

RESOLUTION NO. 216013

MAY 19 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 5, 6, 7, 14, 15, 16, 19, 20, 21 AND 22 IN BLOCK 2 OF CRITTENDEN ADDITION, AND PORTIONS OF LOTS 11, 12, 13 AND 14 IN BLOCK 3 OF CRITTENDEN ADDITION, ACCORDING TO MAP THEREOF NO. 303; PORTIONS OF LOTS 7 AND 8 IN BLOCK 5 OF BROOKE'S ADDITION, AND PORTIONS OF LOTS 10, 11 AND 12 IN BLOCK 6 OF BROOKE'S ADDITION, ACCORDING TO MAP THEREOF NO. 596, 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 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

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 safety 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

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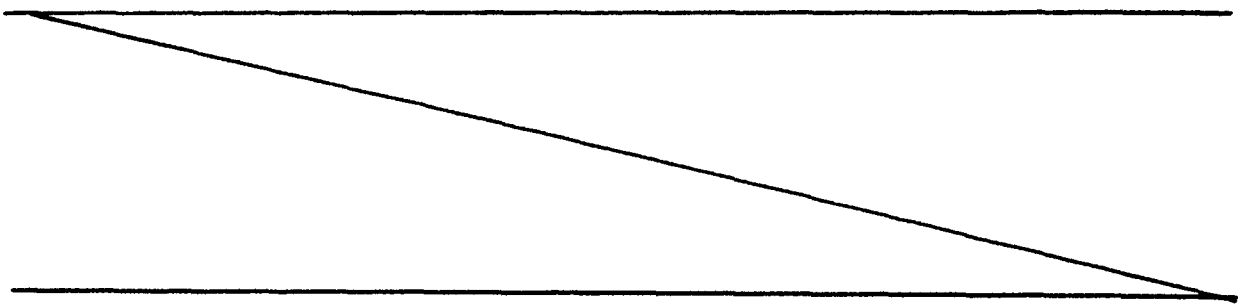
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5, 6, 7, 14, 15, 16, 19, 20, 21 and 22 in Block 2 of Crittenden Addition, and portions of Lots 11, 12, 13 and 14 in Block 3 of Crittenden Addition, according to Map thereof No. 303, portions of Lots 7 and 8 in Block 5 of Brooke's Addition and portions of Lots 10, 11 and 12 in Block 6 of Brooke's Addition, according to Map thereof No. 596, 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 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 Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120 and 1255.410, Code of Civil Procedure; Section 4090, Streets and Highways Code; and Section 40404, Government Code permit the acquisitions referenced herein.

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



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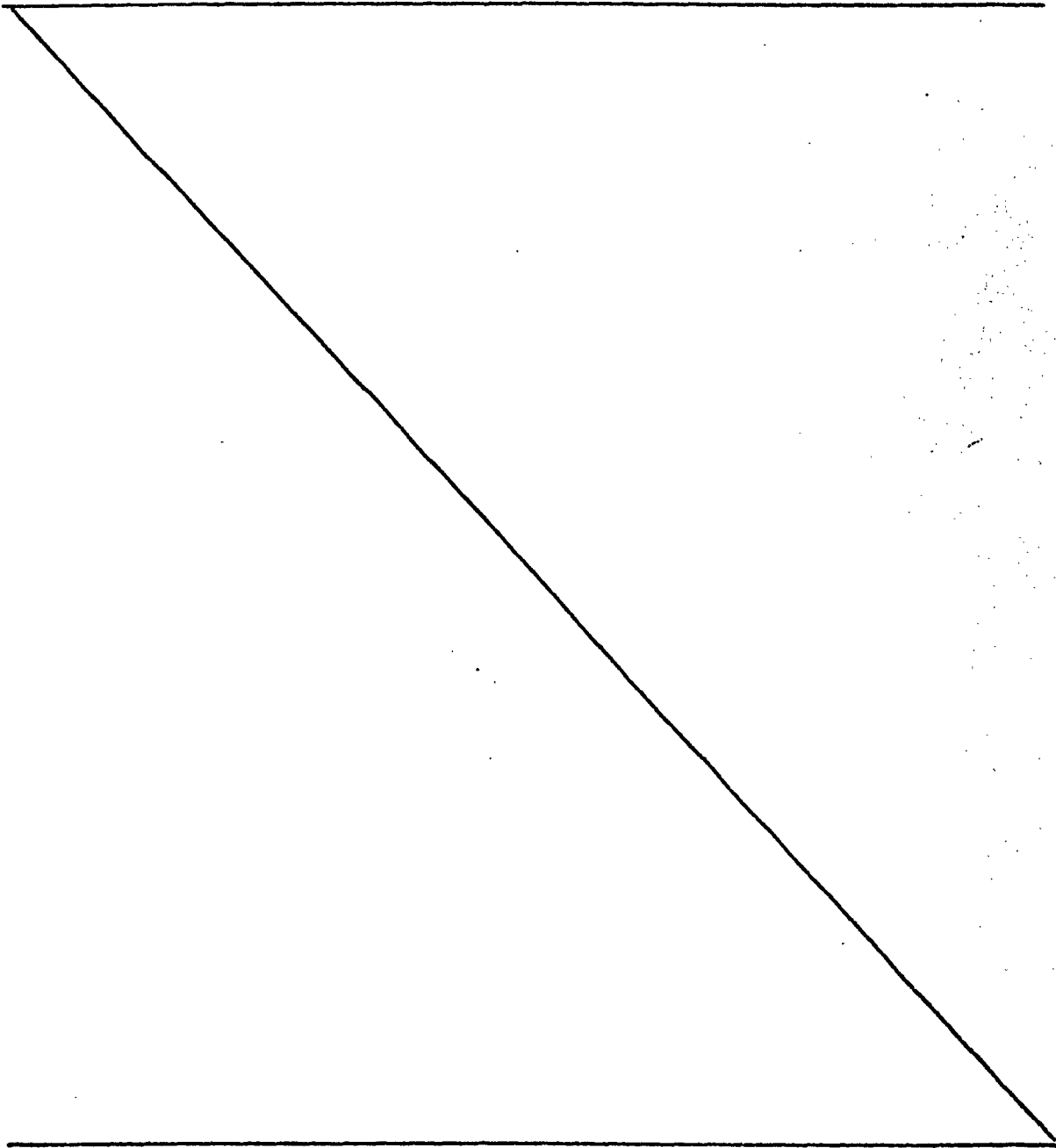
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PARCEL 1:

The westerly 23.00 feet of the following described parcel of land:

The North 20.00 feet of Lot 5 and all of Lots 6 and 7, in Block 2 of Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of said County.



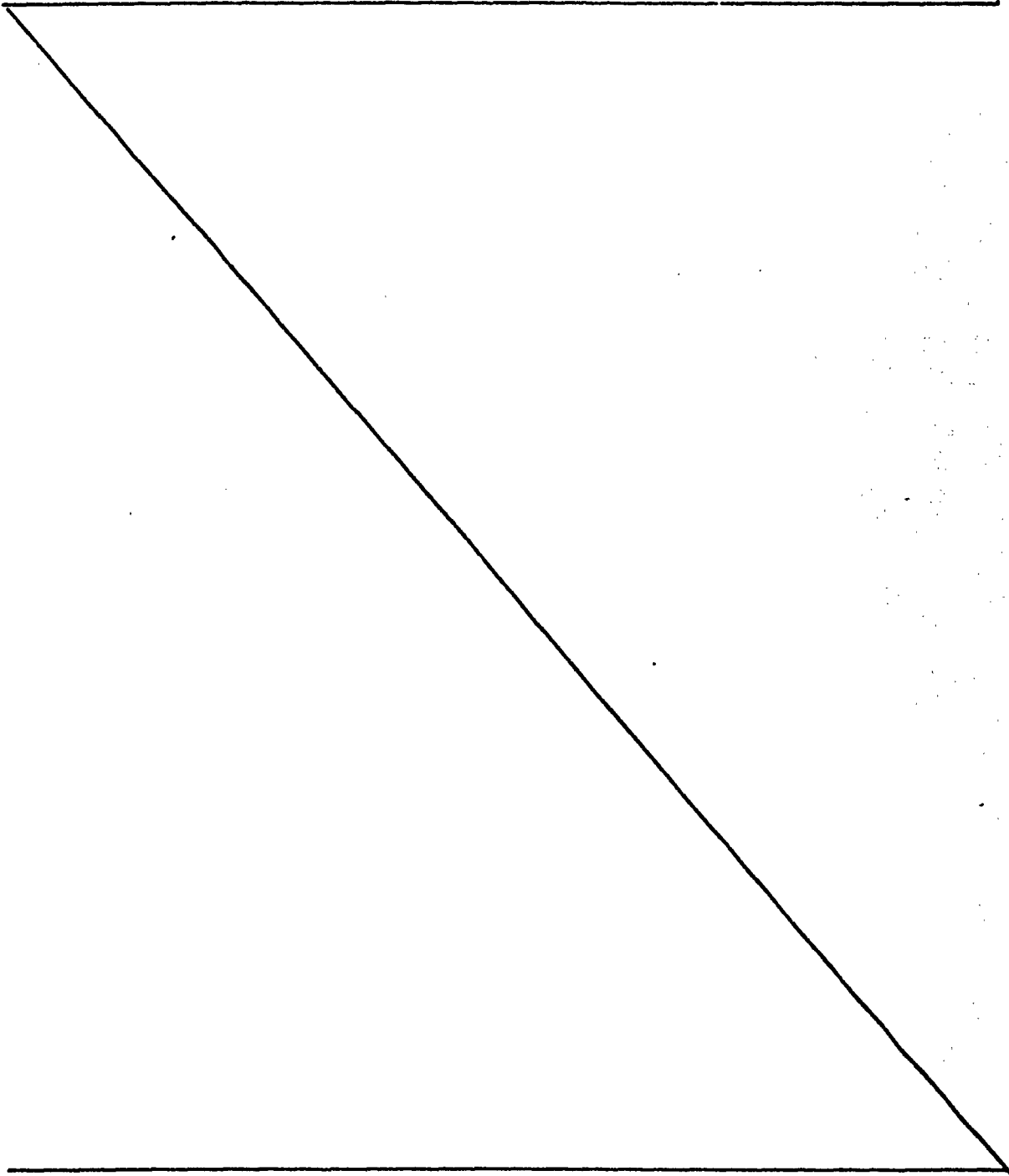
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PARCEL 2:

The westerly 23.00 feet of Lots 14, 15 and 16 in Block 2 of Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of said County.



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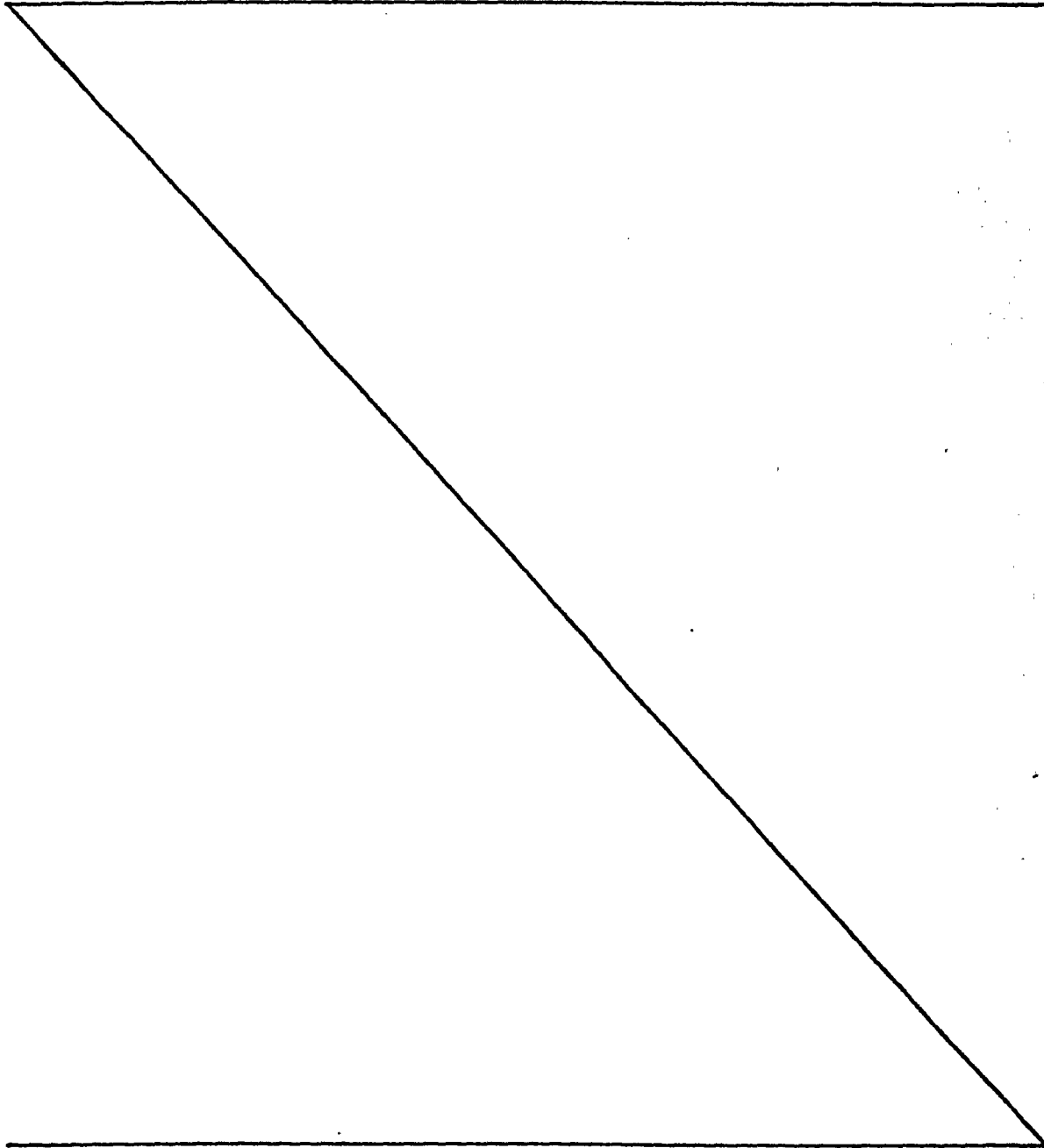
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PARCEL 3:

The westerly 23.00 feet of the following described parcel of land:

All of Lot 19, excepting the South 10.00 feet thereof, and all of Lots 20, 21 and 22 in Block 2 of Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of San Diego County.



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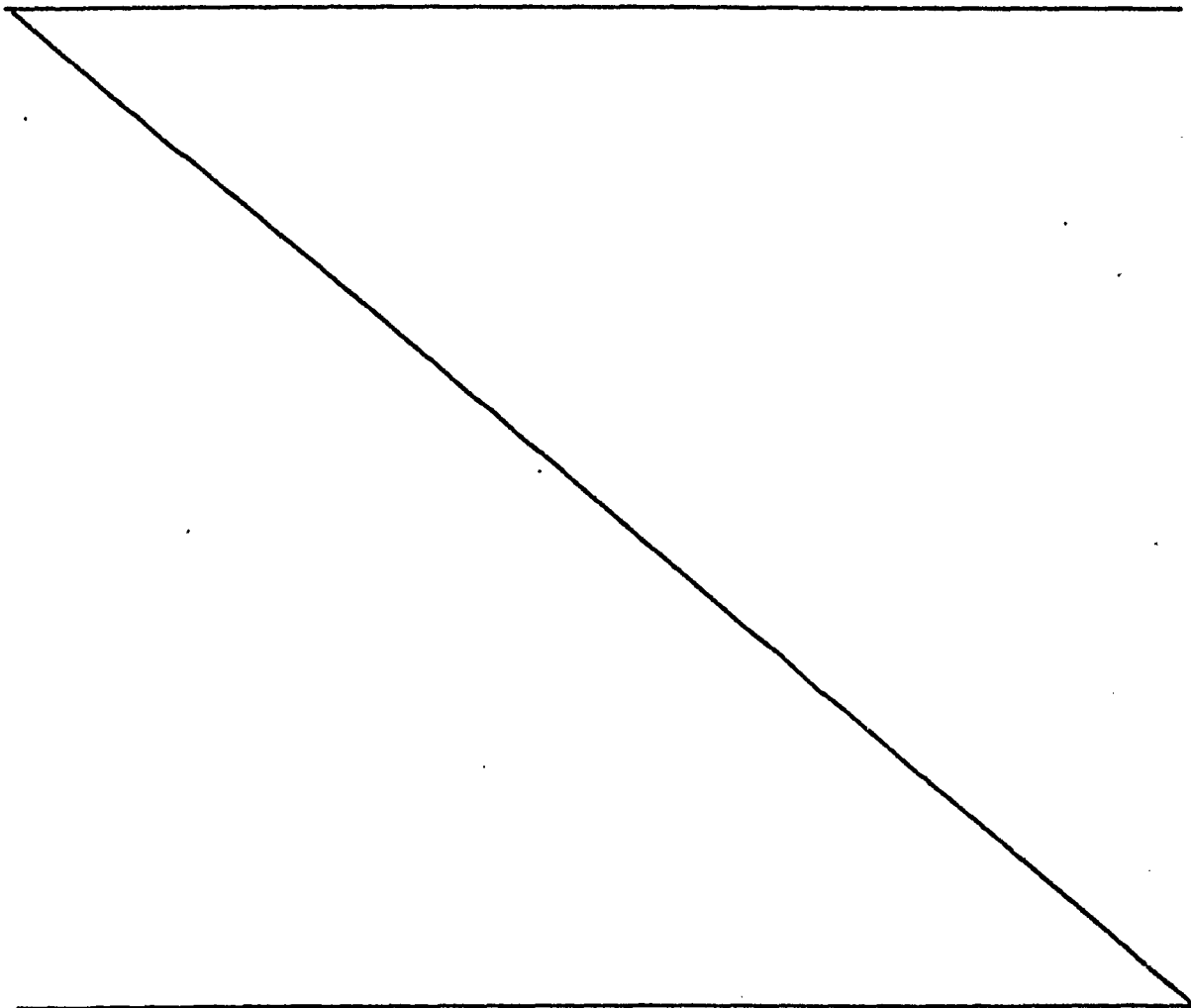
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PARCEL 4:

Those portions of Lots 11 and 12 in Block 3 of Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of said County, which lies within the following described parcel of land:

Beginning at the southwesterly corner of Lot 11 in said Block 3, thence North $00^{\circ} 02' 36''$ East along the West line of said Block 3, a distance of 223.46 feet; thence leaving said West line South $08^{\circ} 04' 09''$ East, 117.46 feet to the beginning of a tangent 606.00 foot radius curve concave westerly; thence southerly along said curve through a central angle of $05^{\circ} 25' 51''$, a distance of 57.45 feet; thence South 50.00 feet to the South line of said Lot 11; thence West along said South line 22.02 feet to the Point of Beginning.



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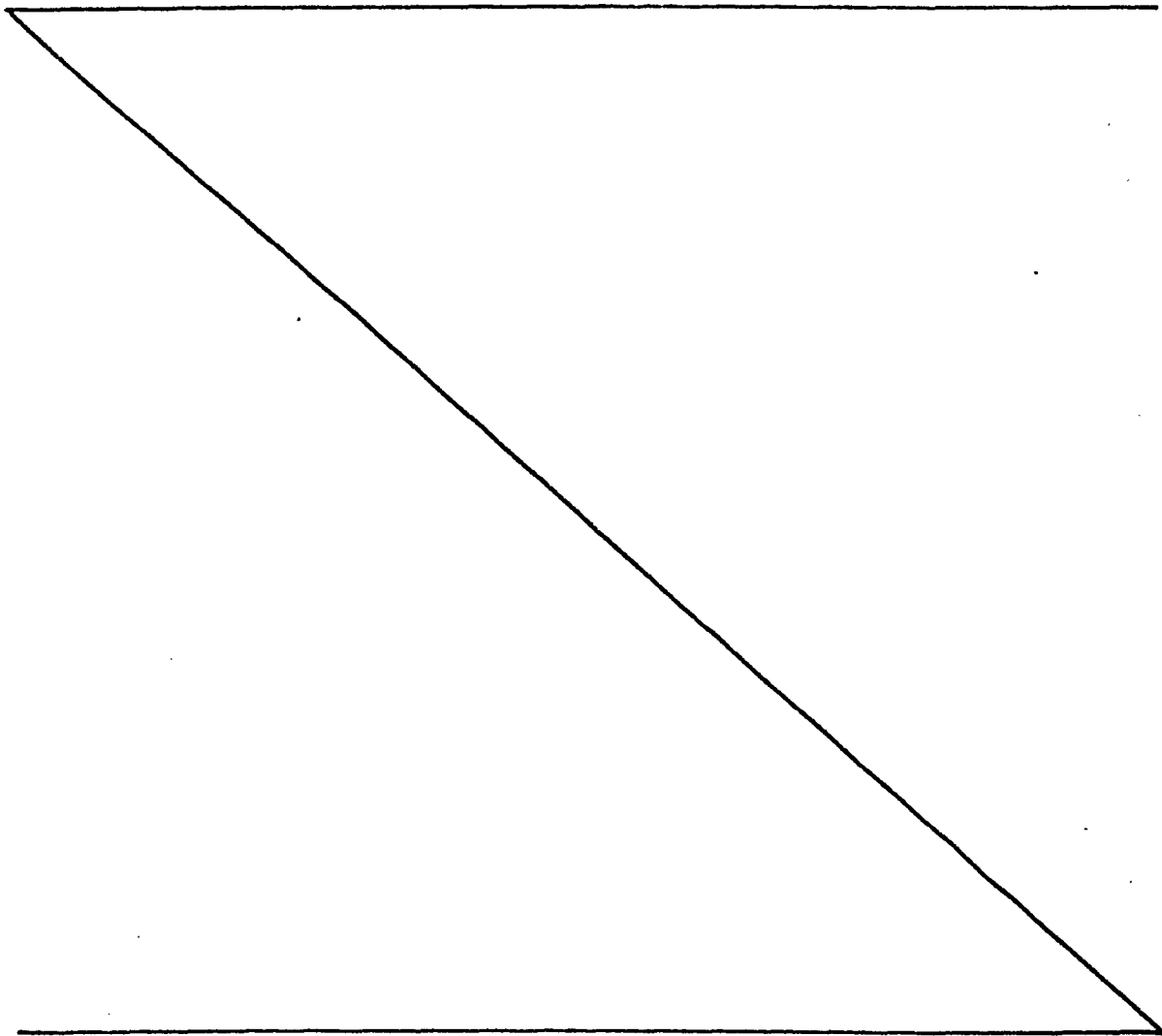
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PARCEL 5:

Those portions of Lots 13 and 14 in Block 3 of Crittenden Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 303, filed in the office of the County Recorder of said County, which lies within the following described parcel of land:

Beginning at the southwesterly corner of Lot 11 in said Block 3; thence North $00^{\circ} 02' 36''$ East along the West line of said Block 3, a distance of 223.46 feet; thence leaving said West line South $08^{\circ} 04' 09''$ East, 117.46 feet to the beginning of a tangent 606.00 foot radius curve concave westerly; thence southerly along said curve through a central angle of $05^{\circ} 25' 51''$, a distance of 57.45 feet; thence South 50.00 feet to the South line of said Lot 11; thence West along said South line 22.02 feet to the Point of Beginning.



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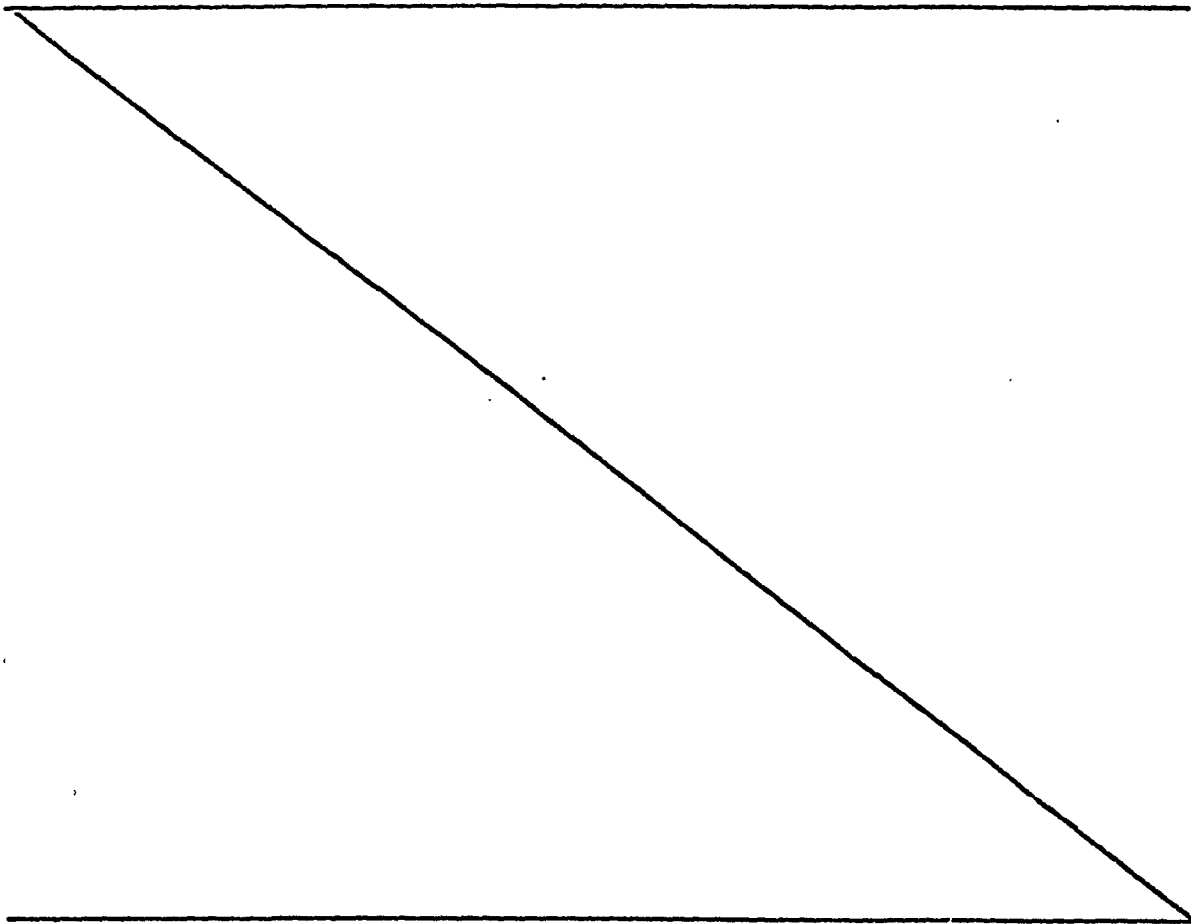
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PARCEL 6:

That portion of Lot 10 in Block 6 of Brooke's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 596, filed in the office of the County Recorder of said County, which lies within the following described parcel of land:

Beginning at the northeasterly corner of said Block 6; thence South along the East line thereof a distance of 200.00 feet to the southeasterly corner of Lot 9 of said Block 6; thence West along the South line of said Lot 9, a distance of 0.71 feet; thence North $08^{\circ} 49' 00''$ West, 44.30 feet to the beginning of a tangent 707.50 foot radius curve concave easterly; thence northerly along said curve through a central angle of $10^{\circ} 47' 32''$, a distance of 133.27 feet to a reverse 22.00 foot radius curve; thence northwesterly along said curve through a central angle of $93^{\circ} 00' 18''$, a distance of 35.71 feet to a point of tangency with the North line of said Block 6; thence along said North line North $89^{\circ} 43' 05''$ East, 35.21 feet to the Point of Beginning.



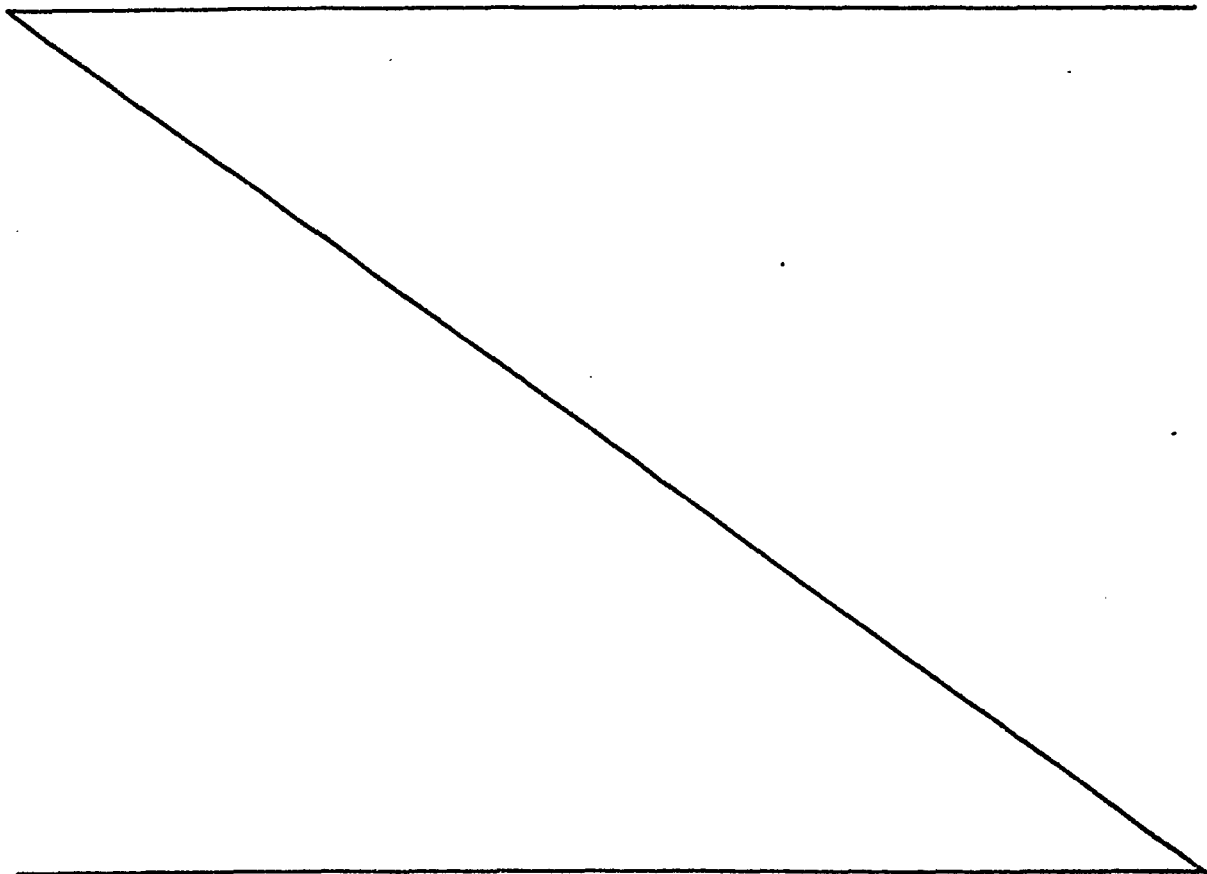
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PARCEL 7:

Those portions of Lots 11 and 12 in Block 6 of Brooke's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 596, filed in the office of the County Recorder of said County, which lies within the following described parcel of land:

Beginning at the northeasterly corner of said Block 6; thence South along the East line thereof a distance of 200.00 feet to the southeasterly corner of Lot 9 of said Block 6; thence West along the South line of said Lot 9, a distance of 0.71 feet; thence North $08^{\circ} 49' 00''$ West, 44.30 feet to the beginning of a tangent 707.50 foot radius curve concave easterly; thence northerly along said curve through a central angle of $10^{\circ} 47' 32''$ a distance of 133.27 feet to a reverse 22.00 foot radius curve; thence northwesterly along said curve through a central angle of $93^{\circ} 00' 18''$, a distance of 35.71 feet to a point of tangency with the North line of said Block 6; thence along said North line North $89^{\circ} 43' 05''$ East, 35.21 feet to the Point of Beginning.



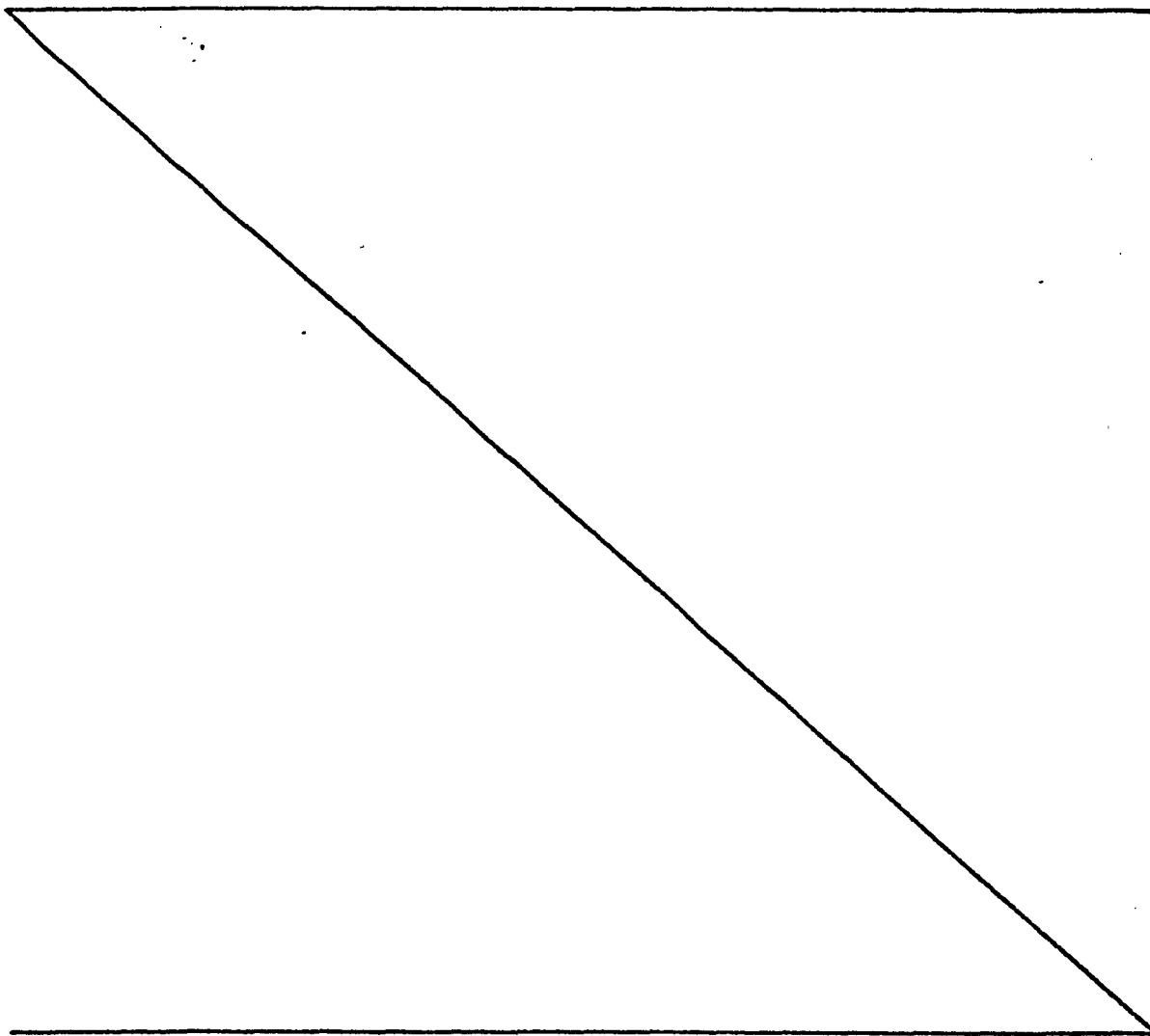
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PARCEL 8:

Those portions of Lots 7 and 8 in Block 5 of Brooke's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 596, filed in the office of the County Recorder of said County, described as follows:

Beginning at the southeasterly corner of said Block 5; thence North along the East line thereof, a distance of 46.65 feet; thence South $07^{\circ} 11' 20''$ West, 31.69 feet to the beginning of a tangent 17.50 foot radius curve concave northwesterly; thence southwesterly along said curve through a central angle of $82^{\circ} 31' 45''$, a distance of 25.21 feet to a point of tangency with the South line of said Block 5; thence along said South line North $89^{\circ} 43' 05''$ East, 21.24 feet 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 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, 1240.110, 1240.120 and 1255.410, Code of Civil Procedure; Section 4090, Streets and Highways Code, and Section 40404, Government Code) 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 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 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

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MAY 24 1978

rb/4-19-76
Orig.Dept.: Property
ARS

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ _____ Fund _____

Purpose _____

Auditor and Comptroller of
The City of San Diego, Calif.

Date _____, 19 _____

By _____

RECEIVED
CITY CLERK'S OFFICE
1976 MAY 10 AM 8:58
SAN DIEGO, CALIF.

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contractor of agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ 250,000.00 *

Dated April 6, 19 76

W. B. Sage

Auditor and Comptroller of
The City of San Diego, Calif.

BY *J. B. Aguirre*

Job Order _____
Resolution No. _____
Project No. 520522

Fund 244 Prog./Elem. 4507 Object 3496

Purpose Authorize eminent domain proceedings to acquire real property for the widening of Sixth Avenue. See AC 7542 for authorization of \$358,478.

Vendor WILLIAM SMITH AND OTHERS

MAY 24 1978

Note: * This would come from the \$358,478.00

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CERTIFICATE NO. 7710

Passed and adopted by the Council of The City of San Diego on MAY 19 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Martiny, Deputy.

(Seal)

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1976 MAY 10 AM 8:56
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 216013 Adopted MAY 19 1976