

RESOLUTION NO. 215590

MAR 24 1976

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 STORM DRAIN OR DRAINS AND APPURTENANCES THERETO IN PORTIONS OF VILLA LOTS 366 AND 367 OF VALLE VISTA TERRACE, ACCORDING TO MAP THEREOF NO. 1081, 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 AN EASEMENT IN SAID PROPERTY FOR SAID DRAIN OR DRAINS AND APPURTENANCES THERETO; 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.

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 storm drain or drains and appurtenances thereto in portions of Villa Lots 366 and 367 of Valle Vista Terrace, according to Map thereof No. 1081, 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 in said property for the construction, operation and maintenance of a storm drain or drains and appurtenances thereto, said real property

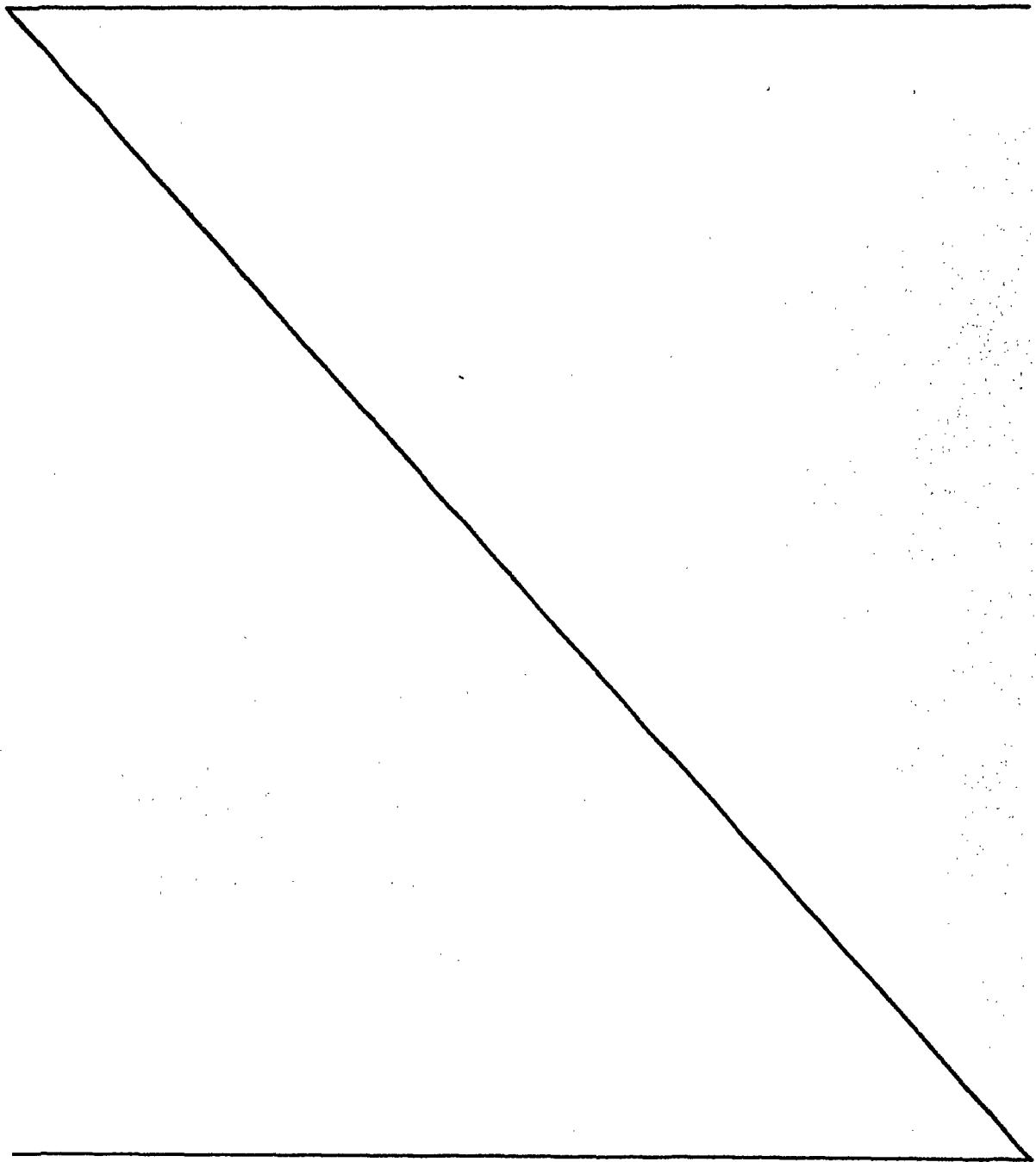
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lying within the City of San Diego, County of San Diego,
State of California.

Section 3. That the parcel of real property and the
interest sought to be condemned is described as follows:



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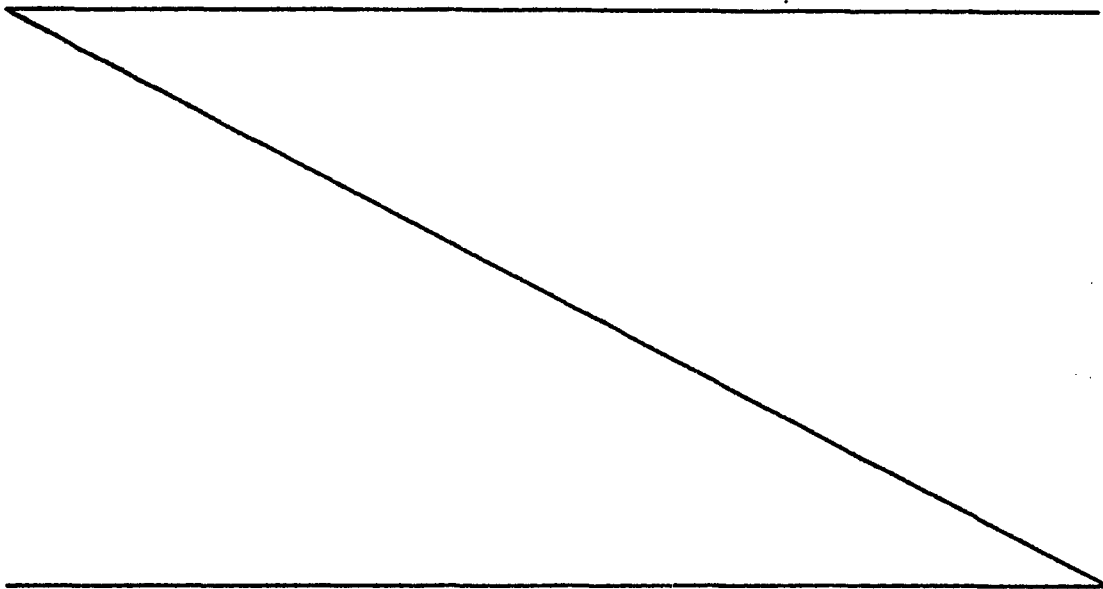
An easement and right of way for the construction, operation and maintenance of a storm drain or drains and appurtenances thereto, through, over, under, along and across the following described property:

All those portions of Villa Lots 366 and 367 of Valle Vista Terrace, according to Map thereof No. 1081, on file in the San Diego County Recorder's Office, being a strip of land 10.00 feet in width, lying 5.00 feet measured at right angles on each side of the following described center line:

Commencing at the intersection of the westerly line of said Villa Lot 366 with the northerly line of Adams Avenue, 80.00 feet wide, as said Adams Avenue is located and established as of the date of this instrument; thence leaving said westerly line and along said northerly line of Adams Avenue, North $61^{\circ} 29' 51''$ East, (Record North $62^{\circ} 12' 51''$ East), a distance of 44.30 feet to the TRUE POINT OF BEGINNING; thence leaving said northerly line North $15^{\circ} 19' 18''$ West, 80.17 feet to a terminus.

The sidelines of said 10.00 foot strip of land shall be prolonged or shortened so as to terminate southeasterly in the northwesterly line of said Adams Avenue, and northwesterly in a line which bears North $74^{\circ} 40' 42''$ East, through the point of termination.

Basis of Bearings: The northerly line of Adams Avenue, Mission Cliff Gardens, Map No. 2268, I.E. North $89^{\circ} 48' 00''$ East.



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Section 4. That the taking and acquiring by said City of the easement hereinabove described is deemed necessary for the construction, operation and maintenance of a storm drain or drains 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 (Section 220, Charter of The City of San Diego; Sections 1238(3) and 1243.4, Code of Civil Procedure); 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 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 easement as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By Donald W. Detisch
Donald W. Detisch, Deputy

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Orig.Dept.: Property

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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 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"/>
Tom Gade	<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 Number **215590** Adopted **MAR 24 1976**

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