

216891

RESOLUTION NO. _____

SEP 29 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 SEWER AND APPURTENANCES THERETO IN A PORTION OF PARCEL B BEING A PORTION OF LOT 1 OF McGRATH HIGHLANDS INDUSTRIAL CENTER UNIT NO. 2, ACCORDING TO MAP THEREOF NO. 6159, 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 SEWER AND APPURTENANCES 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 sewer and appurtenances thereto in a portion of Parcel B being a portion of Lot 1 of McGrath Highlands Industrial Center Unit No. 2 according to Map thereof No. 6159

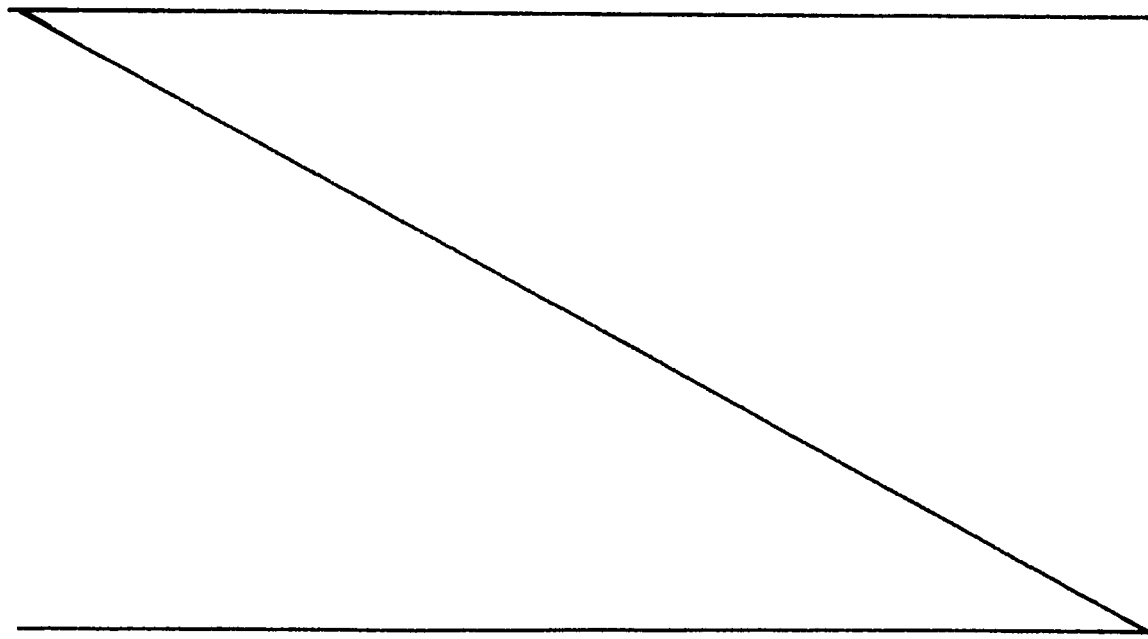
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as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of an easement in said property for the construction, operation and maintenance of a public sewer and appurtenances 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 37350.5, 38900, 39040 and 40404, Government Code; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure permit the acquisition referenced herein.

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



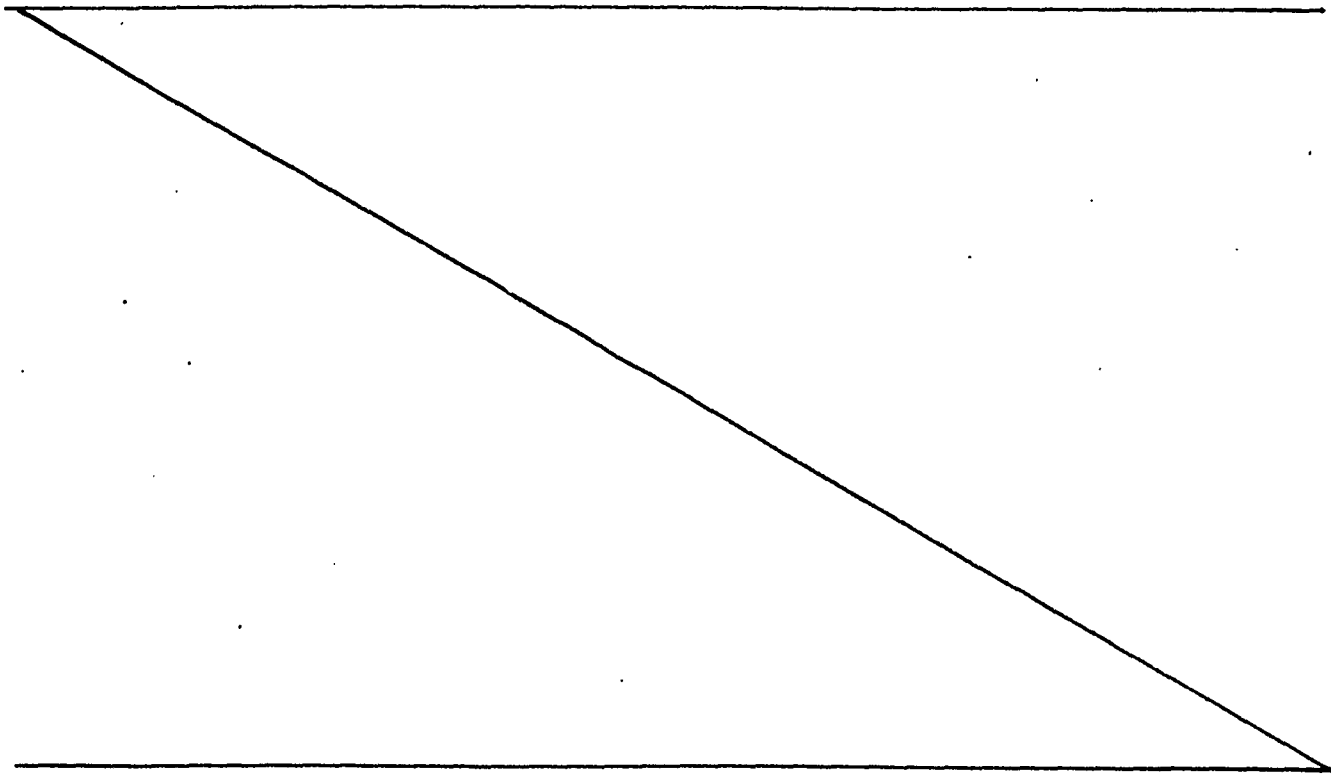
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LEGAL DESCRIPTION

All that portion of Parcel B as shown at Page 323 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, August 31, 1970, being a portion of Lot 1 of Mc Grath Highlands Industrial Center Unit No. 2 according to Map thereof No. 6159 on file in the Office of the San Diego County Recorder, being also a strip of land 15.00 feet wide lying 7.50 feet on each side of the following described centerline:

Commencing at the Southwest corner of Clairemont Mesa Industrial Park Unit No. 2, according to Map thereof No. 6934 on file in the Office of the San Diego County Recorder; thence South $89^{\circ}36'04''$ West 533.44 feet; thence North $00^{\circ}23'56''$ West, 35.00 feet to the Northerly line of Engineer Road as located and established on the date of this instrument; thence continuing North $00^{\circ}23'56''$ West, 623.83 feet to the Southerly Subdivision Boundary of said Map 6159; thence South $89^{\circ}43'04''$ West along said Subdivision boundary, a distance of 893.51 feet to the TRUE POINT OF BEGINNING; thence North $89^{\circ}48'22''$ East, 671.42 feet to a terminus in the Northerly line of said Parcel B.

The sidelines of the above described strip of land shall be prolonged or shortened so as to terminate Southerly in the Southerly Boundary of said Map 6159, and Northerly in the Northerly line of said Parcel B.



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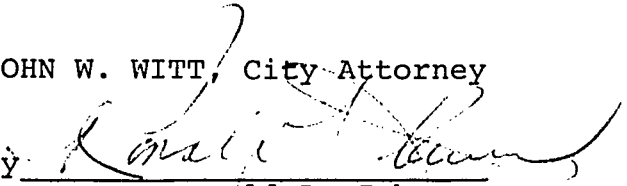
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Section 5. That the taking and acquiring by said City of the easement hereinabove described is deemed necessary for the construction, operation and maintenance of a public sewer and appurtenances thereto by The City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law (Section 220, Charter of The City of San Diego; Sections 37350.5, 38900, 39040 and 40404, Government Code; Sections 1240.010, 1240.110 and 1240.120, 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 sewer and appurtenances 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


Ronald L. Johnson
Chief Deputy

rb/8-31-76 Lit File
Orig.Dept.: Property

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Passed and adopted by the Council of The City of San Diego on SEP 29 1976,
 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 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 SEP 20 AM 11:08
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 216891 Adopted SEP 29 1976

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