

214695

RESOLUTION NO. _____

NOV 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 ACROSS PORTIONS OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED FEBRUARY 25, 1870; 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; 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, across portions of the East Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, approved February 25, 1870, as more particularly described hereinafter.

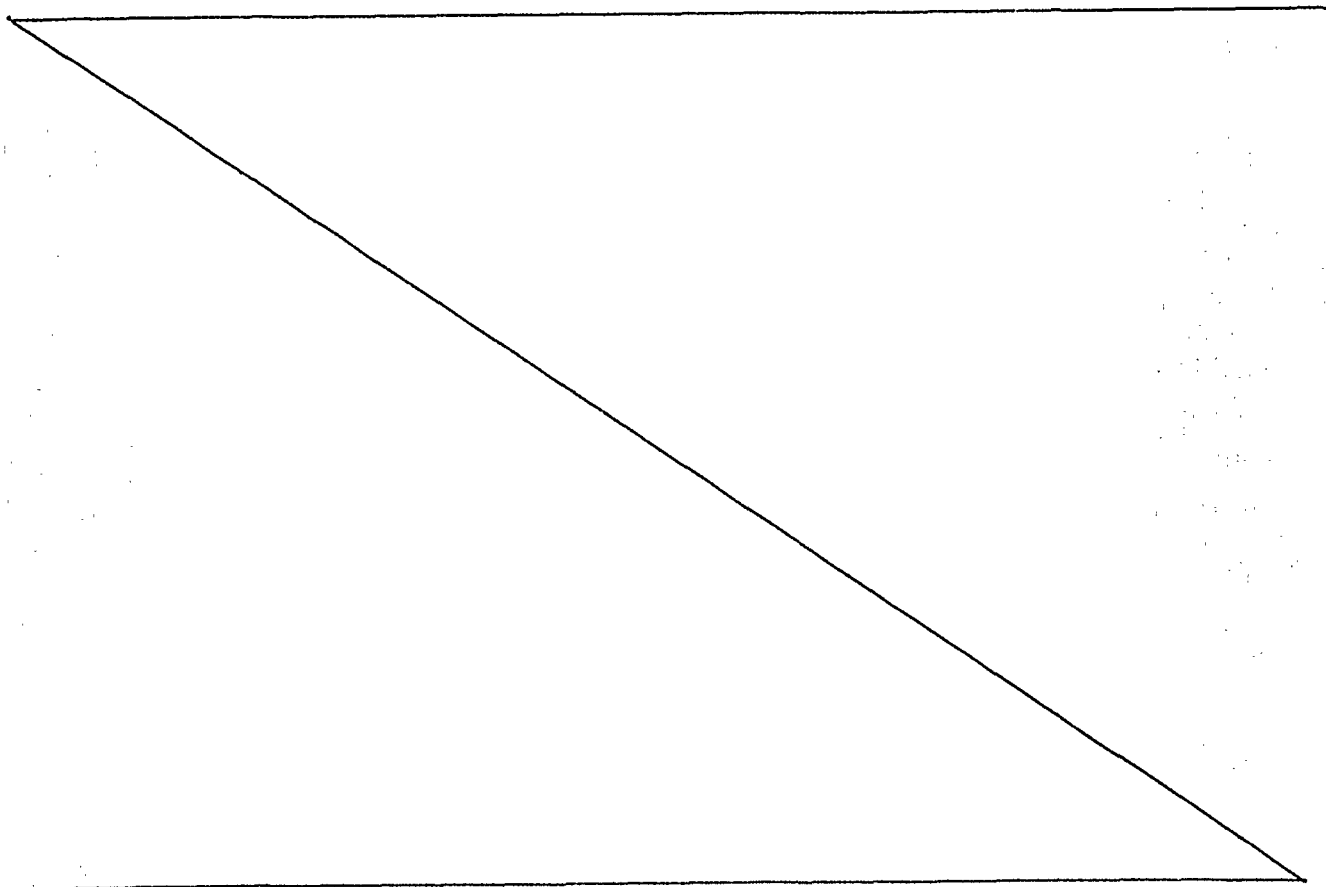
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Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee title and easements to said property for the construction, operation and maintenance of a public street and incidents thereto, 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:



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All that portion of the East Half of the Northwest Quarter of the Northwest Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey, approved February 25, 1870, more particular described as follows:

PARCEL 1: Beyer Boulevard

Commencing at the Northeast corner of said Northwest Quarter of the Northwest Quarter of Section 35, as shown on Record of Survey 2371; thence South $00^{\circ} 35' 47''$ West, 827.39 feet to a point in the northeasterly right-of-way line of the San Diego & Arizona Eastern Railway Company; thence North $52^{\circ} 51' 54''$ West, along said northeasterly right-of-way line, 194.94 feet; thence leaving said northeasterly right-of-way line North $48^{\circ} 12' 43''$ East, 35.94 feet to the TRUE POINT OF BEGINNING; thence continuing North $48^{\circ} 12' 43''$ East, 13.24 feet to a point in the southwesterly line of Beyer Boulevard as said Beyer Boulevard is located and established as of the date of this Instrument, being also a point in the arc of a 1,030.00 foot radius curve, concave northeasterly, a radial to said point bears South $54^{\circ} 44' 41''$ West; thence northwesterly along the arc of said curve and along said southwesterly line of Beyer Boulevard, through a central angle of $07^{\circ} 53' 23''$ an arc length of 141.83 feet to a point to which a radial bears South $62^{\circ} 38' 04''$ West; thence leaving said southwesterly line South $48^{\circ} 12' 43''$ West, 17.72 feet to a point in the arc of a non-tangent 1,051.00 foot radius curve, concave northwesterly, a radial to said point bears South $60^{\circ} 44' 44''$ West; thence southerly along the arc of said curve through a central angle of $07^{\circ} 41' 28''$, an arc length of 141.08 feet, returning to the TRUE POINT OF BEGINNING.

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PARCEL 2: Beyer Boulevard

Commencing at the Northwest corner of said East Half of the Northwest Quarter of the Northwest Quarter of said Section 35; thence southerly along the West line of said East Half to its intersection with the northeasterly line of the right of way of the San Diego and Arizona Eastern Railway Company; thence southeasterly along said northeasterly right of way line a distance of 500.00 feet to the TRUE POINT OF BEGINNING; said point being the most southerly corner of a parcel of land conveyed to Glenn Tappon Brown, et al., by Deed recorded September 21, 1945 as Instrument No. 78785 in the Office of the County Recorder of San Diego County; thence northeasterly along the southeasterly line of said land conveyed to a point on the center line of United States Highway No. 101 as shown on Map of Road Survey No. 407 on file in the Office of the County Surveyor of San Diego County; thence southeasterly along said center line of United States Highway No. 101 to its intersection with the East line of said East Half of the Northwest Quarter of the Northwest Quarter of said Section 35; thence southerly along said East line to said northeasterly line of the right of way of the San Diego and Arizona Eastern Railway Company; thence northwesterly along said right of way line to the TRUE POINT OF BEGINNING;

Excepting therefrom, that portion thereof lying northwesterly of the following described line:

Commencing at said most southerly corner of said Parcel of land conveyed to Glenn Tappon Brown, et al.; thence southeasterly along said northeasterly line to said right of way of the San Diego and Arizona Eastern Railway Company, 142.00 feet to the TRUE POINT OF BEGINNING of the herein described line; thence northeasterly parallel with the southeasterly line of said parcel of land conveyed to Glenn Tappon Brown to a point on the center line of United States Highway No. 101 as shown on Map of Road Survey No. 407, on file in the Office of the County Surveyor of San Diego County.

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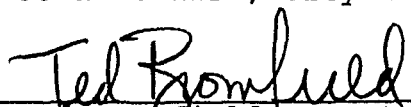
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Section 4. That the taking and acquiring by said City of those property interests hereinabove described is deemed necessary for the construction, operation and maintenance of a public street and incidents thereto by The City of San Diego, and the inhabitants 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 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


Ted Bromfield, Deputy

TB:cav
11/7/75
Or.Dept.:Property
Lit.File

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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 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"/>
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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California

Resolution **214695** NOV 19 1975
Number Adopted

CC-1276 (REV. 1-75)

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