

RESOLUTION NO. 216152

JUN 9 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 LOTS 1 AND 4, LOMA CLIFFS, ACCORDING TO MAP THEREOF NO. 4095, AND PORTIONS OF LOT 145 OF THE PUEBLO LANDS OF SAN DIEGO, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON NOVEMBER 14, 1921 AND IS KNOWN AS MISCELLANEOUS MAP NO. 36, 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 IN 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 Lots 1 and 4, Loma Cliffs, according to Map thereof No. 4095, and portions of Lot 145 of the Pueblo Lands of San Diego, according to Map

MICROFILMED  
MAY 24 1978

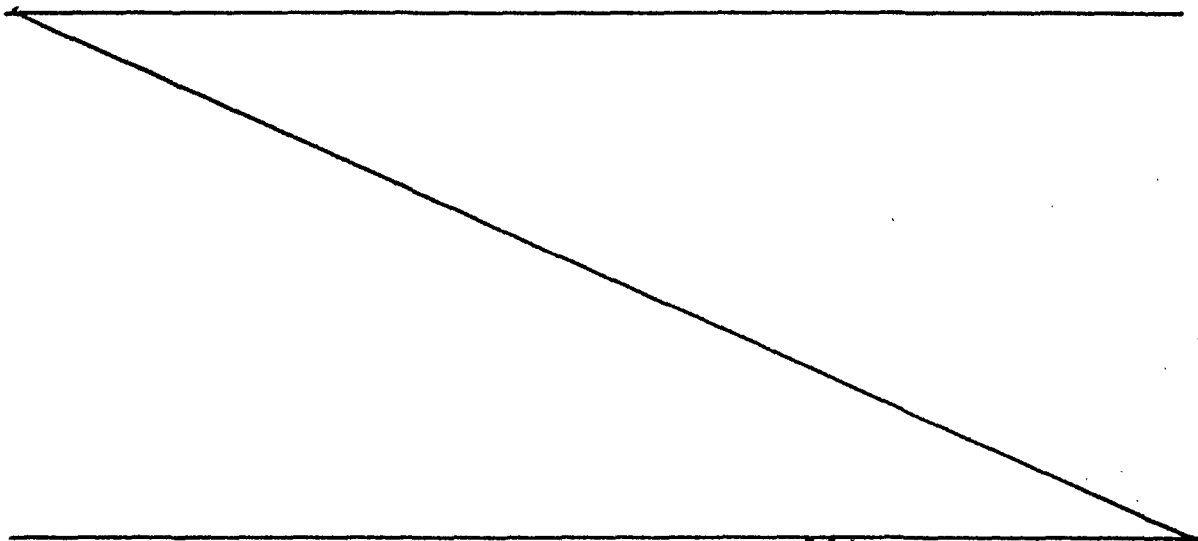
01646

thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the San Diego County Recorder on November 14, 1921 and is known as Miscellaneous Map No. 36, 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 the 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 Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure; and Sections 38002, 38010, 39732, and 40401(b), Government Code, permit the acquisitions referenced herein.

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



MICROFILMED

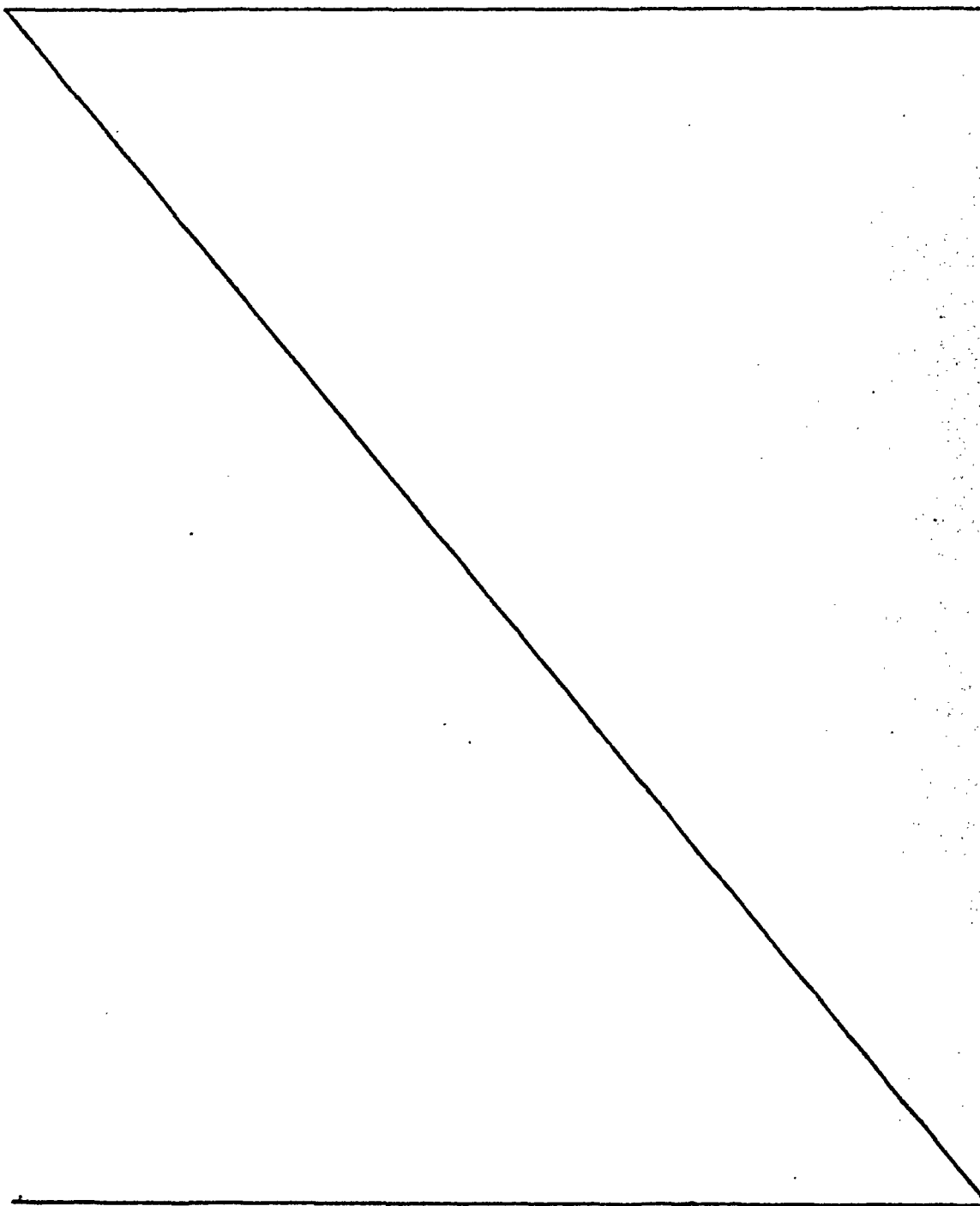
MAY 24 1978

216152

01647

PARCEL 1:

Lot 4 of Loma Cliffs, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4095, filed in the Office of the County Recorder of San Diego County, February 20, 1959.



MICROFILMED

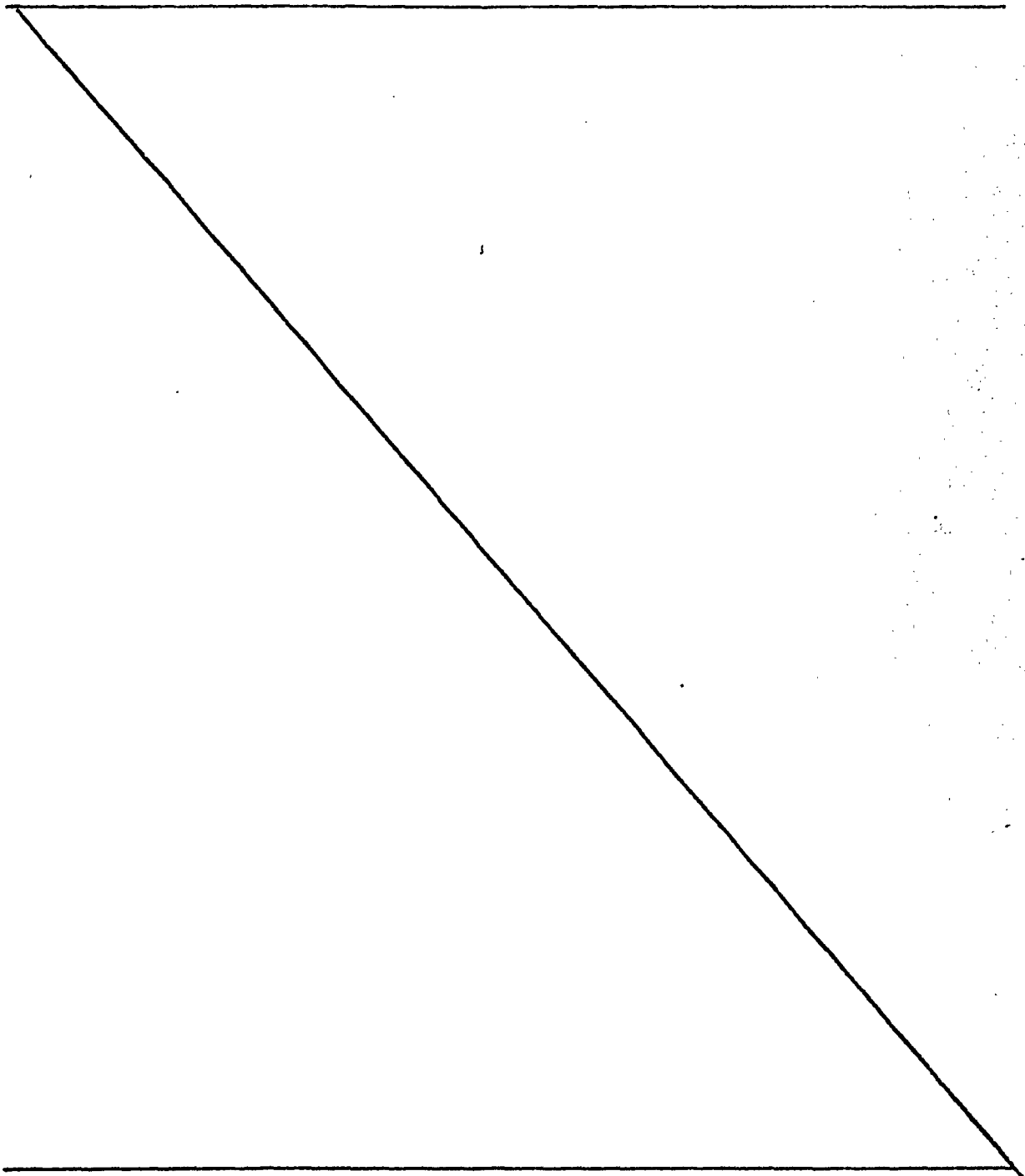
MAY 24 1978

216152

01648

PARCEL 2:

Lot 1, Loma Cliffs, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4095, filed in the office of the County Recorder of San Diego County, February 20, 1959.



MICROFILMED

MAY 24 1978

216152

01649

PARCEL 3:

PARCEL 3-A:

All that portion of Pueblo Lot 145 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the County Recorder of San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point in the southerly line of Azure Vista, according to Map thereof No. 1981, Records of San Diego County, which is distant thereon North  $76^{\circ} 41' 14''$  West (Record - North  $77^{\circ} 13' 30''$  West), 202.32 feet from the southeasterly corner of said Azure Vista; thence South  $02^{\circ} 46' 27''$  East, 655.69 feet; thence North  $76^{\circ} 41' 44''$  West, 238.68 feet; thence North  $02^{\circ} 46' 27''$  West, 250.00 feet to the TRUE POINT OF BEGINNING; thence continuing North  $02^{\circ} 46' 27''$  West, 100.00 feet; thence North  $76^{\circ} 41' 14''$  West to the mean high tide line of the Pacific Ocean; thence southeasterly along the mean high tide line of the Pacific Ocean to the intersection with a line bearing North  $76^{\circ} 41' 14''$  West from the TRUE POINT OF BEGINNING; thence South  $76^{\circ} 41' 14''$  East to the TRUE POINT OF BEGINNING.

PARCEL 3-B:

All that portion of Pueblo Lot 145 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which said Map was filed in the Office of the County Recorder of San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36, described as follows:

Beginning at a point in the southerly line of Azure Vista, according to Map thereof No. 1981, Records of San Diego County, which is distant thereon North  $76^{\circ} 41' 14''$  West (Record - North  $77^{\circ} 13' 30''$  West) 202.32 feet from the southeasterly corner of said Azure Vista; thence South  $02^{\circ} 46' 27''$  East, 655.69 feet; thence North  $76^{\circ} 41' 14''$  West, 238.68 feet; thence North  $02^{\circ} 46' 27''$  West, 200.00 feet to the TRUE POINT OF BEGINNING; thence continuing North  $02^{\circ} 46' 27''$  West, 50.00 feet; thence North  $76^{\circ} 41' 14''$  West to the mean high tide line of the Pacific Ocean; thence southeasterly along the mean high tide line of the Pacific Ocean to intersection with a line bearing North  $76^{\circ} 41' 14''$  West from the TRUE POINT OF BEGINNING; thence South  $76^{\circ} 41' 14''$  East to the TRUE POINT OF BEGINNING.

MICROFILMED

MAY 24 1978  
216152

01650

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; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure; and Sections 38002, 38010, 39732 and 40401(b), 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 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/4-20-76  
Orig. Dept.: Property

MICROFILMED

MAY 24 1978

216152

61651

Passed and adopted by the Council of The City of San Diego on JUN 9 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input type="checkbox"/>	<input checked="" 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 MAY 10 AM 9:04  
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

JUN 9 1976

Resolution Number 216152 Adopted \_\_\_\_\_

MAY 24 1978  
 MICROFILMED 01652