

RESOLUTION NO. 215754

APR 14 1976

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT OF A PARK IN PORTIONS OF LOT 67 OF RANCHO MISSION OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF, FILED IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY IN ACTION NO. 348 OF THE SUPERIOR COURT OF SAID SAN DIEGO COUNTY ENTITLED "JUAN M. LUCO, ET AL. VS. COMMERCIAL BANK OF SAN DIEGO, ET AL.," 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 TO SAID PROPERTY FOR SAID PARK; 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.

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:

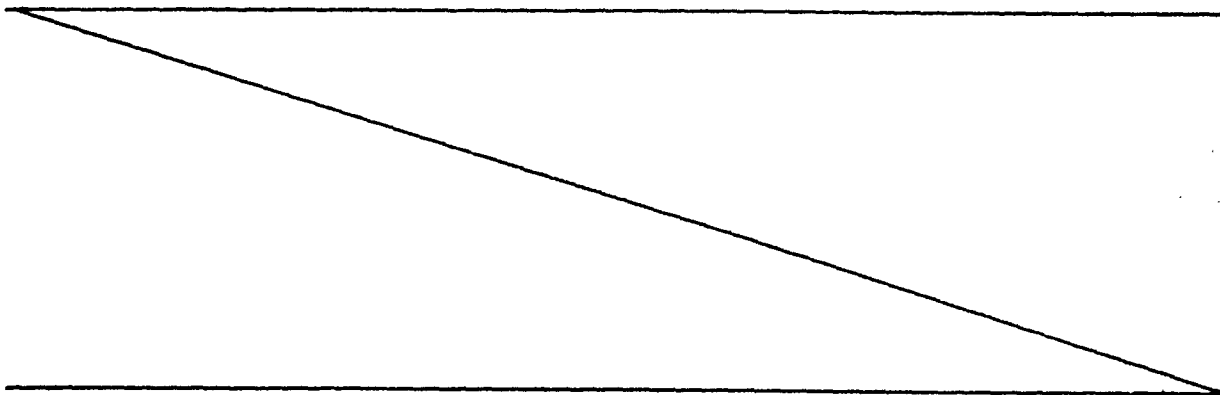
Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the development of a park in portions of Lot 67 of Rancho Mission of San Diego, according to Partition Map thereof, filed in the Office of the County Clerk of San Diego County in Action No. 348 of the Superior Court of said

San Diego County entitled "Juan M. Luco, et al. vs. Commercial Bank of San Diego, et al.," 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 to said property for the development of a park, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That the Council of The City of San Diego, pursuant to the Municipal Improvement Act of 1913 and the San Diego Park District Procedural Ordinance of 1969, Section 61.0601, et seq. of the San Diego Municipal Code, found, ordered and determined that the acquisition of certain real property was necessary for park and recreation purposes and held certain special assessment proceedings which are documented and on file in the office of the City Clerk under the title of "San Diego Park District No. 11 (Navajo Canyon)."

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



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LEGAL DESCRIPTION

PARCEL 1

All that portion of Lot 67 of Rancho Mission of San Diego, according to Partition Map thereof filed in the Office of the County Clerk of San Diego County in Action No. 348 of the Superior Court of said San Diego County entitled "Juan M. Luco, et al vs. Commercial Bank of San Diego, et al", being a portion of Sections 10, 15 and 16 in Township 16 South, Range 2 West, San Bernardino Meridian, described as follows:

Beginning at the Southeasterly corner of Lot 1722 of Allied Gardens Unit No. 6, according to Map thereof No. 3293, filed in the Office of the County Recorder August 26, 1955; thence South  $60^{\circ}39'30''$  West, 363.59 feet to the most Westerly corner of land described in easement deed to the City of San Diego recorded November 9, 1955 in Book 5862, Page 453 as Document No. 147251 of Official Records, being a point on the arc of that certain 800.00 foot radius curve, concave Southerly in the boundary of land described in deed to Allied Farms, Inc., recorded June 10, 1955 in Book 5675, Page 325 as Document No. 75573 of Official Records; thence along said boundary as follows: Westerly along the arc of said curve through a central angle of  $40^{\circ}46'36''$ , a distance of 569.34 feet to the Westerly terminus of said curve; tangent to said curve South  $53^{\circ}48'40''$  West, 42.78 feet to the beginning of a tangent 800.00 foot radius curve, concave Northwesterly; Southwesterly along the arc of said curve through a central angle of  $16^{\circ}04'10''$ , a distance of 224.37 feet; tangent to said curve South  $74^{\circ}52'50''$  West, 43.67 feet to the beginning of a tangent 800.00 foot radius curve concave Southeasterly; Southwesterly along the arc of said curve through a central angle of  $33^{\circ}14'15''$ , a distance of 464.08 feet; and tangent to said curve South  $41^{\circ}38'35''$  West, 33.61 feet to the most Easterly corner of land described in deed to Allied Farms, Inc., recorded August 2, 1954 in Book 5319, Page 239 as Document No. 100304 of Official Records, being a point in the Southeasterly line of land described in deed to Heron Corporation, recorded June 12, 1952 in Book 4492, Page 31 as File No. 70828 of Official Records; thence following along the Southeasterly line of said Heron Corporation's land continuing on said last line South  $41^{\circ}38'35''$  West, 42.65 feet to the beginning of a tangent 1000.00 foot radius curve, concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of  $17^{\circ}15'45''$ , a distance of 301.29 feet; thence South  $58^{\circ}54'20''$  West, 72.79 feet to the beginning of a tangent 1000.00 foot radius curve concave Southeasterly; thence Southwesterly along the arc of said curve through a central angle of  $20^{\circ}36'30''$ , a distance of 359.68 feet; thence tangent to said curve South  $38^{\circ}17'50''$  West, 49.31 feet (record per deed recorded November 3, 1975 as File No. 75-306249, 49.26 feet) to the most Westerly corner of a parcel of land described in deed to College Del Cerro, Inc., recorded September 22, 1955 in Book 5802, Page 260 of Official Records; thence along the boundary line of said land as follows: South  $39^{\circ}36'30''$  East, 1059.88 feet and North  $86^{\circ}15'24''$  East (record per Map thereof No. 5616, North  $89^{\circ}15'24''$  East), 550.00 feet to the most Westerly corner of a parcel of land described in deed to Union Title Insurance and Trust Company, recorded September 22, 1955 in Book 5802, Page 262 of Official Records; thence along the Southwesterly line of said land as follows: South  $51^{\circ}44'36''$  East, 470.00 feet; South  $63^{\circ}33'21''$  East, 447.84

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PARCEL 1 (Cont'd):

feet; and South  $36^{\circ}33'14''$  East, 651.74 feet (record deed File No. 75-306249, S  $36^{\circ}34'26''$  651.18 feet) to the most Northerly corner of Lot 416 of Del Cerro Unit 7, according to Map thereof No. 3619 filed in the Office of the County Recorder of San Diego County April 5, 1957; thence along the Westerly line of said Unit 7 as follows: South  $07^{\circ}03'55''$  East, 192.35 feet; and South  $39^{\circ}23'44''$  West, 240.25 feet to the most Easterly corner of Lot 528 of Del Cerro Unit 9, according to Map thereof 3862 filed in the Office of the County Recorder of San Diego County April 9, 1958; thence along the boundary line of said Unit 9 as follows: North  $10^{\circ}36'16''$  West, 247.20 feet; and North  $61^{\circ}30'00''$  West, 574.69 feet to the most Easterly corner of Lot 537 of said Unit 9; thence North  $51^{\circ}55'35''$  West (record deed File No. 75-306249, North  $51^{\circ}55'33''$  West), 150.34 feet to a point in the Northeasterly prolongation of the Northwesterly line of said Lot 537 distant along said prolongation North  $33^{\circ}47'43''$  East, 25.11 feet from the most Northerly corner of said lot; thence South  $33^{\circ}47'43''$  West, 25.11 feet to the most Northerly corner of said Lot 537; thence along the boundary line of said Unit 9, North  $61^{\circ}30'00''$  West, 86.45 feet to the most Easterly corner of Lot 539, North  $28^{\circ}30'00''$  East, 25.00 feet; thence parallel with the boundary line of said Unit 9, North  $61^{\circ}30'00''$  West, 563.00 feet to the Northeasterly prolongation of the Northwesterly line of Lot 544 of Del Cerro Unit 9; thence along said prolongation South  $28^{\circ}30'00''$  West, 25.00 feet to the most Northerly corner of Lot 545; thence along the boundary line of said Unit 9, North  $61^{\circ}30'00''$  West, 179.89 feet (record deed File No. 75-306249, 179.69 feet) and South  $70^{\circ}57'33''$  West, 437.98 feet to the Easterly line of Del Cerro Unit 10, according to Map thereof 4096 filed in the Office of the County Recorder of San Diego County February 20, 1959; thence along the boundary line of said Unit 10 as follows: North  $02^{\circ}40'00''$  East, 96.05 feet; North  $29^{\circ}50'00''$  West, 565.00 feet; South  $78^{\circ}25'00''$  West, 745.00 feet; South  $49^{\circ}55'00''$  West, 345.00 feet; South  $35^{\circ}36'17''$  East, 359.36 feet; and South  $65^{\circ}00'00''$  East, 1107.00 feet to the Westerly line of said Del Cerro Unit 9 above mentioned; thence along said Westerly line South  $09^{\circ}30'00''$  West, 184.74 feet to the most Northerly corner of Lot 957 of Del Cerro Unit 13, according to Map thereof 4572 filed in the Office of the County Recorder of San Diego County June 22, 1960; thence along the boundary line of said Unit 13 as follows: South  $28^{\circ}40'29''$  West, 159.35 feet (record deed File No. 75-306249, 159.94 feet); North  $69^{\circ}49'23''$  West, 650.62 feet; South  $89^{\circ}42'11''$  West, 527.41 feet; North  $37^{\circ}47'13''$  West, 401.85 feet; North  $48^{\circ}48'32''$  West, 254.23 feet; South  $25^{\circ}08'33''$  West, 307.13 feet; South  $45^{\circ}16'37''$  West, 555.27 feet; and South  $71^{\circ}26'41''$  West, 526.90 feet to the Southeasterly prolongation of the Northeasterly line of land described in deed to R. E. Hazard and Sons, recorded November 25, 1941, in Book 1264, Page 436 of Official Records; thence along said prolongation and said Northeasterly line, North  $34^{\circ}31'29''$  West (record North  $34^{\circ}55'00''$  West per deed recorded July 8, 1970 as File/Page 119400 of Official Records), 307.31 feet to the Northerly corner of said Hazard land; thence continuing along the boundary of said Hazard land, South  $72^{\circ}32'53''$  West (record deed File/Page 119400, South  $72^{\circ}00'00''$  West), 695.51 feet to the Southeasterly line of Waring Road, as said street is located and established on the date of this instrument; thence along said Southeasterly line North  $31^{\circ}10'00''$  East, 698.10 feet to the Southwesterly corner of Presbyterian Palisades, according to Map thereof 3433 filed in the Office of the County Recorder of San Diego County; thence along the boundary of said Map thereof 3433 as follows: EAST, 253.78 feet; North  $54^{\circ}00'00''$  East, 400.00 feet; North  $28^{\circ}29'15''$  East, 550.72 feet; and South  $76^{\circ}37'00''$  West, 270.00

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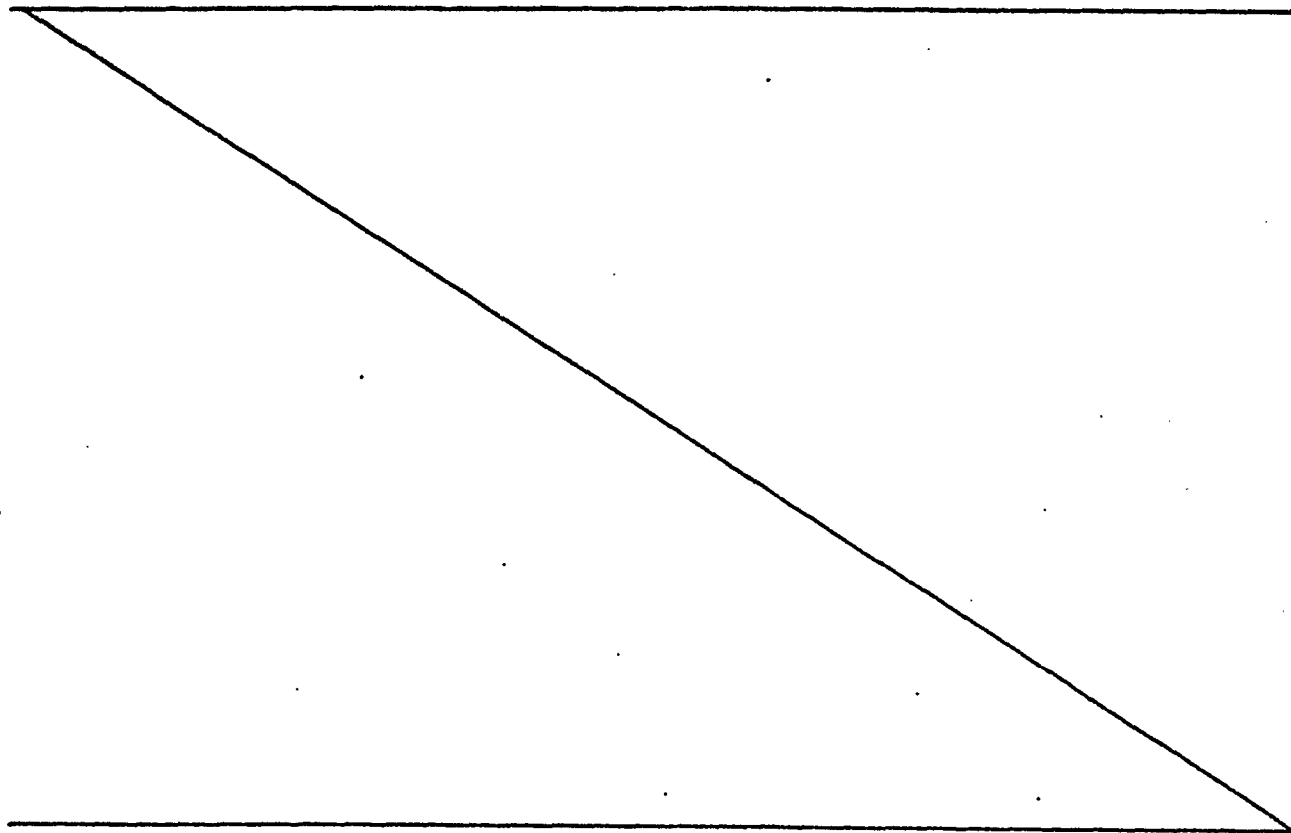
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PARCEL 1 (Cont'd):

feet to the Southwesterly terminus of that certain course designated South 41°07'00" West, 1001.06 feet on the Map of Allied Gardens Unit 4, according to Map thereof 3136 filed in the Office of the County Recorder of San Diego County; thence along the boundary of said Allied Gardens Unit 4 as follows: North 41°07'00" East, 1001.06 feet; South 48°53'00" East, 516.99 feet; North 49°06'08" East, 1413.60 feet; North 14°01'00" East, 538.91 feet; North 22°00'00" West, 390.02 feet; and North 48°53'00" West, 120.00 feet to the most Southerly corner of Allied Gardens Unit 5, according to Map thereof 3218 filed in the Office of the County Recorder of San Diego County April 20, 1955; thence along the boundary of said Allied Gardens Unit 5, North 38°29'15" East, 816.91 feet and South 50°46'00" East, 239.25 feet to the most Westerly corner of Lot 1681 of Allied Gardens Unit 6, according to Map thereof 3293 filed in the Office of the County Recorder of San Diego County August 26, 1955; thence along the boundary of said Allied Gardens Unit 6, South 13°04'50" East, 505.29 feet and South 45°00'00" West, 325.66 feet to the most Westerly corner of Lot 1692 of said Allied Gardens Unit 6, being the most Northerly corner of land described in deed to the Southern California District of the Lutheran Church-Missouri Synod, recorded May 9, 1958 in Book 7052, Page 217 as Document 75333 of Official Records; thence along the boundary of said land as follows: South 45°00'00" West, 51.67 feet; SOUTH, 166.42 feet; South 45°00'00" East, 260.00 feet; and North 45°00'00" East, 169.34 feet to the most Southerly corner of Lot 1695 of said Allied Gardens Unit 6; thence along the boundary of said Allied Gardens Unit 6, North 45°00'00" East, 270.66 feet and North 80°00'00" East, 1391.18 feet to the point of beginning.



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GRANT DEED

LEGAL DESCRIPTION

PARCEL 2

That portion of Lot 67 of Rancho Mission of San Diego, according to Partition Map thereof made in the Action entitled "Juan M. Luco, et al vs The Commercial Bank of San Diego, et al" under Superior Court Case No. 348 on file in the Office of the County Clerk of San Diego County, described as follows:

Beginning at the Northwest corner of Lot 901, Del Cerro Unit No. 13, according to Map thereof No. 4572, filed in the Office of the County Recorder of said San Diego County; thence along the Northerly line of Lots 901 and 902 of said Map No. 4572, North 71°26'41" East, 226.30 feet to the Southeasterly prolongation of the Northeasterly line of land described in deed to R. E. Hazard and Sons, recorded November 25, 1941 in Book 1264, Page 436 of Official Records; thence along said prolongation and said Northeasterly line, North 34°31'29" West (record North 35°01'01" West per deed recorded July 30, 1969, as F/P No. 137626 and North 34°55'00" West per deed recorded July 8, 1970 as F/P No. 119400), 307.31 feet to the Northerly corner of said Hazard land; thence continuing along the boundary of said Hazard land, South 72°32'53" West (record deed F/P No. 137626, South 71°58'59" West and deed F/P No. 119400, South 72°00'00" West), 695.51 feet to the Northwesterly corner of land described in Trustees deed recorded June 26, 1967 as F/P No. 91857, being also a point on the Southeasterly line of Waring Road, as said street is located and established on the date of this instrument; thence along said Northwesterly line of land described in said Trustees deed and along said Southeasterly line of Waring Road, South 31°10'00" West (record deed F/P No. 137626, South 31°13'07" West), 227.01 feet; thence continuing along the boundary line of said Waring Road as follows: South 58°51'09" East (record deed F/P No. 137626, South 58°48'02" East), 20.00 feet; South 31°08'51" West (record deed F/P No. 137626, South 31°11'58" West), 192.92 feet; South 05°09'18" West, 75.00 feet (record deed F/P No. 137626, 75.02 feet); South 69°52'04" West, 52.53 feet (record deed F/P No. 137626, South 69°52'37" West, 52.57 feet); and South 23°31'05" West (record deed F/P No. 137626, South 23°32'59" West), 2.34 feet to the Northwesterly corner of Lot 70, College Canyon Park Unit No. 3, according to Map thereof No. 6287, filed in the Office of said County Recorder of San Diego County; thence along the boundary of said Map No. 6287 and the Easterly prolongation thereof, South 68°20'22" East, 122.45 feet; thence leaving said boundary of said Map No. 6287, North 74°32'31" East, 833.11 feet to a point on the Westerly boundary of said Map No. 4572; thence along said Westerly boundary of Map No. 4572, North 12°02'16" West, 175.00 feet, returning to the point of beginning.

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Section 5. That the taking and acquiring by said City of the real property hereinabove described are deemed necessary for the development of a park 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; Section 1238(3), Code of Civil Procedure; the Municipal Improvement Act of 1913; the 1909 Parks & Playgrounds Act; and the San Diego Park District Procedural Ordinance); that for such public use it is necessary that The City of San Diego condemn and acquire said real property; that said real property is to be used for the development of a park 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 fee interests 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  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

By Kathleen Martinez, Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 215754 Adopted APR 14 1976

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