

RESOLUTION NO. 219051

AUG 10 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 A SLOPE OR SLOPES THERETO IN PORTIONS OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED FEBRUARY 25, 1870, IN THE 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 AND INCIDENTS THERETO, TOGETHER WITH A SLOPE OR SLOPES 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 a slope or slopes thereto in portions of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 26, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey, approved February 25, 1870, 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 and incidents thereto, together with a slope or slopes thereto, said real property lying within the 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; Section 40404, Government Code; and Section 5301, Public Resources Code, permit the acquisition referenced herein.

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

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PARCEL 1

All that portion of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 26, 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, approved February 25, 1870, described as follows:

COMMENCING at a point on the Easterly line of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 26, distant thereon South $00^{\circ}10'55''$ West, 50.00 feet from the Northerly line of said Section 26; thence parallel with said Northerly line, North $89^{\circ}33'12''$ West, 305.68 feet to the TRUE POINT OF BEGINNING; thence South $00^{\circ}10'55''$ West, 25.23 feet; thence North $89^{\circ}24'28.9''$ West, 9.27 feet; thence North $87^{\circ}21'39.4''$ West, 132.452 feet to a point on a curve concave Southeasterly and having a radius of 20.00 feet; thence Southwesterly along the arc of said curve through a central angle of $92^{\circ}53'07''$ an arc distance of 32.42 feet to a point on another curve concave Southeasterly and having a radius of 20.00 feet; thence Southwesterly along the arc of said curve through a central angle of $41^{\circ}49'0.3''$, an arc distance of 14.597 feet to a point on another curve concave Easterly and having a radius of 943.00 feet; thence Northerly along the arc of said curve through a central angle of $00^{\circ}57'41''$, an arc distance of 15.82 feet; thence North $86^{\circ}09'09.4''$ West, 42.15 feet to a point on the arc of a curve concave Southeasterly and having a radius of 15,030.00 feet; thence Northerly along the arc of said curve through a central angle of $00^{\circ}04'53.4''$, an arc distance of 21.372 feet; thence South $89^{\circ}33'12''$ East, 200.12 feet to the TRUE POINT OF BEGINNING.

PARCEL 1-A

All that portion of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 26, 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, approved February 25, 1870, described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 26; thence South $00^{\circ}10'55''$ West, along the Easterly line of said Northwest Quarter of the Northeast Quarter of the Northwest Quarter, a distance of 242.38 feet; thence North $89^{\circ}33'12''$ West, 463.966 feet to a point on the arc of a curve concave Northeasterly and having a radius of 943.00 feet; thence Northerly along the arc of said curve through a central angle of $05^{\circ}21'12.3''$, an arc distance of 88.109 feet to the TRUE POINT OF BEGINNING, said point being on the Southerly line of land deeded to Baldemiro A. and Carmen B. Ramirez by document dated January 15, 1957, and recorded February 15, 1957, in Book 6459, Page 212 of Official Records; thence along the

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PARCEL 1-A (Continued)

Southerly line of said land, North $89^{\circ}33'12''$ West, to the Westerly line of said Ramirez's land as shown in said deed recorded February 15, 1957, in Book 6459, Page 212 of Official Records, said Westerly line being the Easterly line of Road Survey No. 407 known as Beyer Way, said point also being on the arc of a curve concave Southeasterly and having a radius of 15,030.00 feet; thence Northerly along the arc of said curve through a central angle of $00^{\circ}17'36.9''$, an arc distance of 77.014 feet; thence South $86^{\circ}09'9.4''$ East, 57.00 feet to a point on the arc of a curve concave Easterly and having a radius of 943.00 feet; thence Southerly along the arc of said curve through a central angle of $00^{\circ}57'41''$, an arc distance of 15.82 feet to a point on another curve concave Easterly and having a radius of 943.00 feet; thence Southerly along the arc of said curve through a central angle of $03^{\circ}58'14.2''$, an arc distance of 65.35 feet to the TRUE POINT OF BEGINNING.

PARCEL 1-B

An easement for slopes, over, along and across that portion of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 26, 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, approved February 25, 1870, described as follows:

COMMENCING at the Northeast corner of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 26, thence South $00^{\circ}10'55''$ West, along the Easterly line of said Northwest Quarter of the Northeast Quarter of the Northwest Quarter a distance of 242.38 feet; thence North $89^{\circ}33'12''$ West, 463.966 feet to a point on the arc of a curve concave Easterly and having a radius of 943.00 feet; thence Northerly along the arc of said curve through a central angle of $05^{\circ}21'12.3''$, an arc distance of 88.109 ft. to the TRUE POINT OF BEGINNING; thence South $89^{\circ}33'12''$ East, 5.002 feet to a point on the arc of a curve concave Easterly and having a radius of 938.00 feet; thence Northerly along the arc of said curve through a central angle of $03^{\circ}58'43.6''$, an arc distance of 65.137 feet; thence North $87^{\circ}06'50.4''$ West, 5.00 feet to a point on the arc of a curve concave Easterly and having a radius of 943.00 feet; thence Southerly along the arc of said curve through a central angle of $03^{\circ}58'14.2''$, an arc length of 65.35 feet to the TRUE POINT OF BEGINNING.

PARCEL 1-C

An easement for slopes over, along and across that portion of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 26, 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, approved February 25, 1870, described as follows:

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PARCEL 1-C (Continued)

COMMENCING at a point on the Easterly line of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 26, distant thereon South $00^{\circ}10'55''$ West, 76.00 feet; thence North $89^{\circ}24'28.9''$ West, 305.68 feet to the TRUE POINT OF BEGINNING; thence South $00^{\circ}10'55''$ West, 7.00 feet; thence North $89^{\circ}24'28.9''$ West, 9.30 feet; thence North $85^{\circ}20'19.5''$ West, 113.31 feet; thence North $00^{\circ}26'48''$ East, 3.00 feet; thence South $87^{\circ}21'39.4''$ East, 113.09 feet; thence South $89^{\circ}24'28.9''$ East, 9.27 feet to the TRUE POINT OF BEGINNING.

PARCEL 1-D

An easement for slopes, over, along and across that portion of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 26, 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, approved February 25, 1870, described as follows:

COMMENCING at a point on the Easterly line of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 26, distant thereon South $00^{\circ}10'55''$ West, 76.00 feet; thence North $89^{\circ}24'28.9''$ West, 314.95 feet; thence North $87^{\circ}21'39.4''$ West, 132.452 feet to a point on a curve concave Southeasterly and having a radius of 20.00 feet; thence Southwesterly along the arc of said curve through a central angle of $92^{\circ}53'07''$, an arc distance of 32.42 feet to the TRUE POINT OF BEGINNING, said point being on the arc of another curve concave Southeasterly and having a radius of 20.00 feet; thence Southwesterly along the arc of said curve through a central angle of $41^{\circ}49'03''$, an arc distance of 14.597 feet; thence South $87^{\circ}06'50.4''$ East, 5.00 feet to a point on a curve concave Easterly and having a radius of 938.00 feet; thence Northerly along said curve 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 a slope or slopes 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; Section 40404, Government Code; and Section 5301, Public Resources 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 a slope or slopes thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. The Council hereby makes the following specific findings in support of the above-referenced findings contained in Paragraph 5 herein:

(a) Picador Boulevard and its northerly extension, Beyer Way, are vital links in the north-south traffic network for the San Ysidro and Otay Mesa-Nestor communities. Present traffic day volumes on the existing two-lane Beyer Way now exceed 7,000 vehicles per day

south of Palm Avenue and 12,000 vehicles per day north of Palm Avenue. This project will complete the multi-phase improvement of Smythe Avenue/Picador Boulevard/Beyer Way and includes an interchange with State Route 75, which has been constructed by the State.

(b) The proposed street widening from two to four lanes is consistent with The City of San Diego General Plan and with the proposed community plan for the Otay Mesa-Nestor communities, both of which designate Picador Boulevard as a four-lane major street.

(c) Portions of Picador Boulevard have been either partially or fully improved in conjunction with subdivision activities. However, approximately 700 feet of this route is unimproved.

(d) The proposed project alignment is reasonable in terms of engineering design, costs and the safety factors.

(e) Six parcels of real property are required for this improvement, five of which have been already acquired by the City. The proposed condemnation will acquire the remaining parcel.

(f) The property sought to be acquired is the minimum necessary to safely accommodate present and future traffic demands in this area of the City.

Further reference is made to all evidence, oral and documentary, presented at the hearing on this proposal.

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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 and easements as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

DWD:rb 6-28-77
Orig.Dept.: Property

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Passed and adopted by the Council of The City of San Diego on AUG 10 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By *Allyn D. Nevitt*, Deputy.

(Seal)

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 1977 JUL 18 PM 2:21
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
Resolution Number <u>219054</u>	Adopted <u>AUG 10 1977</u>

CC-1276 (REV. 12-76)

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