

RESOLUTION NO. 218899

JUL 26 1977

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT OF A PARK IN PORTIONS OF LOT 24 OF LA MESA COLONY, ACCORDING TO MAP THEREOF NO. 346, 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 SAID PROPERTY FOR SAID PARK; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY ATTORNEY OF THE CITY OF SAN DIEGO TO COMMENCE AN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, FOR THE PURPOSE OF CONDEMNING AND ACQUIRING SAID PROPERTY

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in Section 1245.235, Code of Civil Procedure and also has provided all persons a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030, Code of Civil Procedure; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the development of a park in portions of Lot 24 of La Mesa Colony, according to Map thereof No. 346, as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand

MICROFILMED

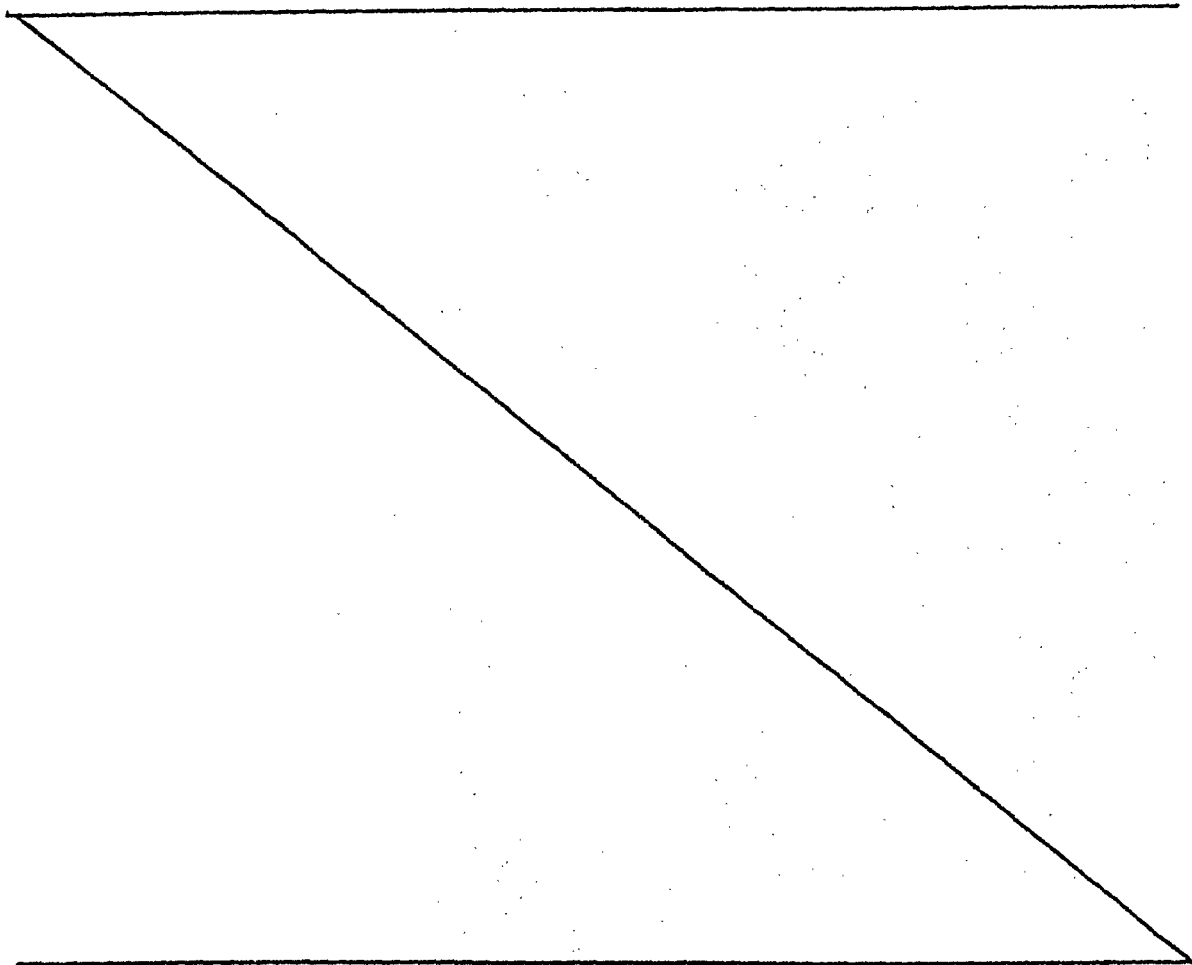
JUN 5 1978

00342

the acquisition and taking of fee title to said property for the development of a park, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure; and Sections 38002, 38010, 39732 and 40401(b), Government Code, permit the acquisitions referenced herein.

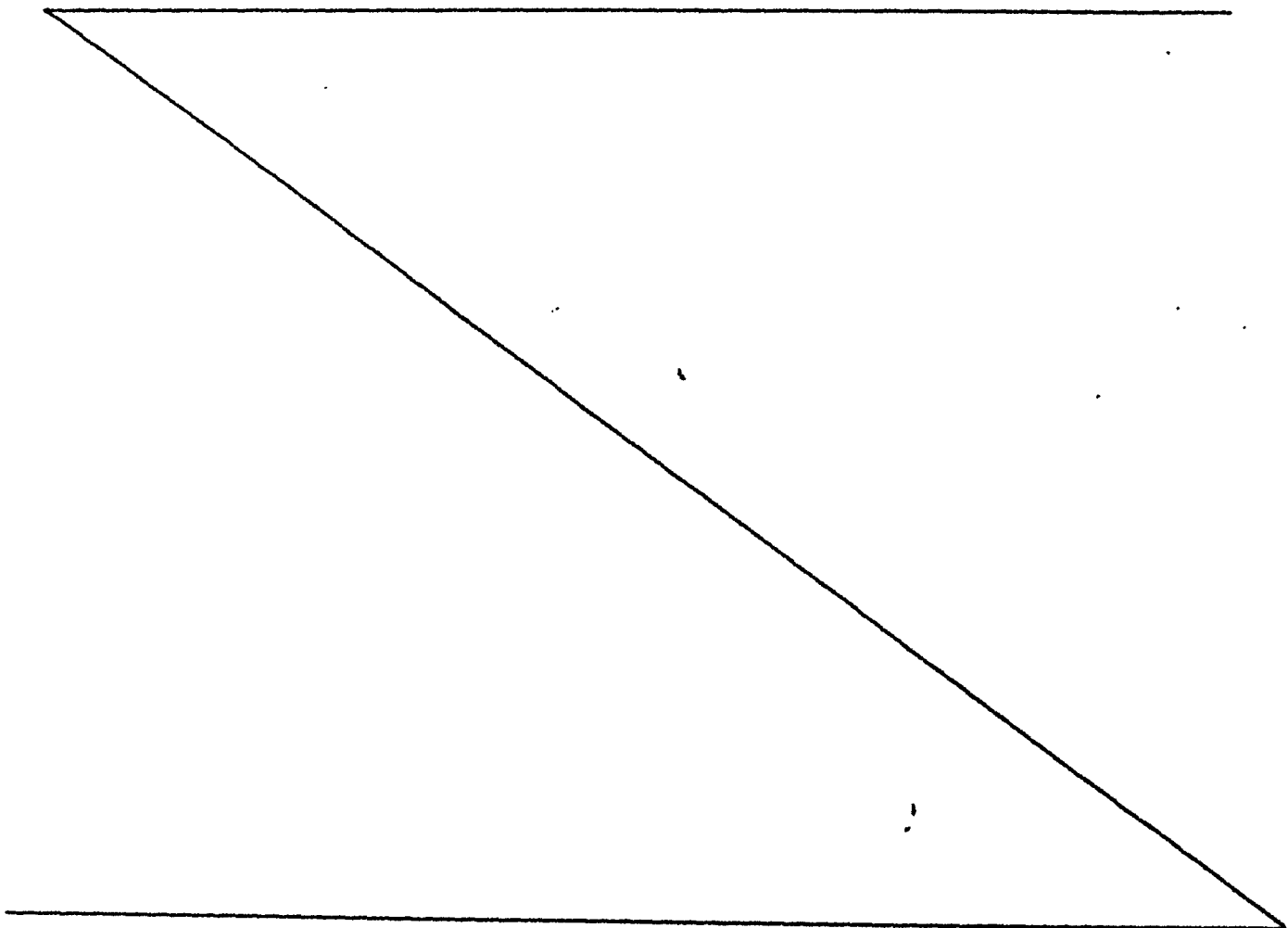
Section 4. That the parcels of real property sought to be condemned are described as follows:



PARCEL 1:

All that portion of Lot 24 of La Mesa Colony, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 346, filed in the Office of the County Recorder of San Diego County March 8, 1887, described as follows:

Commencing at the Southeast corner of said Lot 24; thence North $01^{\circ}19'00''$ East along the East line of said Lot 24, 177.00 feet to the Southeast corner of the land conveyed by Oliver A. Burgess and M. Livone Burgess, husband and wife, to Derrick H. Warner and Dona M. Warner, husband and wife, as joint tenants, by deed dated January 7, 1926 and recorded in Book 1137, page 386 of Deeds, records of said County; thence South $88^{\circ}52'00''$ West along the South line of the land so conveyed to Warners, 200.00 feet for the TRUE POINT OF BEGINNING; thence South $01^{\circ}19'00''$ West, 109.74 feet; thence South $88^{\circ}22'00''$ West, 401.00 feet to Seminole Drive; thence Northeasterly along said Seminole Drive to the Southwest corner of the land so conveyed to said Warners above referred to; thence North $88^{\circ}52'00''$ East along the South line of said Warners land 305.10 feet to the TRUE POINT OF BEGINNING.



218899

00344

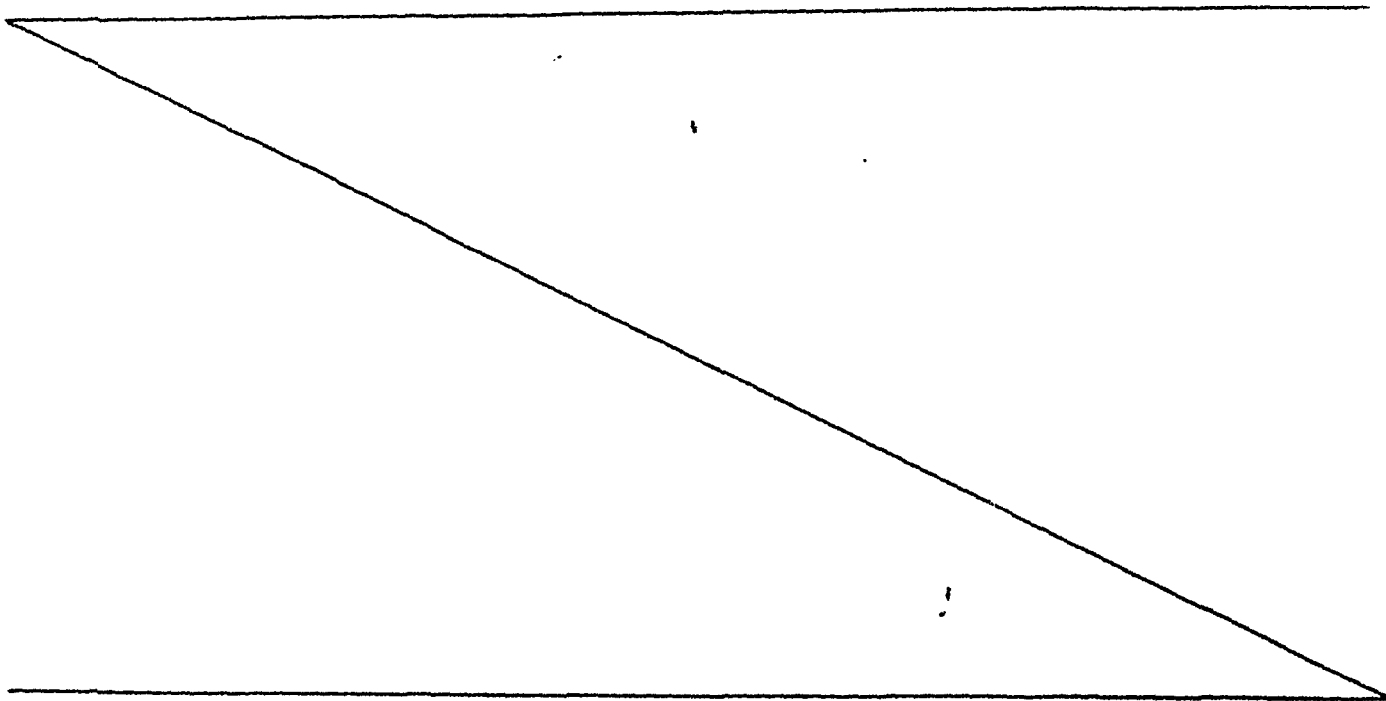
MICROFILMED JUN 5 1978

Handwritten mark

PARCEL 2:

All that portion of Lot 24 of La Mesa Colony, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 346, filed in the Office of the County Recorder of said San Diego County, March 8, 1887, more particularly described as follows:

Commencing at the Southwest corner of Lot 27 of Tommasa Subdivision Unit No. 2, according to Map thereof No. 3420, filed in the Office of the County Recorder of said San Diego County on April 3, 1956; thence South $01^{\circ}18'30''$ West, 40.81 feet; thence North $88^{\circ}52'00''$ East, 82.00 feet to a point on the Northeast corner of land conveyed to Ralph M. Sherman et ux, by Deed Recorded January 25, 1927, in Book 1288, Page 462 of Deeds, said point being the TRUE POINT OF BEGINNING; thence Southerly along the Easterly boundary of said Sherman's land, South $01^{\circ}18'30''$ West, 111.08 feet, (Record South $01^{\circ}19'00''$ West, 109.74 feet per said Deed recorded in Book 1288, Page 462 of Deeds) to the Southeasterly corner of said Sherman's land, being also a point on the Northerly line of land conveyed to the City of San Diego, a Municipal Corporation, by Deed recorded January 30, 1959, in Book 7471, Page 133 of Official Records; thence Easterly along said Northerly line, 29.74 feet, more or less, to the Northeast corner of said land conveyed to the City of San Diego, being also a point of the Westerly line of Filipo Street as shown on said Map No. 346; thence along said Westerly line of Filipo Street, North $01^{\circ}18'30''$ East 110.88 feet, more or less, to a point which bears North $88^{\circ}52'00''$ East from the TRUE POINT OF BEGINNING; thence South $88^{\circ}52'00''$ West, 29.80 feet, returning to the TRUE POINT OF BEGINNING.



MICROFILMED

218899 00345

JUN 5 1978

Section 5. That the taking and acquiring by said City of the real property hereinabove described are deemed necessary for the development of a park by The City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law (Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure, and Sections 38002, 38010, 39732 and 40401(b), Government Code) that for such public use it is necessary that The City of San Diego condemn and acquire said real property; that said real property is to be used for the development of a park which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. That, pursuant to Section 1245.230, Code of Civil Procedure, and in support of the findings that the public interest and necessity require the proposed project, that the proposed project is planned or located in a manner that will be most compatible with the greatest public good and least private injury, and that the property sought to be acquired is necessary for the project, the Council has determined and found as follows:

(a) The project is needed to provide a neighborhood park for Park Service District No. 615. Neighborhood parks, pursuant to The City of San Diego General Plan should serve a resident population of 3,500 to 5,000 persons. At the present time, Park Service District No. 615 has a population of 7,299 persons and

has no developed neighborhood park. The Mid City Development Plan, adopted by the City Council on August 5, 1965, indicated the need for a park to serve this area. In addition to providing recreational activities, the park will be environmentally and aesthetically pleasing.

(b) There is no other known land area in the Park District considered feasible for a neighborhood park to satisfy General Plan standards. The southern section of the proposed park abuts Henry Clay Elementary School, the northern section is across the street from the school. There are two (2) dwelling units on the larger of the two parcels proposed for condemnation. There will be three (3) persons displaced, which number is considered small for an .87 acre parcel of level land in this fully developed area.

(c) The two parcels sought by condemnation bring the total acreage for this proposed neighborhood park to 3.5 acres. Said parcels abut an existing City-owned .39 acre parcel which when added will create a 1.3 acre tract available for park development on the north side of Solita Avenue. The City of San Diego has recently acquired a 2.2 acre section of land from the San Diego Unified School District which is southeast of Seminole Drive, and directly across Solita Avenue from Henry Clay Elementary School. "Exhibit A" attached hereto and made a part hereof is a sketch depicting the proposed park

MICROFILMED

JUN 5 1978


218899 00347

area and general map of the area. Said parcels are reasonably suitable and useful for the proposed park. Since park use is contemplated and Section 55 of the City Charter requires dedication, a fee interest is necessary.

In addition to these particular findings, further reference is hereby made to the City Manager's report prepared and accompanying this resolution, and all evidence, oral and documentary, presented to this Council at said hearing.

Section 7. That the City Attorney of The City of San Diego be, and he is hereby authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name and on behalf of The City of San Diego, against all owners and claimants to an interest in the above-described real property, for the purpose of condemning and acquiring the fee interests as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

DWD:rb
6-10-77
Orig.Dept.: Property

-7-

MICROFILMED
JUN 5 1978
218899
00348

DATE ISSUED:

FOR DOCKET OF

SUBJECT: Rolando Clay Neighborhood Park

The Park and Recreation Element of the Progress Guide and General Plan of the City of San Diego indicates that each neighborhood of $\frac{1}{2}$ mile radius containing 3,500 to 5,000 persons should have a neighborhood park. The neighborhood park is specified to have a minimum usable area of 5 acres if located adjacent to an elementary school and 10 acres when not so located. Park Service District #615 (bounded on the north by El Cajon Blvd., on the south by University Ave., on the east by the City of La Mesa and on the west by 58th Street), has a present population of 7,299 people and includes within its boundaries the Henry Clay Elementary School.

The FY 1977 Capital Improvements Program shows three projects for the acquisition and development of Rolando Clay Neighborhood Park as follows:

- (a) ROLANDO CLAY NEIGHBORHOOD PARK, North - Land Acquisition (CIP 29-160)
- (b) ROLANDO CLAY NEIGHBORHOOD PARK, South - Land Acquisition (CIP 29-160.1)
- (c) ROLANDO AREA NEIGHBORHOOD PARK - Develop north and south sections
(CIP 23-613)

The City has recently acquired the 2.2 acre section of Rolando Clay Park southeast of Seminole Drive (please see attached sketch), as part of the City-Unified School District land exchange. The City currently owns a .39 acre parcel on the north side of Solita Avenue. In addition, the City has been attempting to acquire 2 parcels, having a combined area of .95 acres, north of the City owned parcel on the north side of Solita Avenue, to bring this neighborhood park up to a total of 3.5 acres. Negotiations with the property owners for these two parcels have been unsuccessful and condemnation proceedings are proposed. Once acquisition, as proposed, is consummated, we will give consideration to a northerly relocation of that portion of Solita Avenue between Filipino Street and Seminole Drive. Park development would then be provided more closely in accordance with the General Plan Standards. If Solita Avenue were not to be relocated, the area north of Solita Ave. could be developed for neighborhood adult recreation.

There have been several community public meetings during which proponents and opponents of this park have had an opportunity to express their views. These community meetings culminated in a resolution of the Central Area Committee of the Park and Recreation Board, on February 8, 1977, voting 9 in favor; 3 opposed as follows:

"To develop the 2.2 acre parcel of City owned land abutting school property, and dispose of the .4 acre parcel of City owned land on the north side of Solita Avenue."

MICROFILMED

JUN 5 1978

218899

00349

At the February 15th meeting of the Park and Recreation Board, the proponents and opponents of the subject park again were given an opportunity to express their views. Following the public hearing and after discussion and consideration of the recommendation of the Central Area Committee, the Park and Recreation Board voted 7 in favor and 2 opposed as follows:

"To endorse the staff recommendation to acquire the additional .874 and .076 acre parcels and develop the entire 3.536 acre site, working with the Transportation Design Division to determine whether Solita Avenue should remain, be vacated, or be moved north."

The proposed acquisition has been the subject of petitions both pro and con. As of the date of preparation of this report, petitions containing approximately 1,080 signatures for and 1,030 against the park have been received. Additionally, 15 letters with 37 signatures favoring and 47 letters with 70 signatures opposing the park have been received. No attempt was made to "verify" the signatures or to eliminate duplications.

Recently revised "eminent domain" law requires that persons whose real property is to be condemned must be afforded the opportunity to speak and be heard regarding 3 issues:

- (a) Does the public interest and necessity require the proposed project?
- (b) Is the proposed project planned or located in the manner which is most compatible with the public good and the least private injury?
- (c) Is the property sought to be acquired necessary for the proposed project?

RECOMMENDATION

That Council, by resolution, affirmatively find and determine on the above three issues.

BACKGROUND

(a) DOES PUBLIC INTEREST AND NECESSITY REQUIRE PROPOSED PROJECT?

This project is needed to provide a neighborhood park for Park Service District #615. General Plan Standards for Neighborhood Parks require a minimum usable park area of five acres when located adjacent to an elementary school (the ideal situation), and ten acres when not so located. Neighborhood parks should serve a resident population of from 3,500 to 5,000 persons. At the present time Park Service District #615 has a population of 7,299 persons, and has no developed neighborhood park. The Mid-City Development Plan adopted by City Council on August 5, 1965 indicated the need for a park to serve this area.

(b) IS PROJECT PLANNED OR LOCATED IN THE MANNER MOST COMPATIBLE WITH PUBLIC GOOD AND LEAST PRIVATE INJURY?

There is no other known land in the Park Service District considered feasible for a neighborhood park to satisfy General Plan Standards. As may be seen on the attached sketch, the southern section of the proposed park abuts the Henry Clay Elementary School, the northern section is across the street from the elementary school. There are currently 2 dwelling units on the larger of the two parcels proposed for condemnation. One dwelling is owner occupied, the

other dwelling is occupied by one tenant. The number of persons to be displaced (3) is considered small for a .87 acre parcel of level land in this fully developed area. The City is offering fair market value for the parcels and relocation payments will provide reimbursement for incurred moving and additional housing costs.

(c) IS PROPERTY SOUGHT NECESSARY FOR THE PROPOSED PROJECT?

The two parcels proposed for condemnation bring the total acreage for this proposed neighborhood park to 3.5 acres. These 3.5 acres are less than the General Plan Standard minimum acreage for a neighborhood park. The two parcels proposed for condemnation abut an existing City-owned .39 acre parcel which make a total of 1.3 acres on the north side of Solita Avenue. A 1.3 parcel is considered large enough to be a usable park parcel.

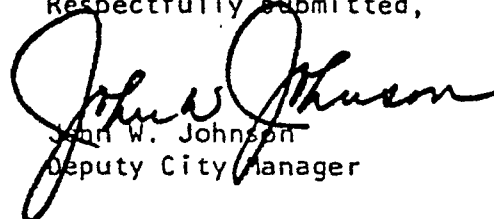
FISCAL IMPACT

Acquisition - The sum of \$272,298 is available in FY 1977 CIP 29-160 to fund these acquisitions which are estimated to cost \$165,000.

Development - Design and construction costs to develop the 3.5 acres is estimated at \$145,000.

Maintenance - The annual maintenance cost for this 3.5 acre park, when developed, is estimated at \$12,400 per year.

Respectfully submitted,

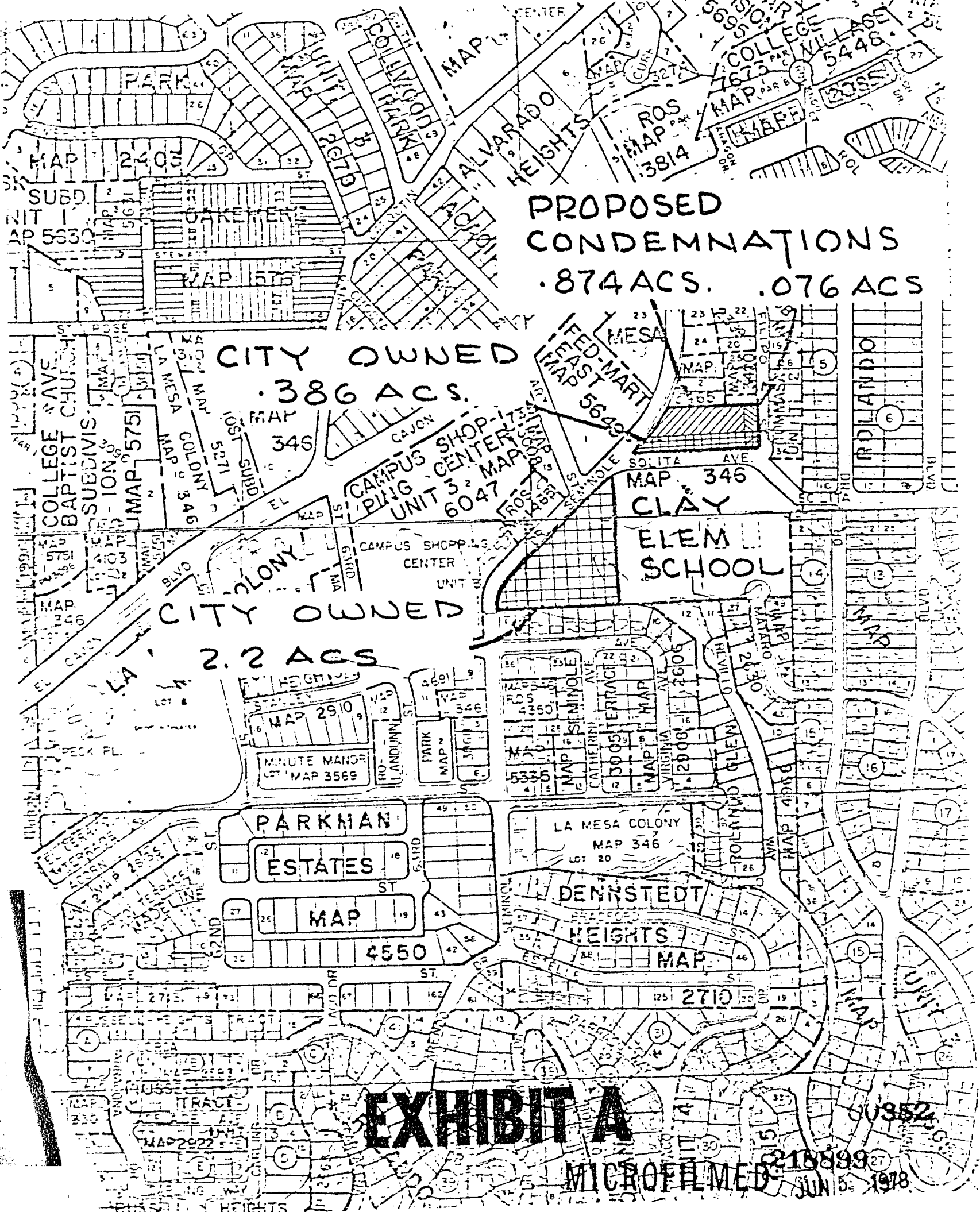

John W. Johnson
Deputy City Manager

Mendoza/DR

Attachment

MICROFILMED
JUN 5 1978

218899
00351



PROPOSED
CONDEMNATIONS
.874 ACS. .076 ACS

CITY OWNED
.386 ACS.

CITY OWNED
2.2 ACS

PARKMAN
ESTATES

LA MESA COLONY
MAP 346

DENNISTED
HEIGHTS
MAP

EXHIBIT A

MICROFILMED

218899
JUN 5 1978

JUL 26 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

By *Kathleen Martinez*, Deputy.

RECEIVED
CITY CLERK'S OFFICE
1977 JUN 20 AM 11:08
SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number **218899** Adopted **JUL 26 1977**

CC-1276 (REV. 12-76)

00353

MICROFILMED JUN 5 1978