

RESOLUTION NO. 217643

FEB 2 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 PARK AND INCIDENTS THERETO, WHICH WILL BE KNOWN AS ADOBE FALLS PARK, IN A PORTION OF LOT 67 OF RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF IN THE ACTION ENTITLED "JUAN M. LUCO, ET AL., V. THE COMMERCIAL BANK OF SAN DIEGO, ET AL.," UNDER SUPERIOR COURT CASE NO. 348 ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE AND EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC PARK AND INCIDENTS THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND EASEMENTS UNDER EMINENT DOMAIN PROCEEDINGS; AUTHORIZING THE EXPENDITURE OF \$61,500 FOR ACQUISITION AND CONDEMNATION COSTS; 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 of a public park and incidents thereto which will be known as ADOBE FALLS PARK in a portion of Lot 67 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California,

MICROFILMED MAY 31 1978

01502

according to Partition Map thereof in the action entitled "Juan M. Luco, et al., v. the Commerical Bank of San Diego, et al.," under Superior Court Case No. 348 on file in the Office of the County Clerk of said County, 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 said public park and incidents 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; Sections 6950 through 6954, 38002, 38010, 39732, 40401(b), 40404(b), and 51063, Government Code; Section 5301, Public Resources Code; and Section 61.0601.1, et seq., San Diego Municipal Code, permit the acquisition referenced herein.

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

That portion of Lot 67 of Ranch Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made in the action entitled "Juan M. Luco, et al., v. the Commercial Bank of San Diego, et al.," under Superior Court Case No. 348 on file in the Office of the County Clerk of said County, described as follows:

Commencing at the Southwesterly corner of Lot 899 of Del Cerro Unit No. 13, according to Map thereof No. 4572, filed in the Office of County Recorder of San Diego County on June 22, 1960; thence along the Southerly boundary of said Map 4572 as follows:

-2 MICROFILMED 217643
MAY 31 1978 01503

North 85°39'36" East, 766.92 feet; North 77°57'44" East, 913.73 feet; South 87°24'52" East, 307.45 feet; and South 73°01'16" East, 637.68 feet to the most Northerly corner of Lot 30 of College Canyon Park Unit No. 1, according to Map thereof No. 5232, filed in the Office of County Recorder of San Diego County; thence along the boundary of said Map 5232 as follows:

South 05°00'00" East, 269.50 feet to the centerline of Adobe Falls Road as shown on said Map and the TRUE POINT OF BEGINNING; thence continuing along said boundary South 05°00'00" East, 130.00 feet to an angle point South 88°43'21" East, 391.68 feet; South 81°50'52" East, 218.76 feet; South 45°43'13" East, 124.67 feet; and South 23°10'43" East, 215.76 feet to the Northerly line of land described in Parcel 2 in deed to the State of California, recorded November 25, 1941, in Book 1266, Page 475 of Official Records; thence along the Northerly line of said State of California land, North 77°50'16" West 1460.43 feet per Map No. 5232 Record North 77°48'30" West, 1468.06 feet - to a concrete monument with City Engineer's Cap which marks an angle point therein; thence North 01°22'20" East along the prolongation of the Westerly line of the State of California property described in deed referred to above to an intersection with the Westerly prolongation of the centerline of Adobe Falls Road above described; thence along said prolongation North 85°16'08" East to the TRUE POINT OF BEGINNING.

Section 5. That the taking and acquiring by said City of the now vacant and unoccupied real property and easements hereinabove described are deemed necessary for the construction, operation and maintenance of said public park and incidents thereto, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such park and recreational uses are necessary for the community and 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; Sections 6950 through 6954, 38002, 38010, 39732, 40401(b), 40404(b), and 51063, Government Code; Section 5301, Public Resources Code; and Section 61.0601.1, et seq.,

MICROFILMED

MAY 31 1978

217643

01504

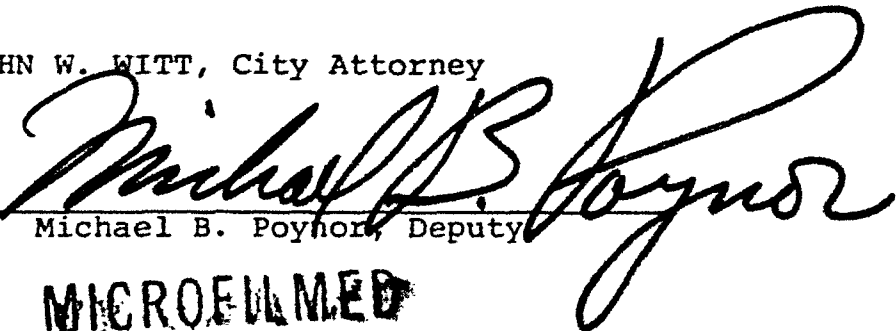
San Diego Municipal Code) that for such public uses it is necessary that The City of San Diego condemn and acquire said real property and easements; that said real property and easements are to be used for the construction, operation and maintenance of said public park and incidents thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. That for purposes of acquisitions and condemnation of said real property, the amount of \$61,500 is hereby allocated and authorized for expenditure for the above stated purposes. Said amount shall be composed of \$51,400 from Environmental Growth Fund No. 2505 and \$10,100 from Park Ordinance Fund No. 11381 as referenced in Auditors Certificate No. 8279.

Section 7. That the City Attorney of The City of San Diego, be and he is hereby authorized and directed to commence an action and seek an order of immediate possession of said real property 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 any interests 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


Michael B. Poyner, Deputy

MBP:lc
1/13/77
Aud. Cert. 8297
Or. Dept.: Property

MICROFILMED

MAY 31 1978

217643

01505

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 \$ 51,400.00 Environmental Growth Fund 2505
10,100.00 Fund Park Ordinance Fund 11381

Purpose Acquisition & condemnation of 6.36 acre of Lot 67, Rancho Mission for Adobe Falls Park.

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

RECEIVED
CITY CLERK'S OFFICE
1977
JAN 26 AM 10:51
SAN DIEGO, CALIF.

December 23, 19 76

By _____

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 \$ 61,500.00

Dated December 23, 19 76

W. E. Sage

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

BY *L. A. Aguirre*

Job Order
Resolution No.
Project No. 292530

Fund 244 Prog./Elem. 4505 Object 3496

Purpose Same as above

Vendor _____

MICROFILMED MAY 31 1978

Passed and adopted by the Council of The City of San Diego on FEB 2 1977,
 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"/> |
| 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 *Kathleen Martinez*, Deputy.

(Seal)

RECEIVED
 CITY CLERK'S OFFICE
 1977 JAN 26 AM 10:51
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution **217643** FEB 2 1977
 Number Adopted *EP*

CC-1276 (REV. 12-76)

MICROFILMED

MAY 31 1978

01507