

RESOLUTION NO. 216218

JUN 16 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 OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, AND A STORM DRAIN OR DRAINS AND APPURTENANCES THERETO IN PORTIONS OF LOTS 39, 55 AND 61 OF HORTON'S PURCHASE IN EX-MISSION LANDS, PORTIONS OF LOTS 25, 26, 27, 28, 33, 34, 37, 38, 39, 45, 46, 47 AND 48, BLOCK D, OF ALTA VISTA SUBURB, PORTIONS OF LOTS 31, 32, 37 AND 38, BLOCK E, OF ALTA VISTA SUBURB, AND PORTIONS OF LOTS 480, 481 AND 482 OF SUNSHINE GARDENS, 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 AND EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, AND A STORM DRAIN OR DRAINS AND APPURTENANCES THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND 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 PROPERTY AND 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

MICROFILMED

MAY 24 1978

01872

thereof, require the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains and appurtenances thereto in portions of Lots 39, 55 and 61 of Horton's Purchase in Ex-Mission Lands, portions of Lots 25, 26, 27, 28, 33, 34, 37, 38, 39, 45, 46, 47 and 48, Block D, of Alta Vista Suburb, portions of Lots 31, 32, 37 and 38, Block E, of Alta Vista Suburb, and portions of Lots 480, 481 and 482 of Sunshine Gardens, 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 and easements in said property for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains and appurtenances thereto, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Sections 1240.010, 1240.110, 1240.120 and 1255.410, Code of Civil Procedure; Section 220, the Charter of The City of San Diego; Section 4090, Streets and Highways Code; and Section 40404, Government Code permit the acquisitions referenced herein.

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

MAY 24 1978

MICROFILMED

216218

01873

PARCEL 1: Slope Easement

The permanent easement and right of way for an earth excavation or embankment, slope or slopes and incidents thereto, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

All that portion of the East Half of Lot 39 of Horton's Purchase in Ex-Mission Lands, according to Map thereof No. 283 filed in the Office of the San Diego County Recorder, March 9, 1878 described as follows:

Commencing at the intersection of the Northerly line of that certain real property granted to the City of San Diego by deed recorded as File/Page No. 73-323799 in the Office of said San Diego County Recorder on November 20, 1973, with the Westerly line of 47th Street as located and established on the date of this instrument; thence North  $00^{\circ}54'24''$  East along said Westerly line of 47th Street, a distance of 9.41 feet to the TRUE POINT OF BEGINNING; thence continuing North  $00^{\circ}54'24''$  East along said Westerly line, a distance of 90.00 feet; thence North  $89^{\circ}07'58''$  West, 20.00 feet; thence South  $02^{\circ}15'42''$  East, 50.60 feet; thence North  $89^{\circ}05'36''$  East, 15.00 feet returning to the TRUE POINT OF BEGINNING.

MICROFILMED

MAY 24 1978

216218

01874

PARCEL 2:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of Lot 47 and 48 of Block "D" of Alta Vista according to Map thereof No. 1008 filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

Beginning at the intersection of the Southerly line of Ocean View Boulevard with the Westerly line of 47th Street, as said streets are dedicated and established on the date of this document being the Northeasterly corner of said Lot 48; thence Southerly along said Westerly line of 47th Street and along the Easterly line of said Lots, a distance of 50.02 feet to the Southeasterly corner of said Lot 47; thence leaving said Westerly and Easterly lines, North  $89^{\circ}10'39''$  West along the Southerly line of said Lot 47, a distance of 11.27 feet to a point of cusp with the arc of a 1962.00 foot radius curve, concave Westerly, a radial bears North  $87^{\circ}35'18''$  East to said point; thence Northerly along the arc of said curve, through a central angle of  $00^{\circ}55'16''$ , a distance of 31.54 feet to the beginning of a 20.00 foot radius compound curve, concave Southwesterly, a radial bears North  $86^{\circ}40'02''$  East to the beginning of said compound curve; thence Northwesterly along the arc of said curve through a central angle of  $85^{\circ}49'53''$ , a distance of 29.961 feet to a point of cusp with a tangent line being said Southerly line of said Ocean View Boulevard; thence South  $89^{\circ}10'06''$  East along said Southerly line, a distance of 33.32 feet returning to the Point of Beginning.

MICROFILMED  
MAY 24 1978

216218

01875

PARCEL 3:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of Lot 45 and 46 in Block D of Alta Vista Suburb, according to Map thereof No. 1008, filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

Beginning at a point on the Westerly line of 47th Street as dedicated and established on the date of this document, said point being the Northeasterly corner of said Lot 46; thence Southerly along said Westerly line of 47th Street and along the Easterly line of said Lots 45 and 46, a distance of 50.02 feet to the Southeasterly corner of said Lot 45; thence North  $89^{\circ}10'39''$  West along the Southerly line of said Lot 45, a distance of 9.02 feet to a point of cusp with the arc of a 1952.00 foot radius curve, concave Westerly; a radial bears North  $89^{\circ}03'02''$  East to said point; thence Northerly along the arc of said curve, through a central angle of  $01^{\circ}27'44''$ , a distance of 50.071 feet to a point of cusp with the Northerly line of said Lot 46; thence South  $89^{\circ}10'39''$  East along said Northerly line, a distance of 11.27 feet returning to the Point of Beginning.

MICROFILMED

MAY 24 1978

216218

01876

PARCEL 4:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of Lots 37, 38 and 39 in Block D of Alta Vista Suburb, according to Map thereof No. 1008 filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

The Easterly 8.00 feet of said Lots lying parallel with and contiguous to the Westerly line of 47th Street as said Street is located and established on the date of this instrument.

MICROFILMED  
MAY 24 1978

216218

01877

PARCEL 5:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of Lots 33 and 34 in Block D of Alta Vista Suburb, according Map thereof No. 1008 filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

The Easterly 8.00 feet of said Lots lying parallel with and contiguous Westerly to the Westerly line of 47th Street as located and established on the date of this instrument.

MICROFILMED

MAY 24 1978

216218 01878

PARCEL 6:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of Lots 27 and 28 in Block D of Alta Vista Suburb, according to Map thereof No. 1008 filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

The Easterly 8.00 feet of said Lots lying parallel with and contiguous Westerly to the Westerly line of 47th Street as located and established on the date of this instrument.

MICROFILMED

MAY 24 1978

216218

01879



PARCEL 7:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47th Street

All that portion of Lots 25 and 26 in Block D of Alta Vista Suburb to Map thereof No. 1008 filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

Beginning at the point of intersection of the Northerly line of "T" Street with the Westerly line of 47th Street as said Streets are dedicated and established on the date of this instrument said point being also the Southwesterly corner of said Lot 25; thence North  $89^{\circ}10'39''$  West along said Northerly line of "T" Street and the Southerly line of said Lot 25, a distance of 27.97 feet to a point of cusp with a tangent 20.00 foot radius curve, concave Northwesterly and Northeasterly and Northerly along the arc of said curve through a central angle of  $89^{\circ}55'24''$  a distance of 31.39 feet; thence tangent to said curve North  $00^{\circ}53'57''$  East, 30.05 feet to a point on the Northerly line of said Lot 26, distant thereon North  $89^{\circ}10'39''$  West, 8.00 feet from the Northeasterly corner of said Lot 26; thence South  $89^{\circ}10'39''$  East, along said Northerly line of said Lot 26, a distance of 8.00 feet to said Northeasterly corner and the Westerly line of said 47th Street; thence Southerly along the Westerly line of said 47th Street, and along the Easterly line of said Lots, a distance of 50.02 feet returning to the Point of Beginning

MICROFILMED  
MAY 24 1978  
216218

01880

PARCEL 8:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47th STREET

All that portion of Lots 37 and 38 in Block E of Alta Vista Suburb, according to Map thereof No. 1003 filed October 5, 1905 in the Office of the San Diego County Recorder, more particularly described as follows:

The Easterly 8.00 feet of said Lots lying parallel with and contiguous Westerly to the Westerly line of 47th Street as located and established on the date of this instrument.

MICROFILMED

MAY 24 1978

216218 01881

PARCEL 9:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of Lots 31 and 32 in Block E of Alta Vista Suburb according to Map thereof No. 1008 filed October 5, 1906 in the Office of the San Diego County Recorder, more particularly described as follows:

The Easterly 8.00 feet of said Lots lying parallel with and contiguous Westerly to the Westerly line of 47th Street as located and established on the date of this instrument.

MICROFILMED

MAY 24 1978

216218

01882

PARCEL 10:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47th STREET

All that portion of Lot 480, 481 and 482 of Sunshine Gardens, according to Map thereof No. 1804, filed in the Office of the County Recorder of said San Diego County, August 27, 1924, more particularly described as follows:

Beginning at the intersection of the Southerly line of Castana Street with the Easterly line of 47th Street as said streets are located and established on the date of this instrument; thence South  $00^{\circ}53'15''$  West along said Easterly line, a distance of 100.00 feet to an intersection with the Southerly line of said Lot 482; thence South  $89^{\circ}30'45''$  East along the Southerly line of said Lots 482 and 481, a distance of 20.00 feet; thence parallel with said Easterly line of 47th Street, North  $00^{\circ}53'15''$  East, 24.00 feet; thence Westerly at right angles to the last described line a distance of 2.5 feet; thence parallel with said Easterly line of 47th Street North  $00^{\circ}53'15''$  East, 12.00 feet; thence Easterly at right angles to the last described line, 2.5 feet; thence parallel with said Easterly line, North  $00^{\circ}53'18''$  East, 44.00 feet to the beginning of a tangent 20.00 foot radius curve, concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of  $90^{\circ}24'00''$ , a distance of 31.56 feet to said Southerly line of Castana Street; thence North  $89^{\circ}30'45''$  West along said Southerly line, a distance of 39.86 feet returning to the Point of Beginning.

MICROFILMED

MAY 24 1978

216218 01883

PARCEL 11:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of the North 65.00 feet of the North Half of the South Half of the Southwest Quarter of Lot 55 of the Ex-Mission Lands of San Diego according to Map thereof No. 283 filed March 9, 1873 in the Office of the San Diego County Recorder, more particularly described as follows:

Beginning at a point on an Easterly line of 47th Street as dedicated on the date of this document, being the Southwesterly corner of Lot 5 of Vista Bonita, according to Map thereof No. 2256 on file in the Office of the San Diego County Recorder; thence South  $00^{\circ}53'57''$  West along the Southerly prolongation of the Westerly line of said Lot 5 and along a line parallel to an Easterly line of said 47th Street to a point on the Southerly line of said North 65.00 feet; thence Westerly along said Southerly line, a distance of 10.00 feet to a point on said Easterly line of 47th Street; thence North  $00^{\circ}53'57''$  East along said Easterly line, a distance of 65.00 feet to an intersection with the Northerly line of said North 65.00 feet being also a point on the Westerly prolongation of the Southerly line of said Lot 5 of Vista Bonita; thence Easterly along said Northerly line of said North 65.00 feet and along said Westerly prolongation, a distance of 10.00 feet returning to the Point of Beginning.

MICROFILMED

MAY 24 1978

216218

01884

PARCEL 12:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

47TH STREET

All that portion of the North Half of the South Half of the Southwest Quarter of Lot 55 of a portion of the Ex-Mission Lands of San Diego, commonly known as Horton's Purchase, according to Map thereof No. 283 filed March 9, 1873 in the Office of the San Diego County Recorder, more particularly described as follows:

Beginning at a point on the Easterly line of 47th Street as said street is dedicated on the date of this document, said point being the Southwesterly corner of Lot 5 of Vista Bonita, according to Map thereof No. 2256 on file in the Office of the San Diego County Recorder; thence South  $00^{\circ}53'57''$  West along the Southerly prolongation of the Westerly line of said Vista Bonita and along a line parallel with an Easterly line of 47th Street, a distance of 165.00 feet to a point on the Southerly line of said North Half of the South Half of the Southwest Quarter; thence Westerly along said Southerly line, a distance of 10.00 feet to a point on an Easterly line of said 47th Street; thence Northerly along said Easterly line, a distance of 165.00 feet to an intersection with the Westerly prolongation of the Southerly line of said Lot 5 of Vista Bonita; thence Easterly along said Westerly prolongation, a distance of 10.00 feet returning to the Point of Beginning.

Excepting therefrom any portion lying within the North 65.00 feet of said North Half of the South Half of the Southwest Quarter of said Lot 55.

MICROFILMED

MAY 24 1978

216218

01885

PARCEL 13:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

All that portion of the Westerly 100.00 feet of the South Half of the South Half of the Southwest Quarter of Lot 55 of a portion of the Ex-Mission Lands of San Diego, commonly known as Horton's Purchase according to Map thereof No. 283 filed March 9, 1878 in the Office of the San Diego County Recorder, more particularly described as follows:

PARCEL 13 - 47th Street

Beginning at the intersection of the Easterly line of 47th Street with the Northerly line of Logan Avenue as said Streets are dedicated and established on the date of this document; thence Easterly along said Northerly line of Logan Avenue, a distance of 30.03 feet; thence North  $00^{\circ}48'48''$  East, 1.11 feet to a point of cusp with a non tangent 20.00 foot radius curve, concave Northeasterly; thence Westerly; Northwesterly and Northerly along said curve through a central angle of  $90^{\circ}05'09''$ , a distance of 31.44 feet; thence tangent to said curve North  $00^{\circ}53'57''$  East along a line parallel with said Easterly line of 47th Street, a distance of 114.09 feet to a point on said Northerly line of said South Half of the South Half of said Southwest Quarter; thence Westerly along said Northerly line, a distance of 10.00 feet to a point on said Easterly line of 47th Street; thence South  $00^{\circ}53'57''$  West along said Easterly line, returning to the Point of Beginning.

PARCEL 13-A - Logan Avenue

Commencing at said intersection of said Easterly line of 47th Street with said Northerly line of Logan Avenue; thence South  $89^{\circ}11'12''$  East, along said Northerly line of Logan Avenue, a distance of 30.40 feet to the TRUE POINT OF BEGINNING; thence continuing South  $89^{\circ}11'12''$  East along said Northerly line, a distance of 69.61 feet to an intersection with the Easterly line of said Westerly 100.00 feet; thence North  $00^{\circ}48'48''$  East along said Easterly line, a distance of 2.38 feet; thence South  $89^{\circ}46'11''$  West, 69.61 feet; thence Southerly in a straight line, 1.11 feet returning to the TRUE POINT OF BEGINNING.

MICROFILMED  
MAY 24 1978

216218 01886

PARCEL 14:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

All that portion of Lot 61 of Horton's Purchase in the Ex-Mission Lands of San Diego, according to Map thereof No. 283 filed March 9, 1892 in the Office of the San Diego County Recorder more particularly described in three (3) parcels as follows:

PARCEL 14 - 47th Street

Beginning at the intersection of the Southerly line of Logan Avenue with the Westerly line of 47th Street, as said streets are dedicated and established on the date of this document; thence South  $00^{\circ}42'42''$  West along said Westerly line, a distance of 180.001 feet to an intersection with the Southerly line of the Northerly 210.00 feet of said Lot 61 as granted to Clara Davisson by deed dated February 1, 1955 and recorded February 23, 1955 as Document No. 25334 of Official Records; thence North  $89^{\circ}11'12''$  West along said Southerly line, a distance of 12.00 feet to a point set out and designated "Point A" for the purpose of describing Parcel 3 below; thence North  $00^{\circ}42'42''$  East, 180.001 feet to said Southerly line of Logan Avenue; thence South  $89^{\circ}11'12''$  East along said Southerly line, a distance of 12.00 feet returning to the Point of Beginning.

PARCEL 14-A - Logan Avenue

Beginning at the intersection of the Westerly line of Parcel 1 described above with the Southerly line of Logan Avenue, as located and established on the date of this instrument; thence South  $00^{\circ}42'42''$  West, along said Westerly line, a distance of 43.95 feet to a point of cusp with the arc of a 20.00 foot radius curve, concave Southwesterly, a radial bears South  $89^{\circ}17'18''$  East to said point; thence Northerly, Northwesterly and Westerly along the arc of said curve through a central angle of  $89^{\circ}53'54''$ , a distance of 31.38 feet; thence tangent to said curve North  $89^{\circ}11'12''$  West, 78.08 feet; thence Northerly along a straight line to an intersection with said Southerly line of Logan Avenue distant thereon North  $89^{\circ}11'12''$  West, 98.00 feet from the Point of Beginning; thence South  $89^{\circ}11'12''$  East, along said Southerly line, a distance of 98.00 feet returning to said Point of Beginning.

PARCEL 14-B - Slope Easement

A permanent easement for an earth excavation or embankment, slope or slopes, and incidents thereto, through, over, under, upon along and across all that real property described as follows:

Beginning at "Point A" as set out and established in Parcel 1 described above; thence North  $89^{\circ}11'12''$  West, along the Southerly line of said Northerly 210.00 feet of said Lot 61, a distance of 10.78 feet; thence North  $02^{\circ}43'42''$  East, 136.04 feet; thence South  $89^{\circ}17'18''$  East, 6.00 feet to the Westerly line of said Parcel 1; thence Southerly along said Westerly line returning to the Point of Beginning.

MICROFILMED

MAY 24 1978

216218 01887



PARCEL 15:

All that real property in the City of San Diego, County of San Diego, State of California, more particularly described as follows:

All that portion of the South Half of the South Half of the Southwest Quarter of Lot 55 of a portion of Ex-Mission Lands of San Diego, commonly known as Horton's Purchase, according to Map thereof, more particularly described as follows:

PARCEL 15 - Logan Avenue

Beginning at the intersection of the East line of the West 130.00 feet of said Lot 55, with the Northerly line of Logan Avenue as located and established on the date of this instrument; thence South  $89^{\circ}11'12''$  East, along said Northerly line of Logan Avenue, a distance of 498.22 feet to a point on the Westerly line of the East 30.00 feet of said Southwest Quarter of said Lot 55; thence North  $00^{\circ}48'48''$  East along said Westerly line, a distance of 13.00 feet; thence South  $89^{\circ}35'30''$  West, 143.00 feet to a point hereby set out and designated "Point A" for the purpose of describing Parcel 3 below; thence continuing South  $89^{\circ}35'30''$  West, 49.00 feet; thence South  $89^{\circ}34'30''$  West, 306.63 feet to said Easterly line of the West 130.00 feet of said Lot; thence South  $00^{\circ}48'48''$  West, along said Easterly line, a distance of 2.38 feet returning to the Point of Beginning.

PARCEL 15-A - Slope Easement

A permanent easement for an earth excavation or embankment slope or slopes, and incidents thereto, through, over, under, upon; along and across all that real property described as follows:

Commencing at the point of beginning of Parcel 1 described above; thence North  $00^{\circ}48'48''$  East along said Easterly line of the West 130.00 feet of said Lot; a distance of 2.38 feet to the TRUE POINT OF BEGINNING; thence North  $89^{\circ}34'30''$  East along the Northerly line of said Parcel 1, a distance of 306.63 feet; thence North  $03^{\circ}02'45''$  East, 5.09 feet; thence North  $85^{\circ}14'11''$  West, 59.94 feet; thence South  $85^{\circ}32'35''$  West, 246.59 feet to a point on said Easterly line of the West 130.00 feet of said Lot; thence South  $00^{\circ}48'48''$  West along said Easterly line, a distance of 6.00 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 15-B - Drain Easement

A permanent easement and right of way to construct, reconstruct, maintain, operate and repair a storm drain or drains, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, upon, along and across the following described property:

A strip of land 15.00 feet wide lying 7.50 feet on each side of the following described centerline:

Beginning at "Point A" as set out and established in said Parcel 1; thence North  $00^{\circ}48'48''$  East, 10.00 feet to a terminus.

The sidelines of the above described strip of land shall be prolonged or shortened so as to terminate Southerly in the Northerly line of said Parcel 1.

MAY 24 1978

MICROFILMED

216218  
MAY 24 1978

01888

Section 5. That the taking and acquiring by said City of the real property and easements hereinabove described are deemed necessary for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains and appurtenances thereto, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such uses are public uses 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 uses it is necessary that The City of San Diego condemn and acquire said real property and easements; that said real property and easements are to be used for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains and appurtenances 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

MICROFILMED

MAY 24 1978

216218 01889

in the above-described real property, for the purpose of condemn-  
ing and acquiring the fee interests and easements as above-  
described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By   
Donald W. Detisch, Deputy

rb/4-15-76  
Orig.Dept.: Property

MICROFILMED  
MAY 24 1978

216218 01890

JUN 16 1976

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 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 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 12 AM 10:08  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **216218** Adopted **JUN 16 1976**

CC-1276 (REV. 12-75)

MICROFILMED  
MAY 24 1978 01891