, in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the office of the San Diego County Recorder, more particularly described as follows:

PARCEL 2: - Market Street

Commencing at the intersection of the centerline of 47th Street with the centerline of Market Street, as said streets are located and established on the date of this document, said intersection being the Northwest corner of said Lot 40; thence South $89^{\circ} 07' 43''$ East, along the northerly line of said Lot 40, a distance of 188.08 feet, being a point in the arc of a 245.00 foot radius nontangent curve, concave southwesterly, a radial bears North $26^{\circ} 58' 48''$ East to said point; thence southeasterly along the northerly line of Market Street and along the arc of said curve through a central angle of $34^{\circ} 52' 40''$, a distance of 149.14 feet; thence leaving said northerly line, South $61^{\circ} 51' 28''$ West to a point on the southwesterly line of said Market Street, being the TRUE POINT OF BEGINNING; thence South $28^{\circ} 08' 32''$ East, along said southwesterly line, a distance of 5.84 feet to a point of cusp with an arc of a nontangent 335.00 foot radius curve, concave southwesterly, a radial bears North $44^{\circ} 00' 20''$ East to said point; thence northwesterly along the arc of said curve through a central angle of $16^{\circ} 38' 03''$, a distance of 97.26 feet; thence continuing northwesterly along said curve through a central angle of $21^{\circ} 51' 52''$, a distance of 127.84 feet to a point on an easterly boundary line of said 47th Street, a radial bears North $05^{\circ} 30' 25''$ East to said point; being also a point of cusp with an arc of a 25.00 foot radius curve, concave southerly, a radial to that point bears North $16^{\circ} 11' 15''$ West; thence easterly along a boundary line of 47th Street and along the arc of said curve through a central angle of $17^{\circ} 03' 32''$, a distance of 7.44 feet; thence continuing along the boundary line of 47th Street North $55^{\circ} 27' 45''$ East, 25.88 feet to a point on the southerly line of said Market Street, being also a point in the arc of a 195.00 foot radius curve, concave southwesterly; thence southeasterly along said southerly line of Market Street and along the arc of said curve through a central angle of $61^{\circ} 02' 21''$, a distance of 207.74 feet returning to the TRUE POINT OF BEGINNING.

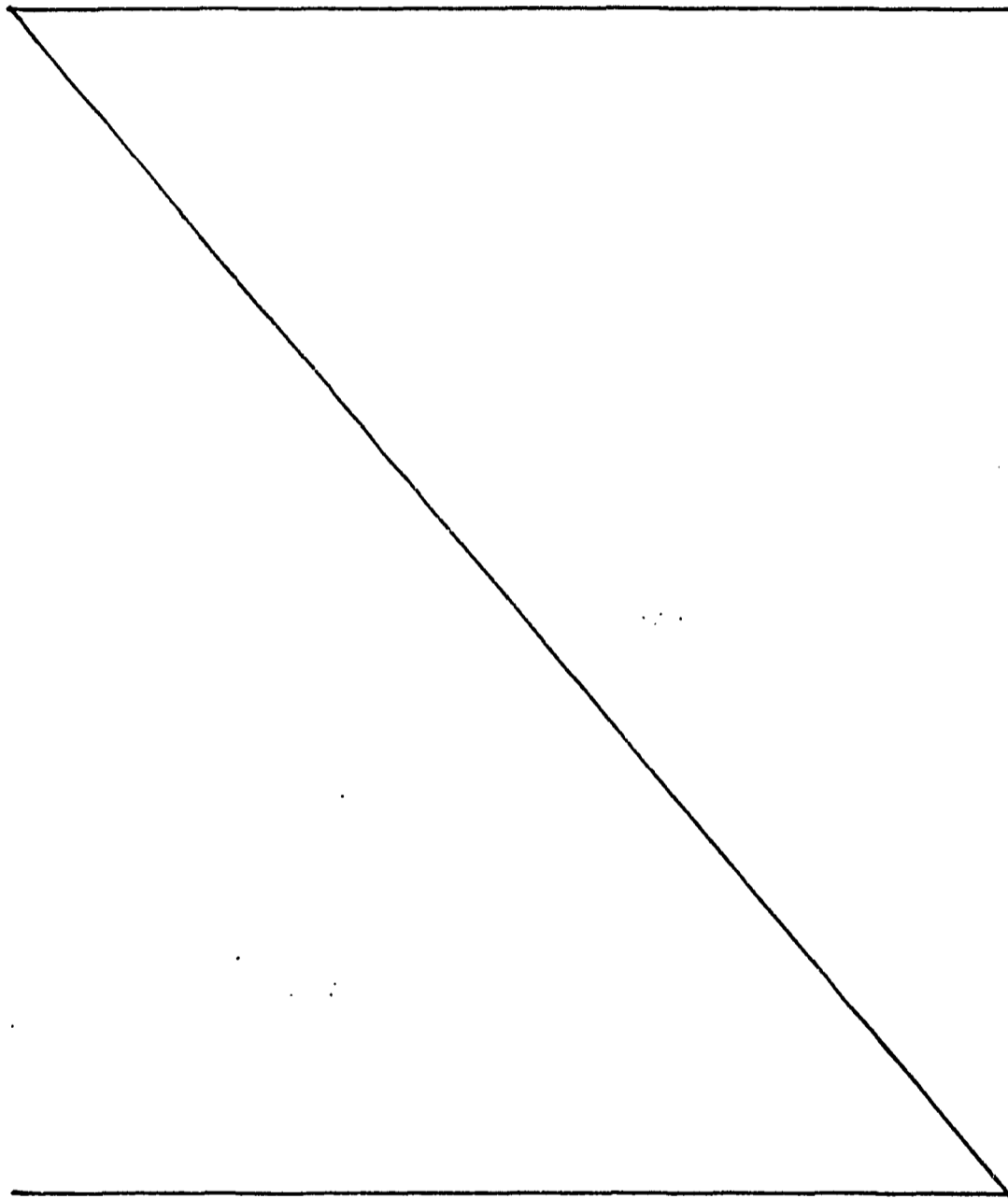
PARCEL 2-A: - Slope

Commencing at the True Point of Beginning of Parcel 2 described above, being a point on the southwesterly line of said Market Street; thence South $28^{\circ} 08' 32''$ East along said southwesterly line, a distance of 5.84 feet to the TRUE POINT OF BEGINNING of Parcel 2-A described herein; thence continuing along said southwesterly line South $28^{\circ} 08' 32''$ East, a distance of 30.00 feet; thence leaving said southwesterly line North $48^{\circ} 12' 49''$ West, a distance of 124.55 feet to a point on a southerly line of said Parcel 2, being also a point of cusp with the arc of a

213591

PARCEL 2-A (Cont'd)

335.00 foot radius curve, concave southwesterly, a radial bears North $27^{\circ} 22' 17''$ East to said point; thence southeasterly along the southerly line of Parcel 2 and along the arc of said curve through a central angle of $16^{\circ} 38' 03''$, a distance of 97.26 feet returning to the TRUE POINT OF BEGINNING of Parcel 2-A described herein.



213591

All that portion of Lot 433 of Sunshine Gardens, according to Map thereof No. 1804, filed in the office of the San Diego County Recorder, more particularly described in two parcels as follows:

PARCEL 3: - Market Street

Beginning at the intersection of the easterly line of said Lot 433 with the northerly line of Market Street as dedicated and established on the date of this document, being a point in the arc of a 475.00 foot radius curve, concave northerly, a radial bears South 01° 18' 48" West to said point; thence westerly along said northerly line of Market Street and along the arc of said curve through a central angle of 07° 16' 30", a distance of 60.31 feet to an intersection with the westerly line of said Lot 433; thence northerly along the westerly line a distance of 16.30 feet to the point of cusp with the arc of a nontangent 460.00 foot radius curve, concave northeasterly, a radial bears South 17° 48' 47" West to said point, thence southeasterly along the arc of said curve through a central angle of 07° 42' 18", a distance of 61.86 feet to an intersection with said easterly line of Lot 433; thence South 00° 20' 50" West along said easterly line a distance of 6.59 feet returning to the POINT OF BEGINNING.

PARCEL 3-A: - Slope

Commencing at the intersection of said easterly line of Lot 433 with a northerly line of said Market Street; thence North 00° 20' 50" East along said easterly line, a distance of 06.59 feet to the TRUE POINT OF BEGINNING, being a point in the arc of a 460.00 foot radius curve, concave northeasterly, a radial bears South 10° 06' 29" West to said point; thence northwesterly along the northerly line of Parcel 3 described above and along the arc of said curve to a central angle of 07° 42' 18", a distance of 61.86 feet to the westerly line of said Lot 433, a radial bears South 17° 48' 47" West to said point; thence northerly along said westerly line a distance of 21.24 feet; thence South 67° 24' 36" East, 64.91 feet to said easterly line of Lot 433; thence South 00° 20' 50" West along said easterly line, a distance of 11.22 feet returning to the TRUE POINT OF BEGINNING.

213591

All those portions of Lots 434 and 435 of Sunshine Gardens, according to Map thereof No. 1804, on file in the office of the San Diego County Recorder, more particularly described in two parcels as follows:

PARCEL 4: - Market Street

Beginning at the intersection of the easterly line of said Lot 434, with the northerly line of Market Street as located and established on the date of this document; thence North $89^{\circ} 39' 10''$ West, along the northerly line of said Market Street, a distance of 58.80 feet (Record 61.88 feet) to the beginning of a tangent 475.00 foot radius curve, concave northerly; thence continuing westerly along the northerly line of said Market Street and along the arc of said curve through a central angle of $00^{\circ} 57' 58''$, a distance of 8.01 feet to an intersection with the westerly line of said Lot 434; thence North $00^{\circ} 20' 50''$ East, along the said westerly line of a distance of 6.59 feet to a point on the arc of a nontangent 460.00 foot radius curve, concave northeasterly, a radial bears South $10^{\circ} 06' 29''$ West, to said point; thence southeasterly along the arc of said curve through a central angle of $08^{\circ} 24' 14''$, a distance of 67.47 feet to the easterly line of said Lot 434; thence South $00^{\circ} 20' 50''$ West along said easterly line 0.13 feet returning to the POINT OF BEGINNING.

PARCEL 4-A: - Slope

Beginning at the southwesterly corner of Lot 435, being a point on the northerly line of said Market Street; thence North $00^{\circ} 20' 50''$ East, along the westerly line of said Lot 435, and along the easterly boundary line of Parcel 4, described above, a distance of 0.13 feet to the beginning of a nontangent 460.00 foot radius curve, concave northeasterly a radial bears South $01^{\circ} 42' 15''$ West, to said point; thence northwesterly along the arc of said curve through a central angle of $08^{\circ} 24' 14''$, a distance of 67.47 feet to the westerly line of said Lot 434, a radial bears South $10^{\circ} 06' 29''$ West to said point; thence North $00^{\circ} 20' 50''$ East along said westerly line, a distance of 11.22 feet; thence South $78^{\circ} 09' 49''$ East 68.48 feet to the easterly line of said Lot 434; thence South $68^{\circ} 24' 15''$ East, 11.69 feet to the point on the northerly line of said Market Street; thence North $89^{\circ} 39' 10''$ West along said northerly line, a distance of 10.89 feet returning to the POINT OF BEGINNING.

213591

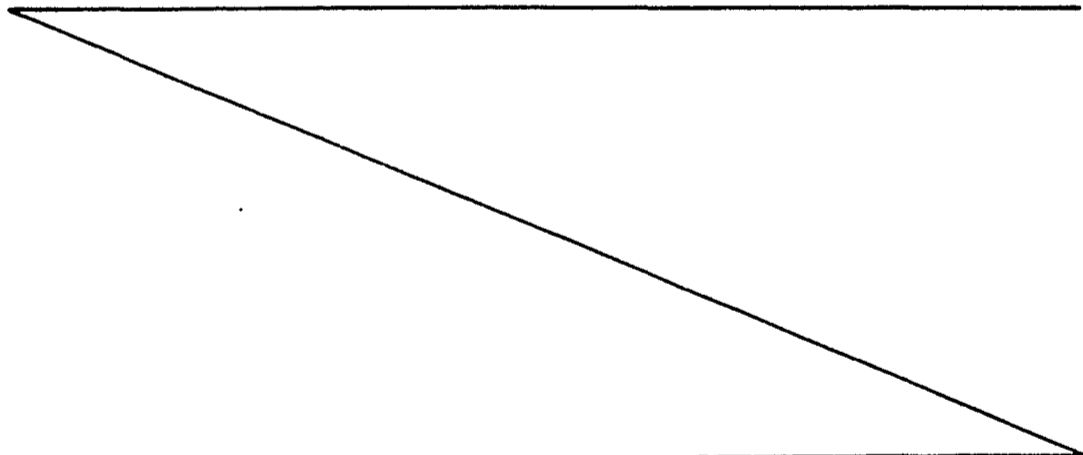
All that portion of Lot 407 of Sunshine Gardens, according to Map thereof No. 1804, filed in the office of the County Recorder of San Diego County, August 27, 1924, more particularly described as follows:

PARCEL 5: - Market Street

Beginning at the intersection of the easterly line of said Lot 407, with the southerly line of Market Street as dedicated on said Map No. 1804; thence South $80^{\circ} 22' 50''$ West (Record South $80^{\circ} 02' 00''$ West per Map No. 1804) along the southerly line of said Market Street, a distance of 45.78 feet to a point of cusp with an arc of 540.00 foot radius curve, concave northerly, a radial bears South $12^{\circ} 17' 30''$ West, to said point; thence easterly along the arc of said curve through a central angle of $04^{\circ} 51' 10''$, a distance of 45.74 feet to the easterly line of said Lot 407; thence northerly along said easterly line a distance of 15.48 feet returning to the POINT OF BEGINNING.

PARCEL 5-A: - Slope

Beginning at the intersection of the westerly line of said Lot 407, with the southerly line of Market Street as dedicated per Map No. 1804; thence South $71^{\circ} 40' 41''$ East, 63.06 feet to the easterly line of said Lot 407; thence northerly along said easterly line a distance of 14.52 feet to the intersection with the southerly line of Parcel 5 described above; being a point in the arc of a 540.00 foot radius curve, concave northerly, a radial bears South $07^{\circ} 26' 20''$ West, to said point; thence westerly along the arc of said curve through a central angle of $04^{\circ} 51' 10''$ a distance of 45.74 feet to said southerly line of Market Street; thence South $80^{\circ} 22' 50''$ West (Record South $80^{\circ} 02' 00''$ West per Map No. 1804) along said southerly line of Market Street a distance of 15.12 feet, returning to the POINT OF BEGINNING.



213591

All that portion of Lot 1 of Berlau Subidivision, according to Map thereof No. 3125, filed in the office of the County Recorder of San Diego County, September 1, 1954, more particularly described in two parcels as follows:

PARCEL 6: - Market Street

Beginning at the intersection of the southerline line of Market Street as located and established on said Map No. 3125 with the westerly line of said Lot 1, said point being also a point in the arc of a 340.00 foot radius curve, concave northwesterly, a radial bears South 05° 17' 20" East to said point; thence northeasterly along the southerly line of said Market Street and along the arc of said curve through a central angle of 22° 17' 57", a distance of 132.33 feet to a point in which a radial bears South 27° 35' 17" East; thence South 28° 27' 28" East, 10.17 feet to a point in the arc of a 450.15 foot radius curve, concave northwesterly; thence southwesterly along the arc of said curve through a central angle of 17° 47' 48" a distance of 139.82 feet to an intersection with the westerly line of said Lot 1; thence North 00° 48' 40" East, along said westerly line, a distance of 18.36 feet returning to the Point of Beginning.

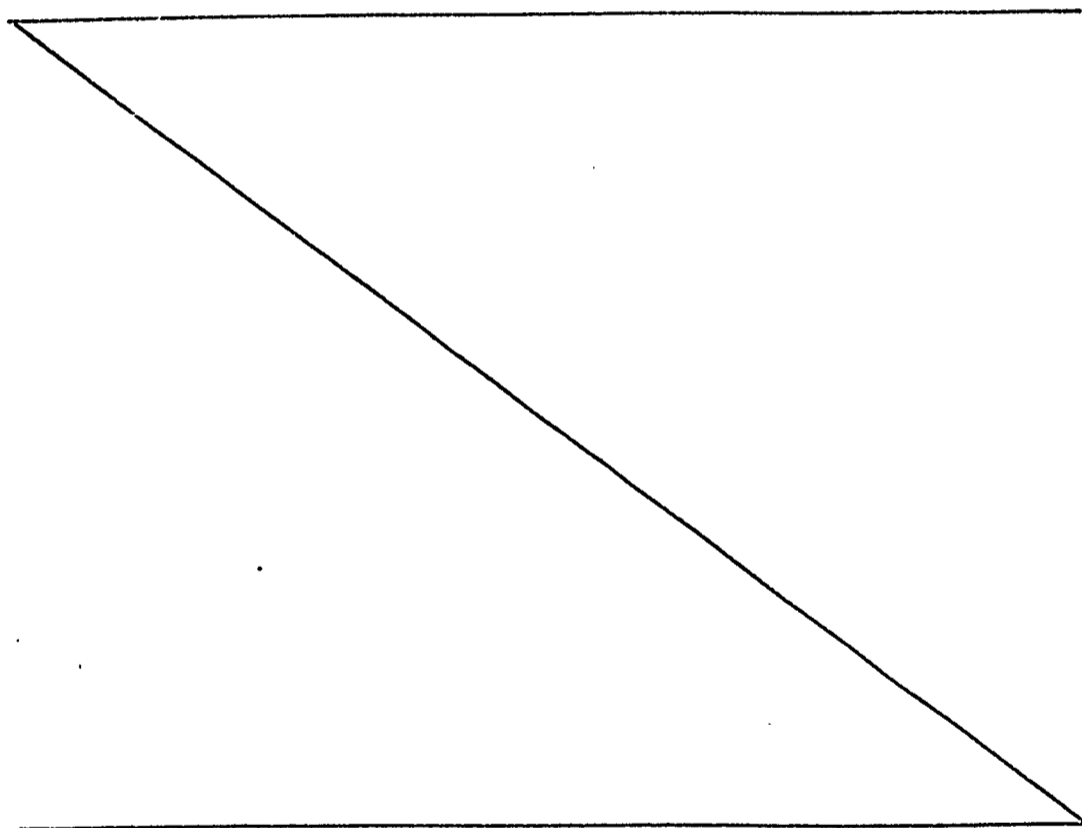
PARCEL 6-A: - Slope

Beginning at the intersection of the easterly line of the westerly 200.00 feet of said Lot 1 with the southerly line of said Market Street; thence South 58° 32' 50" West along the southerly line of said Market Street, a distance of 64.60 feet to the beginning of a tangent 340.00 foot radius curve, concave northwesterly, a radial bears South 31° 27' 10" East to said point; thence continuing along the southerly line of said Market Street and along the arc of said curve through a central angle of 03° 51' 53", a distance of 22.93 feet to an intersection with the northeasterly boundary line of Parcel 6 described above; thence South 28° 27' 28" East along said boundary line, a distance of 9.17 feet to an intersection with the arc of the nontangent 449.15 foot radius curve, concave northwesterly; thence northeasterly along the arc of said curve through a central angle of 02° 59' 42", a distance of 23.48 feet; thence tangent to said curve North 58° 32' 50" East, 58.85 feet to an intersection with said easterly line of said westerly 200.00 feet of said Lot; thence North 00° 48' 40" East, along said easterly line, a distance of 10.64 feet returning to the POINT OF BEGINNING.

All that portion of Lot 1 of Berlau Subdivision, according to Map thereof No. 3125, filed in the office of the County Recorder of San Diego County, September 1, 1954, more particularly described as follows:

PARCEL 7: - Slope

Beginning at the intersection of the easterly line of the westerly 200.00 feet of said Lot with the southerly line of Market Street as dedicated on said Map No. 3125; thence North $58^{\circ} 32' 50''$ East along said southerly line of Market Street, a distance of 42.64 feet to the beginning of a tangent 260.00 foot radius curve, concave southeasterly; thence continuing northeasterly along said southerly line of Market Street and along the arc of said curve through a central angle of $07^{\circ} 58' 00''$, a distance of 36.15 feet to a point to which a radial bears North $23^{\circ} 29' 10''$ West; thence leaving said southerly line South $48^{\circ} 20' 04''$ West, 36.62 feet; thence South $58^{\circ} 32' 50''$ West, 48.32 feet to said easterly line of said westerly 200.00 feet of said Lot; thence North $00^{\circ} 48' 40''$ East along said easterly line a distance of 10.64 feet, returning to the POINT OF BEGINNING.



213591

Section 4. That the taking and acquiring by said City of those property interests hereinabove described is deemed necessary for the construction, operation and maintenance of a public street and incidents thereto, together with slope or slopes 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 the hereinabove described property interests; that said fee simple and easement interests are to be used for the construction, operation and maintenance of a public street and incidents thereto, together with slope or slopes, 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 property, for the purpose of condemning and acquiring the real property interests as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By DW Detisch
Donald W. Detisch, Deputy

rb/6-2-75
Lit. File

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Auditor and Comptroller of
The City of San Diego, Calif.

By _____, 19 _____

RECEIVED
CITY CLERK'S OFFICE
1975 JUN 10 PM 2:33
SAN DIEGO, CALIF.

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ 40,885.00

Dated Apr 7, 19 75

W. B. Sager

Auditor and Comptroller of
The City of San Diego, Calif.

BY Matt Lupo

Job Order
Resolution No. _____
Project No. 520634

Fund 244 Dept./Activity 4507 Object 3496

Purpose Acquisition of right-of-way.

Vendor _____

CERTIFICATE NO. 6560

JUN 19 1975

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"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Kathleen Martinig*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1975 JUN 10 PM 2:33
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **213591** Adopted **JUN 19 1975**