

RESOLUTION NO. 219444

OCT 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 DRAIN EASEMENT, A TEMPORARY WORKING EASEMENT AND INCIDENTS THERETO, TOGETHER WITH CERTAIN EARTH EXCAVATIONS, EMBANKMENTS, SLOPE OR SLOPES AND A STORM DRAIN OR STORM DRAINS AND APPURTENANCES THERETO, IN PORTIONS OF LOT 95 OF BOUNDARY TRACT ACCORDING TO MAP THEREOF NO. 1690 FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER SEPTEMBER 26, 1916, 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 SAID EASEMENTS IN SAID PROPERTY FOR SAID EASEMENTS AND INCIDENTS THERETO, TOGETHER WITH CERTAIN EARTH EXCAVATIONS, OR DRAINS AND APPURTENANCES THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID 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 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 drain easement and temporary working easement and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto in portions of Lot 95 of Boundary Tract according to Map thereof No. 1690 filed in the office of the San Diego County Recorder September 26, 1916, 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 said drain easements in said property for the construction, operation and maintenance of a drain easement and temporary working easement and incidents thereto, together with certain earth excavations, embankments, slope or slopes and a storm drain or drains and appurtenances thereto, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120 and 1255.410, Code of Civil Procedure; Sections 5101(d) and 5102, Streets and Highways Code; Section 40404(b), Government Code; and Section 5301, Public Resources 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:

Drain Easement (Permanent) - The Northwesterly 10.00 feet of Lot 95 of Boundary Tract according to Map thereof No. 1690 filed in the Office of the San Diego County Recorder September 26, 1916.

Temporary Working Easement - Not to exceed one year from date of Order of Possession. The Southeasterly 5.00 feet of the Northwesterly 15.00 feet of said Lot 95.

Section 5. That the taking and acquiring by said City of the easements hereinabove described are deemed necessary for the construction, operation and maintenance of a drain easement 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; Sections 5101(d) and 5120, Streets and Highways Code; Section 40404(b), Government Code; Section 5301, Public Resources Code) that for such public uses it is necessary that The City of San Diego condemn and acquire said easements; that said easements are to be used for the construction, operation and maintenance of a drain easement and temporary work easement 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

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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 easements as above-described, for the use of said City, and he is further directed to seek an order from said court for immediate possession of said easement rights.

APPROVED: JOHN W. WITT, City Attorney

By Frederick Conrad
for Michael B. Poynor, Deputy

MBP:lg
8/25/77
Or. Dept. : Property
Aud. Cert. 8757

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Passed and adopted by the Council of The City of San Diego on OCT 5 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.
CHARLES G. ABDELNOUR
EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED
 CITY CLERK
 1977 SEP 13 PM 4:09
 SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution Number 219444 Adopted OCT 5 1977

CC-1276 (REV. 12-76)

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