

RESOLUTION NO. 217459

JAN 5 1977

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, TOGETHER WITH CERTAIN EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR DRAINS AND APPURTENANCES THERETO, IN PORTIONS OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, 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 AND EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET AND INCIDENTS THERETO, TOGETHER WITH CERTAIN EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES 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 safety of The City of San Diego, and the inhabitants require the construction, operation and maintenance

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of a public street and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto in portions of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey, 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 and easements in said property for the construction, operation and maintenance of a public street and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto, and the taking of the surplusage in fee simple, 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 and the interests sought to be condemned are described as follows:

PARCEL 1: (Palm Avenue)

The Southerly 78.00 feet of the West 5 acres of the South Three Quarters of the East Half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

EXCEPTING THEREFROM the Easterly 180.00 feet.

PARCEL 1-A:(Slope)

An easement and right of way for Earth Excavation or Embankment, Slope or Slope incidents thereto, over, under, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

The Northerly 10.00 feet of the Southerly 88.00 feet of the West 5 acres of the South Three Quarters of the East Half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

EXCEPTING THEREFROM the Easterly 180.00 feet.

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PARCEL 2:

The South 78.00 feet of the East 202.80 feet of the West 212.80 feet of the South 330 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870.

EXCEPTING therefrom the East 41.00 feet of the South 160.00 feet.

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PARCEL 3: Palm Avenue

The Southerly 78.00 feet of the Easterly 142.30 feet of the Westerly 517.90 feet of the Southerly 330 feet of the Southeast Quarter of the Southwest Quarter, Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, approved February 25, 1870.

PARCEL 3-A:Slope

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

That portion of the Easterly 142.30 feet of the Westerly 517.90 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, more particularly described as follows:

Beginning at the Northeast corner of the Southerly 78.00 feet of said Easterly 142.30 feet; thence along the Easterly line of said Easterly 142.30 feet North  $00^{\circ}25'52''$  East, 15.00 feet; thence leaving said Easterly line South  $81^{\circ}00'31''$  West, 91.24 feet to a point on the North line of said Southerly 78.00 feet, distant thereon 90.00 feet Westerly from said Northeast corner; thence Easterly along said North line of said Southerly 78.00 feet, 90.00 feet returning to the POINT OF BEGINNING.

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PARCEL 4: (Palm Avenue)

That portion of the Southeast Quarter and the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, more particularly described as follows:

COMMENCING at the Northwest corner of the Southerly 78.00 feet of the Easterly 142.1 feet of the Westerly 660.00 feet of the Southeast Quarter of said Southwest Quarter; thence along the Northerly line of said Southerly 78.00 feet parallel with the South line of said Section 22, South  $89^{\circ}31'45''$  East, 128.12 feet to a point on the arc of a tangent 951.00 foot radius curve, concave Northwesterly; thence Northeasterly along the arc of said curve, through a central angle of  $02^{\circ}26'14''$  an arc length of 40.45 feet to a point in the Westerly line of the Easterly 640.00 feet of the Southeast Quarter of the Southwest Quarter and the TRUE POINT OF BEGINNING, said point being also set out and designated as Point "A" for purposes of this legal description; thence continuing Northeasterly along the arc of said 951.00 foot radius curve, through a central angle of  $07^{\circ}46'00''$  an arc length of 128.90 feet; thence tangent to said curve North  $80^{\circ}16'01''$  East, 23.00 feet to a point herein set out and designated a point "B"; thence continuing North  $80^{\circ}16'01''$  East, 329.46 feet to a point on the arc of tangent 1049.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve, through a central angle of  $10^{\circ}12'14''$ , an arc length of 186.82 feet; thence tangent to said curve South  $89^{\circ}31'45''$  East, parallel to the South line of said Section 22, 121.82 feet to the Northeast corner of the Southerly 168.00 feet of the Westerly 120.00 feet of the Southwest Quarter of said Southeast Quarter; thence Southerly along the Easterly line of said Westerly 120.00 feet; South  $00^{\circ}25'52''$  West, 168.00 feet to the South line of said Section 22; thence Westerly along said Southerly line of said Section 22 to a point of intersection in said Westerly line of the Easterly 640.00 feet of said Southeast Quarter of the Southwest Quarter; thence Northerly along said Westerly line, North  $00^{\circ}25'52''$  East, 78.86 feet returning to the TRUE POINT OF BEGINNING.

EXCEPTING therefrom that portion described as follows:

COMMENCING at the South Quarter corner of said Section 22; thence Westerly along the South line of said Section, 90.00 feet to the TRUE POINT OF BEGINNING; thence North; parallel with the North and South center line of said Section, 155.00 feet; thence Westerly parallel with the South line of said Section, 155.09 feet; thence Southerly parallel with said North and South center line, 155.00 feet to a point in said South line; thence Easterly along said South line, 155.01 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 4-A:

An Easement and Right of Way for Earth Excavation or embankment, slope or Slopes and incidents thereto, over, under upon, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California described as follows:

That portion of the Southwest Quarter and the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved, more particularly described as follows:

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Beginning at Point "A" as herein set out and designated in Parcel 4 above, being also a point on the arc of a 951.00 foot radius curve, concave Northwesterly, a radial to which point bears South 01°57'59" East; thence Northeasterly along the arc of said curve, through a central angle of 7°46'00", an arc length of 128.90 feet; thence North 80°16'01" East, 294.13 feet; thence North 0°23'50" East (Record = North 0°03'00" West ), 13.92 feet; thence South 89°31'45" East, 78.65 feet to a point on the arc of a 1049.00 foot radius curve, concave Southeasterly, a radial to which curve bears North 08°33'33" West; thence Northeasterly along the arc of said curve, through a central angle of 9°01'48", an arc length of 165.32 feet; thence tangent to said curve South 89°31'45" East, parallel with the South line of said Section 22, 121.82 feet to the Northeast corner of the Southerly 168.00 feet of the Westerly 120.00 feet of the Southwest Quarter of said Southeast Quarter; thence Northerly along the Easterly line of said Westerly 120.00 feet, 15.00 feet; thence leaving said Easterly line; thence North 89°31'45" West, 210.00 feet; thence South 62°48'03" West, 50.51 feet; thence North 72°44'17" West, 35.56 feet; thence North 88°05'33" West, 99.14 feet; thence South 85°24'35" West, 200.80 feet; thence North 75°59'01" West, 54.63 feet; thence South 64°38'53" West, 110.00 feet; thence North 10°54'08" West, 101.39 feet to the Westerly line of the Easterly 640.00 feet of the Southeast Quarter of said Southwest Quarter; thence Southerly along said Westerly line, South 00°25'52" West, 140.00 feet returning to the POINT OF BEGINNING.

PARCEL 4-B:

An 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 all that portion of real property situated in the City of San Diego County of SAN Diego State of California described as follows:

That portion of the Southeast Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, being a strip of land 15.00 feet in width, lying 7.5 feet on each side of the following described centerline.

Beginning at Point "B" as herein set out and designated in Parcel 4, above; thence North 09°31'45" West, 80.00 feet to the point of termination.

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PARCEL 5: (Palm Avenue)

The South 168 feet of the Easterly 100 feet of the Westerly 220 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to Government Survey approved February 29, 1870.

PARCEL 5-A (Excess)

The South 228 feet of the Easterly 100 feet of the Westerly 220 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to Government Survey approved February 29, 1870.

EXCEPTING therefrom the South 168 feet of the Easterly 100 feet of the Westerly 220 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to Government Survey approved February 29, 1870.

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PARCEL 6:- Palm Avenue

All that portion of the West Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, according to United States Government Survey approved February 25, 1870, more particularly described as follows:

BEGINNING at the Southeast corner of said West Half; thence along the East line of said West Half, North  $0^{\circ}25'52''$  East 140.27 feet to a point on the arc of a 1049.00 foot radius curve concave Southwesterly, a radial to which point bears North  $13^{\circ}40'13''$  East; thence Northwesterly along the arc of said curve, through a central angle of  $2^{\circ}14'11''$ , an arc length of 40.95 feet to a point on the West line of the East 40.00 feet of said West Half, a radial to said point bears North  $11^{\circ}26'02''$  East; thence along said West line of said East 40.00 feet of said West Half, South  $0^{\circ}25'52''$  West, 148.85 feet to South line of said Section 22; thence Easterly along said South line returning to the point of beginning.

PARCEL 6-A: Slope

An easement and right of way for Earth Excavation or Embankment, Slope or Slopes and incidents thereto over, under, upon, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

All that portion of the West Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, according to United States Government Survey approved February 25, 1870, more particularly described as follows:

COMMENCING at the Southeast corner of said West Half; thence along the East line of said West Half, North  $00^{\circ}25'52''$  East, 140.27 feet to the TRUE POINT OF BEGINNING, being also a point on the arc of a 1049.00 foot radius curve, concave Southwesterly, a radial to which point bears North  $13^{\circ}40'13''$  East; thence Northwesterly along the arc of said curve, through a central angle of  $02^{\circ}14'11''$ , an arc length of 40.95 feet to a point on the West line of the East 40.00 feet of said West Half, a radial to said point bears North  $11^{\circ}26'02''$  East; thence along said West line of said East 40.00 feet of said West Half; North  $00^{\circ}25'52''$  East, 15.00 feet; thence leaving said West line, South  $70^{\circ}47'56''$  East, 42.22 feet to a point on the East line of said West Half; thence South  $00^{\circ}25'32''$  West, 10.00 feet returning to the TRUE POINT OF BEGINNING.

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PARCEL 7: Palm Avenue

All that portion of the West 15 acres of the East Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey, more particularly described as follows:

Beginning at the Southwest corner of said East Half; thence along the Westerly line of said East Half; North  $00^{\circ}25'52''$  East, 140.27 feet; thence leaving said Westerly line South  $76^{\circ}08'31''$  East, 279.24 feet to a point on the arc of a tangent 951.00 foot radius curve, concave North-easterly; thence Southeasterly along the arc of said curve, through a central angle of  $13^{\circ}23'14''$  an arc length of 222.20 feet to a point of tangency with a line bearing South  $89^{\circ}31'45''$  East; thence along said line, South  $89^{\circ}31'45''$ , 5.14 feet to the Easterly line of the West 15 acres of the East Half of said Southwest Quarter; thence Southerly along said Easterly line of said West 15 acres to an intersection with the South line of said Section 22; thence Westerly along said South line of said Section 22 returning to the POINT OF BEGINNING.

PARCEL 7-A:Slope

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

All that portion of the West 15 acres of the East Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, more particularly described as follows:

Commencing at the Southwest corner of said East Half; thence along the Westerly line of said East Half, North  $00^{\circ}25'52''$  East, 140.27 feet to the TRUE POINT OF BEGINNING; thence leaving said Westerly line South  $76^{\circ}08'31''$  East, 279.24 feet to a point on the arc of a tangent 951.00 foot radius curve, concave Northeastly; thence Southeasterly along the arc of said curve, through a central angle of  $13^{\circ}23'14''$ , an arc length of 222.20 feet to a point of tangency with a line bearing South  $89^{\circ}31'45''$  East; thence along said line, South  $89^{\circ}31'45''$  East, 5.14 feet to the Easterly line of the West 15 acres of the East Half of said Southwest Quarter; thence along said Easterly line of said West 15 acres, North  $00^{\circ}25'52''$  East, 8.00 feet; thence North  $87^{\circ}46'14''$  West, 116.54 feet; thence North  $76^{\circ}50'08''$  West, 109.19 feet; thence North  $76^{\circ}08'31''$  West, 135.00 feet; thence North  $79^{\circ}37'42''$  West, 49.33 feet; thence North  $74^{\circ}35'44''$  West, 100.83 feet to a point of intersection with said Westerly line of said East Half; thence along said Westerly line South  $00^{\circ}25'52''$  West, 10.00 feet returning to the TRUE POINT OF BEGINNING.

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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 and incidents thereto, together with certain earth excavations, embankments, slope or slopes 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 and incidents thereto, together with certain earth excavations, embankments, slope or slopes 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 in the above-described real

property, for the purpose of condemning 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/10-7-76  
Orig.Dept.: Property

# 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 \$ 175,000.00 Fund 220 Gas Tax

Purpose For acquisition of right-of-way for Palm Ave., supplementing Res. #209769 of 1/29/74

*W. B. Sage*

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

By *C. N. Harrington*

Date June 9, 19 76

RECEIVED  
CITY OF SAN DIEGO  
NOV - 1 AM 7:58  
SAN DIEGO, CALIF.

## CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or 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 \$ 175,000.00

Dated June 9, 19 76

*W. B. Sage*

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

BY *C. N. Harrington*

Fund 244 Prog./Elem. 4507 Object 3496 Job Order Resolution No. 520363 Project No.

Purpose Same as above

Vendor \_\_\_\_\_

JAN 5 1977

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"/> |
| <del>Harmon</del> Joel M. Strobl | <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 *Elizabeth Deeg*, Deputy.

(Seal)

RECEIVED  
CITY CLERK'S OFFICE  
1976 NOV -1 AM 7:58  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 217459 Adopted JAN 5 1977

CC-1276 (REV. 12-75)

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MICROFILMED MAY 31 1978

RESOLUTION NO. 217459

JAN 5 1977

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, TOGETHER WITH CERTAIN EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR DRAINS AND APPURTENANCES THERETO, IN PORTIONS OF SECTION 22, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, 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 AND EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET AND INCIDENTS THERETO, TOGETHER WITH CERTAIN EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES 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 thereof, require the construction, operation and maintenance

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of a public street and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto in portions of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey, 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 and easements in said property for the construction, operation and maintenance of a public street and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto, and the taking of the surplusage in fee simple, 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 and the interests sought to be condemned are described as follows:



PARCEL 1: (Palm Avenue)

The Southerly 78.00 feet of the West 5 acres of the South Three Quarters of the East Half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

EXCEPTING THEREFROM the Easterly 180.00 feet.

PARCEL 1-A:(Slope)

An easement and right of way for Earth Excavation or Embankment, Slope or Slope incidents thereto, over, under, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

The Northerly 10.00 feet of the Southerly 88.00 feet of the West 5 acres of the South Three Quarters of the East Half of the Southwest Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey.

EXCEPTING THEREFROM the Easterly 180.00 feet.

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**PARCEL 2:**

The South 78.00 feet of the East 202.80 feet of the West 212.80 feet of the South 330 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870.

EXCEPTING therefrom the East 41.00 feet of the South 160.00 feet.

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PARCEL 3: Palm Avenue

The Southerly 78.00 feet of the Easterly 142.30 feet of the Westerly 517.90 feet of the Southerly 330 feet of the Southeast Quarter of the Southwest Quarter, Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, approved February 25, 1870.

PARCEL 3-A:Slope

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

That portion of the Easterly 142.30 feet of the Westerly 517.90 feet of the Southeast Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to United States Government Survey, more particularly described as follows:

Beginning at the Northeast corner of the Southerly 78.00 feet of said Easterly 142.30 feet; thence along the Easterly line of said Easterly 142.30 feet North  $00^{\circ}25'52''$  East, 15.00 feet; thence leaving said Easterly line South  $81^{\circ}00'31''$  West, 91.24 feet to a point on the North line of said Southerly 78.00 feet, distant thereon 90.00 feet Westerly from said Northeast corner; thence Easterly along said North line of said Southerly 78.00 feet, 90.00 feet returning to the POINT OF BEGINNING.

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PARCEL 4: (Palm Avenue)

That portion of the Southeast Quarter and the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, more particularly described as follows:

COMMENCING at the Northwest corner of the Southerly 78.00 feet of the Easterly 142.1 feet of the Westerly 660.00 feet of the Southeast Quarter of said Southwest Quarter; thence along the Northerly line of said Southerly 78.00 feet parallel with the South line of said Section 22, South 89°31'45" East, 128.12 feet to a point on the arc of a tangent 951.00 foot radius curve, concave Northwesterly; thence Northeasterly along the arc of said curve, through a central angle of 02°26'14" an arc length of 40.45 feet to a point in the Westerly line of the Easterly 640.00 feet of the Southeast Quarter of the Southwest Quarter and the TRUE POINT OF BEGINNING, said point being also set out and designated as Point "A" for purposes of this legal description; thence continuing Northeasterly along the arc of said 951.00 foot radius curve, through a central angle of 07°46'00" an arc length of 128.90 feet; thence tangent to said curve North 80°16'01" East, 23.00 feet to a point herein set out and designated a point "B"; thence continuing North 80°16'01" East, 329.46 feet to a point on the arc of tangent 1049.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve, through a central angle of 10°12'14", an arc length of 186.82 feet; thence tangent to said curve South 89°31'45" East, parallel to the South line of said Section 22, 121.82 feet to the Northeast corner of the Southerly 168.00 feet of the Westerly 120.00 feet of the Southwest Quarter of said Southeast Quarter; thence Southerly along the Easterly line of said Westerly 120.00 feet; South 00°25'52" West, 168.00 feet to the South line of said Section 22; thence Westerly along said Southerly line of said Section 22 to a point of intersection in said Westerly line of the Easterly 640.00 feet of said Southeast Quarter of the Southwest Quarter; thence Northerly along said Westerly line, North 00°25'52" East, 78.86 feet returning to the TRUE POINT OF BEGINNING.

EXCEPTING therefrom that portion described as follows:

COMMENCING at the South Quarter corner of said Section 22; thence Westerly along the South line of said Section, 90.00 feet to the TRUE POINT OF BEGINNING; thence North; parallel with the North and South center line of said Section, 155.00 feet; thence Westerly parallel with the South line of said Section, 155.09 feet; thence Southerly parallel with said North and South center line, 155.00 feet to a point in said South line; thence Easterly along said South line, 155.01 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 4-A:

An Easement and Right of Way for Earth Excavation or embankment, slope or Slopes and Incidents thereto, over, under upon, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California described as follows:

That portion of the Southwest Quarter and the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved, more particularly described as follows:

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Beginning at Point "A" as herein set out and designated in Parcel 4 above, being also a point on the arc of a 951.00 foot radius curve, concave Northwesterly, a radial to which point bears South 01°57'59" East; thence Northeasterly along the arc of said curve, through a central angle of 7°46'00", an arc length of 128.90 feet; thence North 80°16'01" East, 294.13 feet; thence North 0°23'50" East (Record = North 0°03'00" West ), 13.92 feet; thence South 89°31'45" East, 78.65 feet to a point on the arc of a 1049.00 foot radius curve, concave Southeasterly, a radial to which curve bears North 08°33'33" West; thence Northeasterly along the arc of said curve, through a central angle of 9°01'48", an arc length of 165.32 feet; thence tangent to said curve South 89°31'45" East, parallel with the South line of said Section 22, 121.82 feet to the Northeast corner of the Southerly 168.00 feet of the Westerly 120.00 feet of the Southwest Quarter of said Southeast Quarter; thence Northerly along the Easterly line of said Westerly 120.00 feet, 15.00 feet; thence leaving said Easterly line; thence North 89°31'45" West, 210.00 feet; thence South 62°48'03" West, 50.51 feet; thence North 72°44'17" West, 35.56 feet; thence North 88°05'33" West, 99.14 feet; thence South 85°24'35" West, 200.80 feet; thence North 75°59'01" West, 54.63 feet; thence South 64°38'53" West, 110.00 feet; thence North 10°54'08" West, 101.39 feet to the Westerly line of the Easterly 640.00 feet of the Southeast Quarter of said Southwest Quarter; thence Southerly along said Westerly line, South 00°25'52" West, 140.00 feet returning to the POINT OF BEGINNING.

PARCEL 4-B:

An 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 all that portion of real property situated in the City of San Diego County of San Diego State of California described as follows:

That portion of the Southeast Quarter of the Southwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey, being a strip of land 15.00 feet in width, lying 7.5 feet on each side of the following described centerline.

Beginning at Point "B" as herein set out and designated in Parcel 4, above; thence North 09°31'45" West, 80.00 feet to the point of termination.

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PARCEL 5: (Palm Avenue)

The South 168 feet of the Easterly 100 feet of the Westerly 220 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to Government Survey approved February 29, 1870.

PARCEL 5-A (Excess)

The South 228 feet of the Easterly 100 feet of the Westerly 220 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to Government Survey approved February 29, 1870.

EXCEPTING therefrom the South 168 feet of the Easterly 100 feet of the Westerly 220 feet of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to Government Survey approved February 29, 1870.

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PARCEL 6:- Palm Avenue

All that portion of the West Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, according to United States Government Survey approved February 25, 1870, more particularly described as follows:

BEGINNING at the Southeast corner of said West Half; thence along the East line of said West Half, North  $0^{\circ}25'52''$  East 140.27 feet to a point on the arc of a 1049.00 foot radius curve concave Southwesterly, a radial to which point bears North  $13^{\circ}40'13''$  East; thence Northwesterly along the arc of said curve, through a central angle of  $2^{\circ}14'11''$ , an arc length of 40.95 feet to a point on the West line of the East 40.00 feet of said West Half, a radial to said point bears North  $11^{\circ}26'02''$  East; thence along said West line of said East 40.00 feet of said West Half, South  $0^{\circ}25'52''$  West, 148.85 feet to South line of said Section 22; thence Easterly along said South line returning to the point of beginning.

PARCEL 6-A: Slope

An easement and right of way for Earth Excavation or Embankment, Slope or Slopes and incidents thereto over, under, upon, along and across all that portion of real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

All that portion of the West Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, according to United States Government Survey approved February 25, 1870, more particularly described as follows:

COMMENCING at the Southeast corner of said West Half; thence along the East line of said West Half, North  $00^{\circ}25'52''$  East, 140.27 feet to the TRUE POINT OF BEGINNING, being also a point on the arc of a 1049.00 foot radius curve, concave Southwesterly, a radial to which point bears North  $13^{\circ}40'13''$  East; thence Northwesterly along the arc of said curve, through a central angle of  $02^{\circ}14'11''$ , an arc length of 40.95 feet to a point on the West line of the East 40.00 feet of said West Half, a radial to said point bears North  $11^{\circ}26'02''$  East; thence along said West line of said East 40.00 feet of said West Half; North  $00^{\circ}25'52''$  East, 15.00 feet; thence leaving said West line, South  $70^{\circ}47'56''$  East, 42.22 feet to a point on the East line of said West Half; thence South  $00^{\circ}25'32''$  West, 10.00 feet returning to the TRUE POINT OF BEGINNING.

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PARCEL 7 : Palm Avenue

All that portion of the West 15 acres of the East Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey, more particularly described as follows:

Beginning at the Southwest corner of said East Half; thence along the Westerly line of said East Half; North  $00^{\circ}25'52''$  East, 140.27 feet; thence leaving said Westerly line South  $76^{\circ}08'31''$  East, 279.24 feet to a point on the arc of a tangent 951.00 foot radius curve, concave North-easterly; thence Southeasterly along the arc of said curve, through a central angle of  $13^{\circ}23'14''$  an arc length of 222.20 feet to a point of tangency with a line bearing South  $89^{\circ}31'45''$  East; thence along said line, South  $89^{\circ}31'45''$ , 5.14 feet to the Easterly line of the West 15 acres of the East Half of said Southwest Quarter; thence Southerly along said Easterly line of said West 15 acres to an intersection with the South line of said Section 22; thence Westerly along said South line of said Section 22 returning to the POINT OF BEGINNING.

PARCEL 7-A: Slope

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

All that portion of the West 15 acres of the East Half of the Southwest Quarter of the Southeast Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Base and Meridian, more particularly described as follows:

Commencing at the Southwest corner of said East Half; thence along the Westerly line of said East Half, North  $00^{\circ}25'52''$  East, 140.27 feet to the TRUE POINT OF BEGINNING; thence leaving said Westerly line South  $76^{\circ}08'31''$  East, 279.24 feet to a point on the arc of a tangent 951.00 foot radius curve, concave Northeasterly; thence Southeasterly along the arc of said curve, through a central angle of  $13^{\circ}23'14''$ , an arc length of 222.20 feet to a point of tangency with a line bearing South  $89^{\circ}31'45''$  East; thence along said line, South  $89^{\circ}31'45''$  East, 5.14 feet to the Easterly line of the West 15 acres of the East Half of said Southwest Quarter; thence along said Easterly line of said West 15 acres, North  $00^{\circ}25'52''$  East, 8.00 feet; thence North  $87^{\circ}46'14''$  West, 116.54 feet; thence North  $76^{\circ}50'08''$  West, 109.19 feet; thence North  $76^{\circ}08'31''$  West, 135.60 feet; thence North  $79^{\circ}37'42''$  West, 49.33 feet; thence North  $74^{\circ}35'44''$  West, 100.83 feet to a point of intersection with said Westerly line of said East Half; thence along said Westerly line South  $00^{\circ}25'52''$  West, 10.00 feet returning to the TRUE POINT OF BEGINNING.

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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 and incidents thereto, together with certain earth excavations, embankments, slope or slopes 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 and incidents thereto, together with certain earth excavations, embankments, slope or slopes 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 in the above-described real

property, for the purpose of condemning 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/10-7-76  
Orig.Dept.: Property

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MICROFILMED MAY 31 1978

# 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 \$ 175,000.00 Fund 220 Gas Tax  
Purpose For acquisition of right-of-way for Palm Ave., supplementing Res. #209769 of 1/29/74

*W. B. Sage*

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

By *C. N. Hallgren*

June 9, 19 76

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## CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or 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 \$ 175,000.00

Dated June 9, 19 76

*W. B. Sage*

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

BY *C. N. Hallgren*

Fund 244 Prog./Elem. 4507 Object 3496 Job Order Resolution No. 520363 Project No.

Purpose Same as above

Vendor \_\_\_\_\_

JAN 5 1977

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"/> |
| <del>Marion</del> Joel M. Strobl | <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 *Elizabeth Deeg*, Deputy.

(Seal)

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CITY CLERK'S OFFICE  
1976 NOV - 1 AM 7:58  
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution

Number 217459 Adopted JAN 5 1977