

RESOLUTION NO. 215752

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 A PORTION OF LOT 1 OF MIRAMAR PLAZA, ACCORDING TO MAP THEREOF NO. 5651, 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 PUBLIC STREET AND INCIDENTS 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.

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 a portion of Lot 1 of Miramar Plaza, according to Map thereof No. 5651, as more particularly described hereinafter.

Section 2. That the public interest, convenience and

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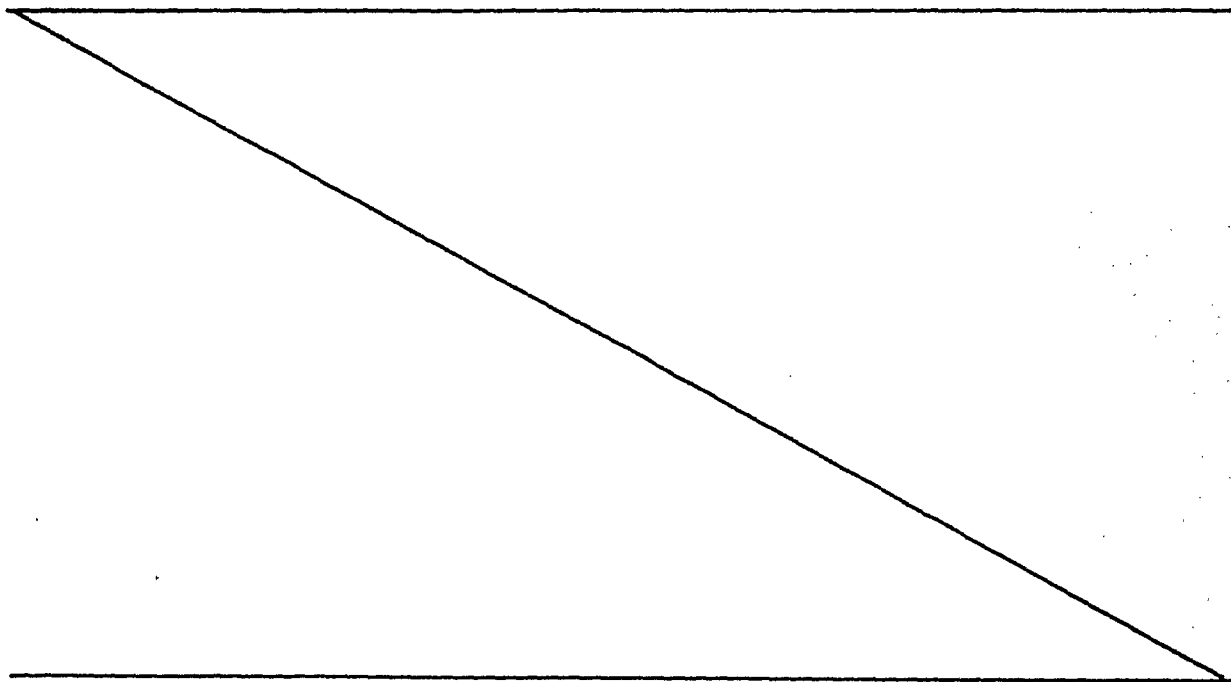
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necessity of said City, and the inhabitants thereof, demand the acquisition and taking of an easement in said property for the construction, operation and maintenance of a public street and incidents thereto, said real property lying within the City 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 acquisition referenced herein.

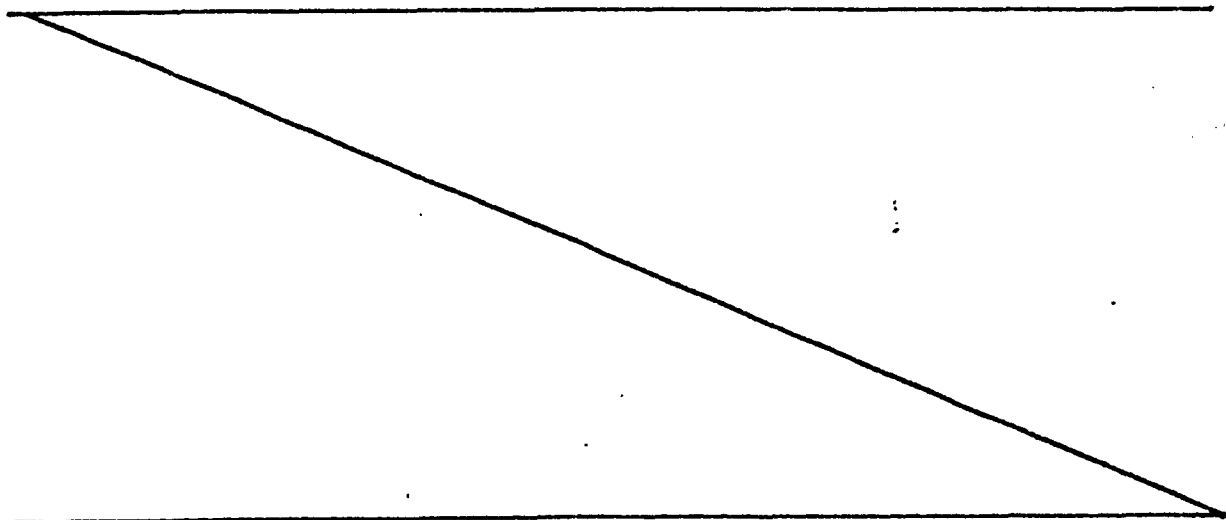
Section 4. That the parcel of real property and the interest sought to be condemned is described as follows:



MIRAMAR ROAD - EASEMENT

All of that portion of Lot 1 of Miramar Plaza, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 5651, filed in the office of the San Diego County Recorder of San Diego County, November 23, 1965, more particularly described as follows:

Beginning at the Southwest corner of Lot 1 of said Miramar Plaza being an intersection of the northerly line of Miramar Road, as dedicated by said Map No. 5651, with the westerly line of said Map boundary; thence North $78^{\circ} 49' 49''$ East, 45.69 feet (Record North $78^{\circ} 22' 57''$ East, 45.45 feet per Map 5651) to the beginning of a tangent 755.00 foot radius curve, concave northerly; thence easterly along the northerly line of said Miramar Road and along the arc of said curve through a central angle of $08^{\circ} 36' 29''$, a distance of 113.43 feet to the beginning of a compound 1,436.00 foot radius curve, concave northerly, a radial bears South $19^{\circ} 46' 40''$ East to the beginning of said curve; thence continuing easterly along said northerly line of Miramar Road and along the arc of said curve through a central angle of $05^{\circ} 46' 03''$, a distance of 144.55 feet to the easterly line of said Miramar Plaza; thence North $17^{\circ} 12' 37''$ West along said easterly line, a distance of 7.59 feet being a point in the arc of a 1,417.00 foot radius curve, concave northerly, a radial bears South $23^{\circ} 28' 02''$ East to said point; thence westerly along the arc of said curve through a central angle of $12^{\circ} 06' 44''$, a distance of 299.55 feet to the westerly line of said Miramar Plaza; thence South $00^{\circ} 48' 06''$ East along said westerly line, a distance of 12.54 feet returning to the Point of Beginning.



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Section 5. That the taking and acquiring by said City of the easement 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 easement; that said easement is 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 easement 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)

RECEIVED
 CITY CLERK'S OFFICE
 1976 APR 13 PM 3:16
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
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Adopted	APR 14 1976