

RESOLUTION NO. 215750

APR 14 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 PUBLIC STREET AND INCIDENTS THERETO IN PORTIONS OF LOTS 42 AND 53 OF HORTON'S PURCHASE, IN THE EX-MISSION LANDS OF SAN DIEGO, ACCORDING TO MAP THEREOF NO. 283 AND A PORTION OF LOT 1 OF IMPERIAL EUCLID CENTER, UNIT NO. 1, ACCORDING TO MAP THEREOF NO. 5389, 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 EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET AND INCIDENTS THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENTS 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 EASEMENTS.

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in Section 1245.235, Code of Civil Procedure and also has provided all persons a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030, Code of Civil Procedure; NOW, THEREFORE,

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 in portions of Lots 42 and 53 of Horton's Purchase, in the Ex-Mission Lands of San Diego, according to Map thereof No. 283 and a portion

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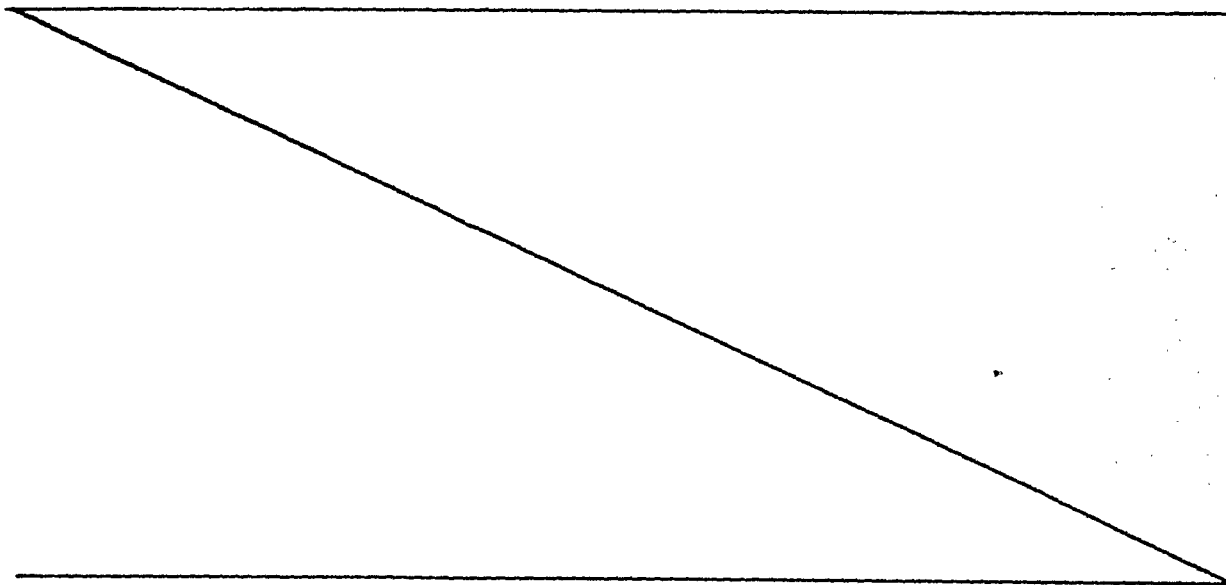
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of Lot 1 of Imperial Euclid Center, Unit No. 1, according to Map thereof No. 5389, as more particularly described herein-- after.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of easements in 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 Sections 1240.010, 1240.120, 1240.610 and 1255.410, Code of Civil Procedure, Section 220, the Charter of The City of San Diego and various Streets and Highways Code provisions permit the acquisitions referenced herein.

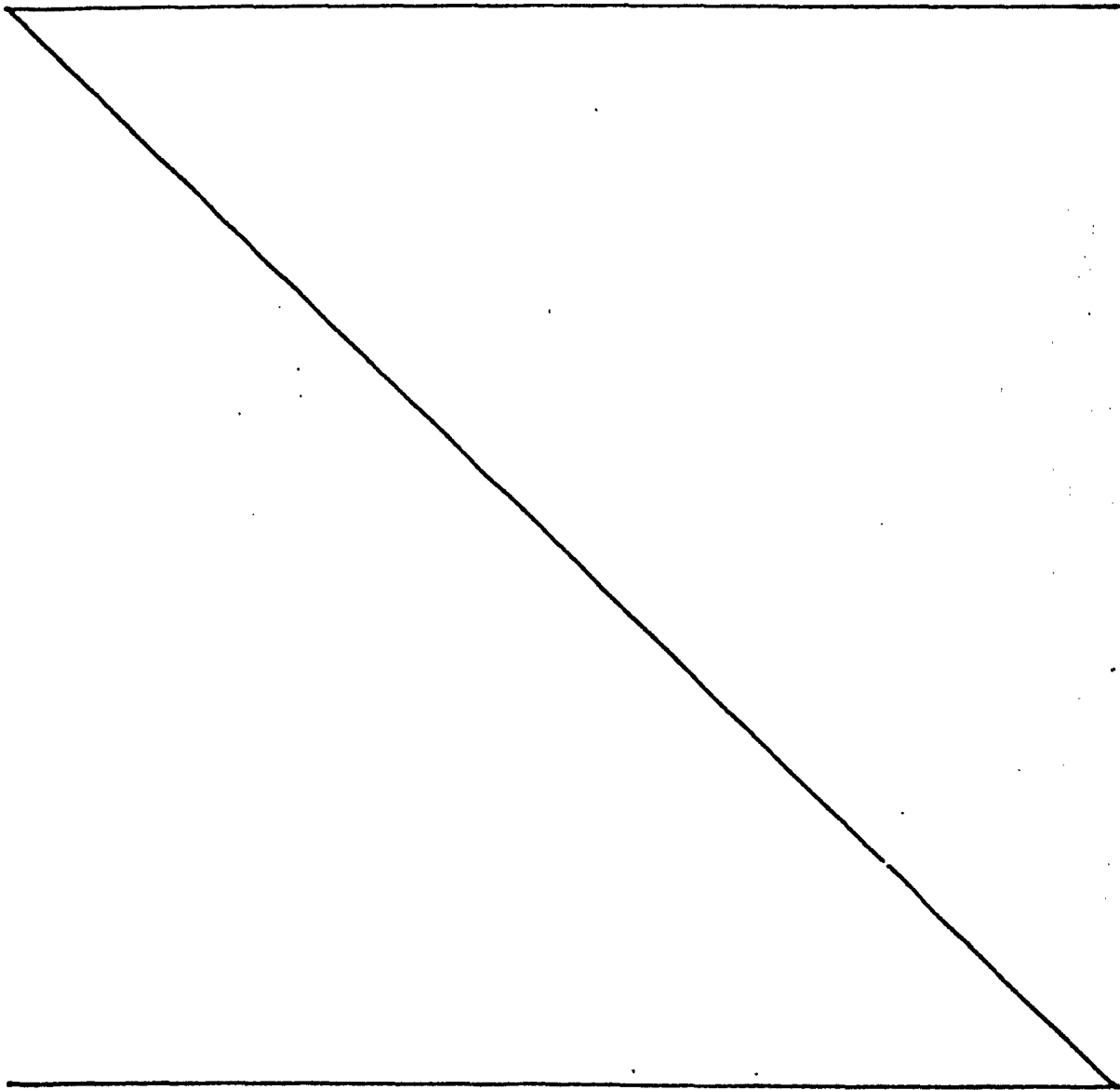
Section 4. That the parcels of real property and the interests sought to be condemned are described as follows:



PARCEL NO. 1: (IMPERIAL AVENUE - EASEMENT)

All that portion of the Southwest Quarter of Lot 42 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:

The southerly 34.00 feet of that real property described in deed to Obie R. Bennett and Tommie G. Bennett, husband and wife, as joint tenants, dated June 27, 1966 as File No. 104539 of Official Records, lying contiguous northerly to and parallel with the northerly line of Imperial Avenue as located and established on the date of this instrument.



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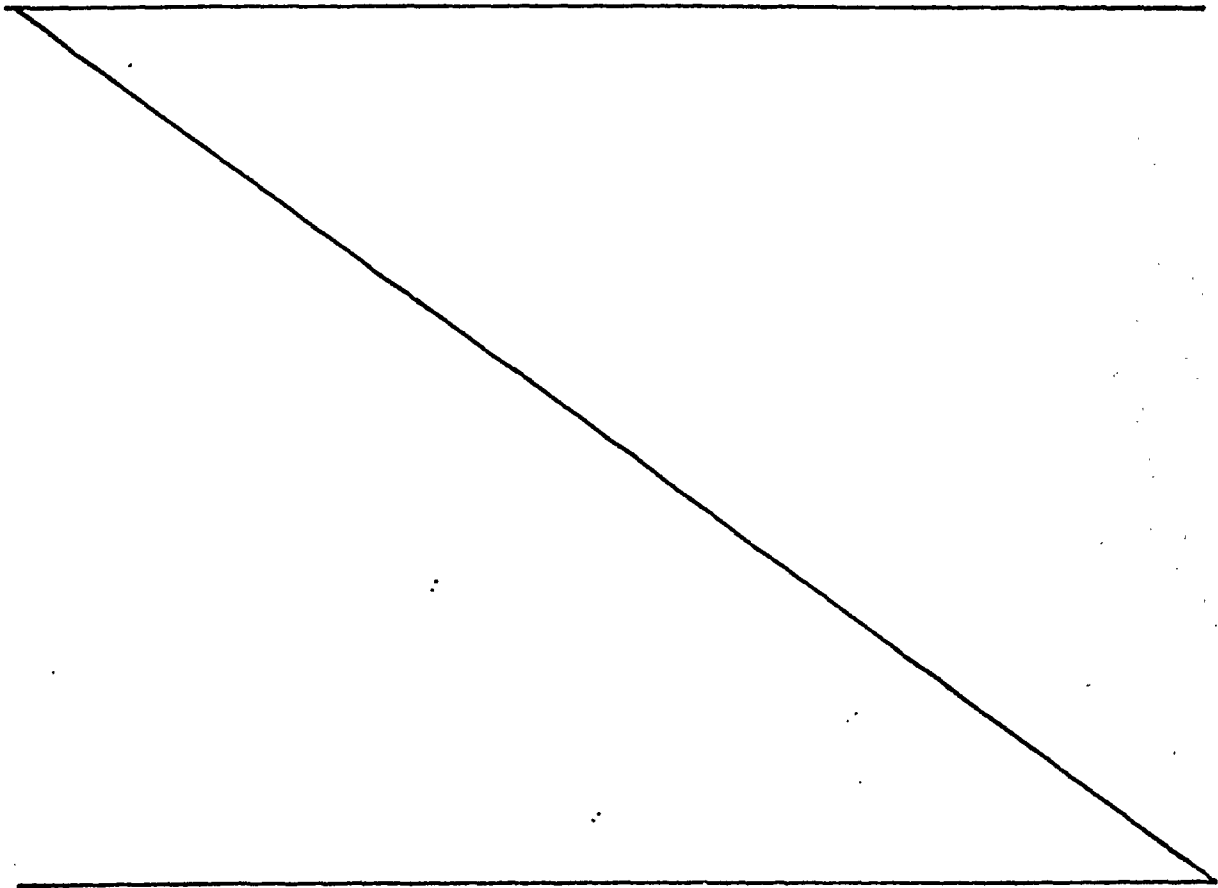
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PARCEL NO. 2: (IMPERIAL AVENUE - EASEMENT)

All that portion of Lot 42 of Horton's Purchase, in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878 described as follows:

Beginning at a point which is South 89° 31' 02" East, 571.25 feet and North 00° 51' 38" East, 45.00 feet from the Southwest corner of said Lot 42, being a point on the northerly line of Imperial Avenue as granted in deed recorded October 18, 1965 as File No. 188998 of Official Records; thence North 89° 31' 02" West along the northerly line of said Imperial Avenue, a distance of 66.00 feet; thence North 00° 51' 38" East, 3.24 feet to a point in the arc of an 849.00 foot radius curve, concave northerly, a radial bears South 04° 38' 36" West to said point; thence easterly along the arc of said curve through a central angle of 04° 09' 38", a distance of 61.65 feet; thence easterly, a distance of 4.39 feet to a point that is North 00° 51' 38" East, 1.00 feet from the TRUE POINT OF BEGINNING; thence South 00° 51' 38" West, 1.00 feet returning to the TRUE POINT OF BEGINNING.



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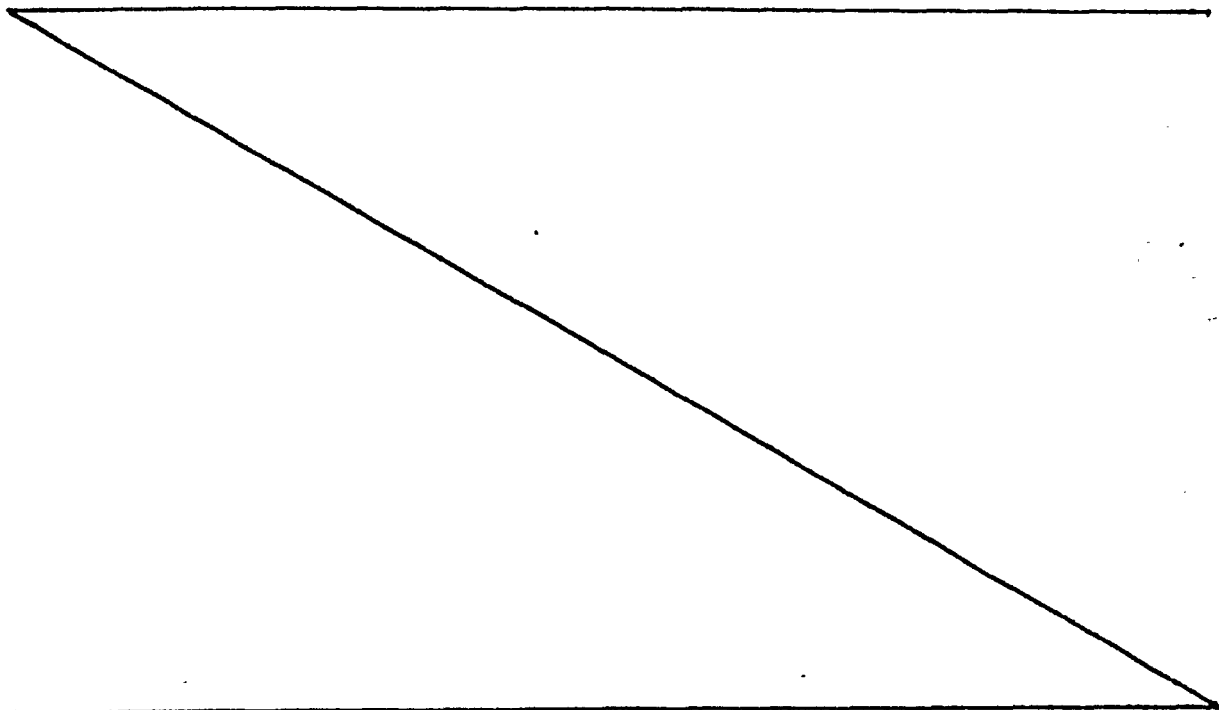
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PARCEL NO. 3: (IMPERIAL AVENUE - EASEMENT)

All that portion of the West Half of Lot 53 of a portion of the Ex-Mission Lands of San Diego, commonly known as Horton's Purchase, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878, more particularly described as follows:

Beginning at the intersection of the easterly line of that real property granted to Floyd A. Robinson and Sandra K. Robinson, husband and wife, by deed dated February 4, 1969 and recorded March 7, 1969 as File No. 40537 of Official Records of said San Diego County, with the southerly line of Imperial Avenue as conveyed to The City of San Diego by deed recorded May 8, 1964 as File No. 83607 of said Official Records; thence South $00^{\circ} 42' 33''$ West along said easterly line, a distance of 16.00 feet; thence leaving said easterly line North $89^{\circ} 31' 02''$ West, 26.18 feet to the beginning of a tangent 951.00 foot radius curve, concave north-erly; thence westerly along the arc of said curve through a central angle of $02^{\circ} 42' 27''$, a distance of 44.94 feet to the westerly line of said real property granted by said File No. 40537; thence North $00^{\circ} 42' 33''$ East along said westerly line, a distance of 14.84 feet to a point on said southerly line of Imperial Avenue; thence South $89^{\circ} 31' 02''$ East along said southerly line, a distance of 71.10 feet returning to the Point of Beginning.



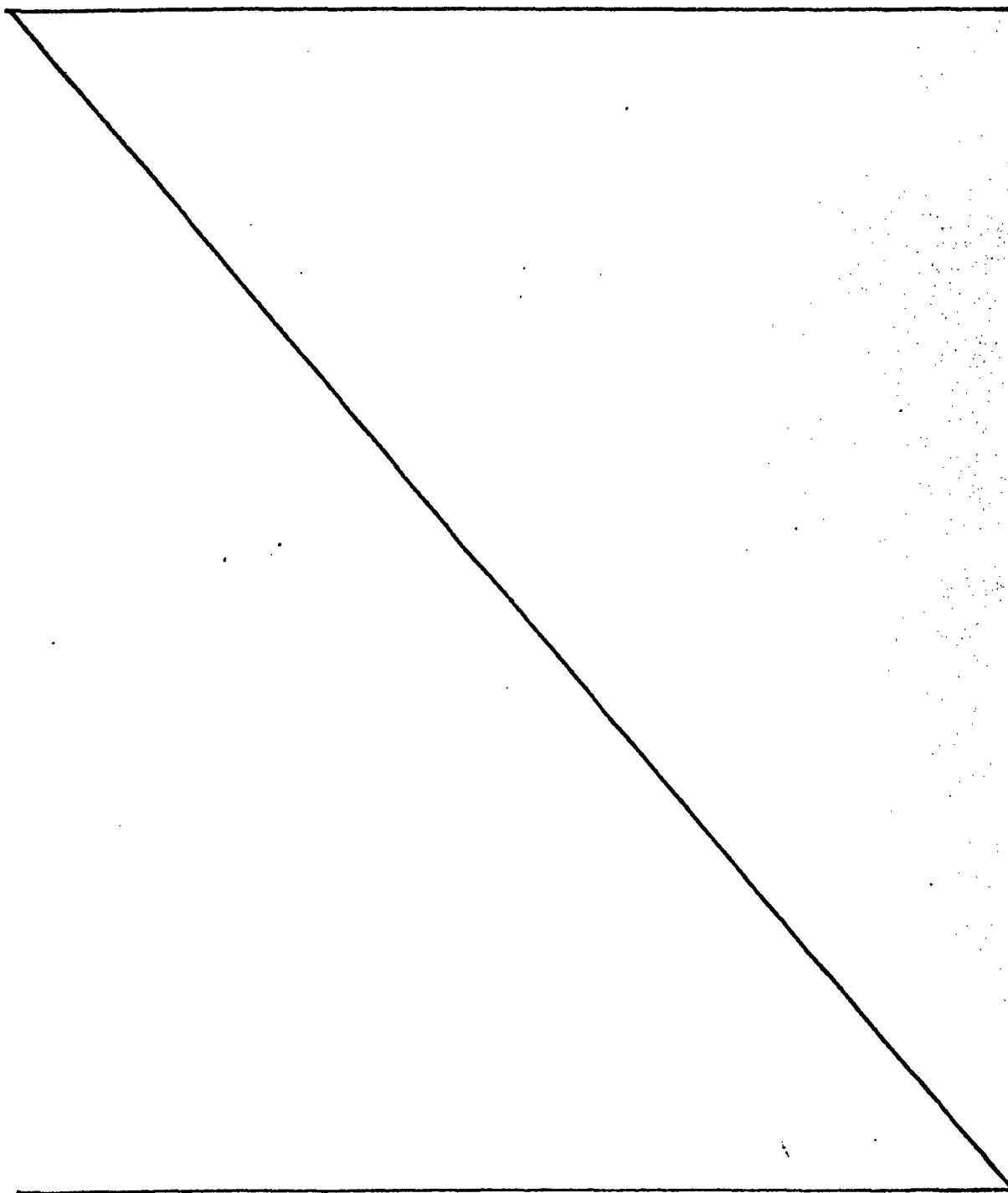
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PARCEL NO. 4: (IMPERIAL AVENUE - EASEMENT)

The northerly 16.00 feet of Lot 1 of Imperial Euclid Center, Unit No. 1, according to Map thereof No. 5389, filed in the Office of the County Recorder of San Diego County, May 15, 1964.



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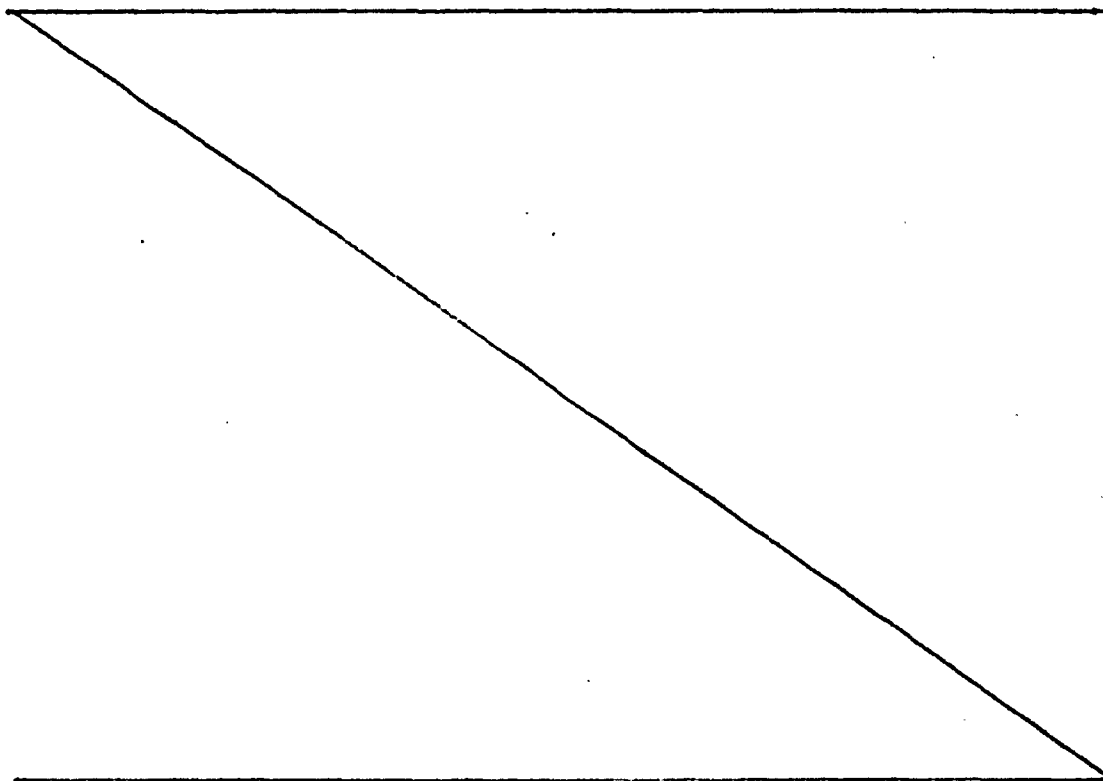
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PARCEL NO. 5: (IMPERIAL AVENUE - EASEMENT)

All that portion of the Southwest Quarter of Lot 42 of Horton's Purchase of the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the office of the San Diego County Recorder, March 9, 1878, as granted to Mary L. Edwards, an unmarried woman and Mary L. White, a widow, daughter and mother, as joint tenants, by deed from T. H. Pritchett and Nettie Viola Pritchett, husband and wife, recorded October 28, 1971 as File No. 249173 in said Office of the San Diego County Recorder, more particularly described as follows:

Beginning at a point which is 30.00 feet North and 195.00 feet East of the Southwest corner of said Lot 42, said point being a point in the North line of Imperial Avenue, as said Avenue was dedicated for a public street on November 15, 1926 by Resolution No. 39710, of the Common Council of The City of San Diego; thence North $00^{\circ} 52' 28''$ East along the West line of said land conveyed to Edwards and White, 34.00 feet; thence South $89^{\circ} 31' 02''$ East, 65.00 feet to the East line of said land conveyed to Edwards and White; thence South $00^{\circ} 52' 58''$ West, along said East line to said North line of Imperial Avenue; thence North $89^{\circ} 31' 02''$ West along said North line, 65.00 feet returning to the Point of Beginning.



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Section 5. That the taking and acquiring by said City of the easements hereinabove described are 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 use is a public use authorized by law (Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.120, 1240.610 and 1255.410, Code of Civil Procedure); that for such public use it is necessary that The City of San Diego condemn and acquire said easements; that said easements are to be used for the construction, operation and maintenance of a public street and incidents thereto which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. 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 easements as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

rb/Rev. 4-13-76
Orig.Dept.: Property

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Passed and adopted by the Council of The City of San Diego on, APR 14 1976
 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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 1976 APR 13 PM 3:16
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 215750 Adopted APR 14 1976

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