

RESOLUTION NO. 219495 OCT 12 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 A PORTION OF SECTION 13, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO U.S. 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 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 a portion of Section 13, Township 14 South, Range 4 West, San Bernardino Base and Meridian, according to U.S. Government Survey, as more particularly described hereinafter.

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

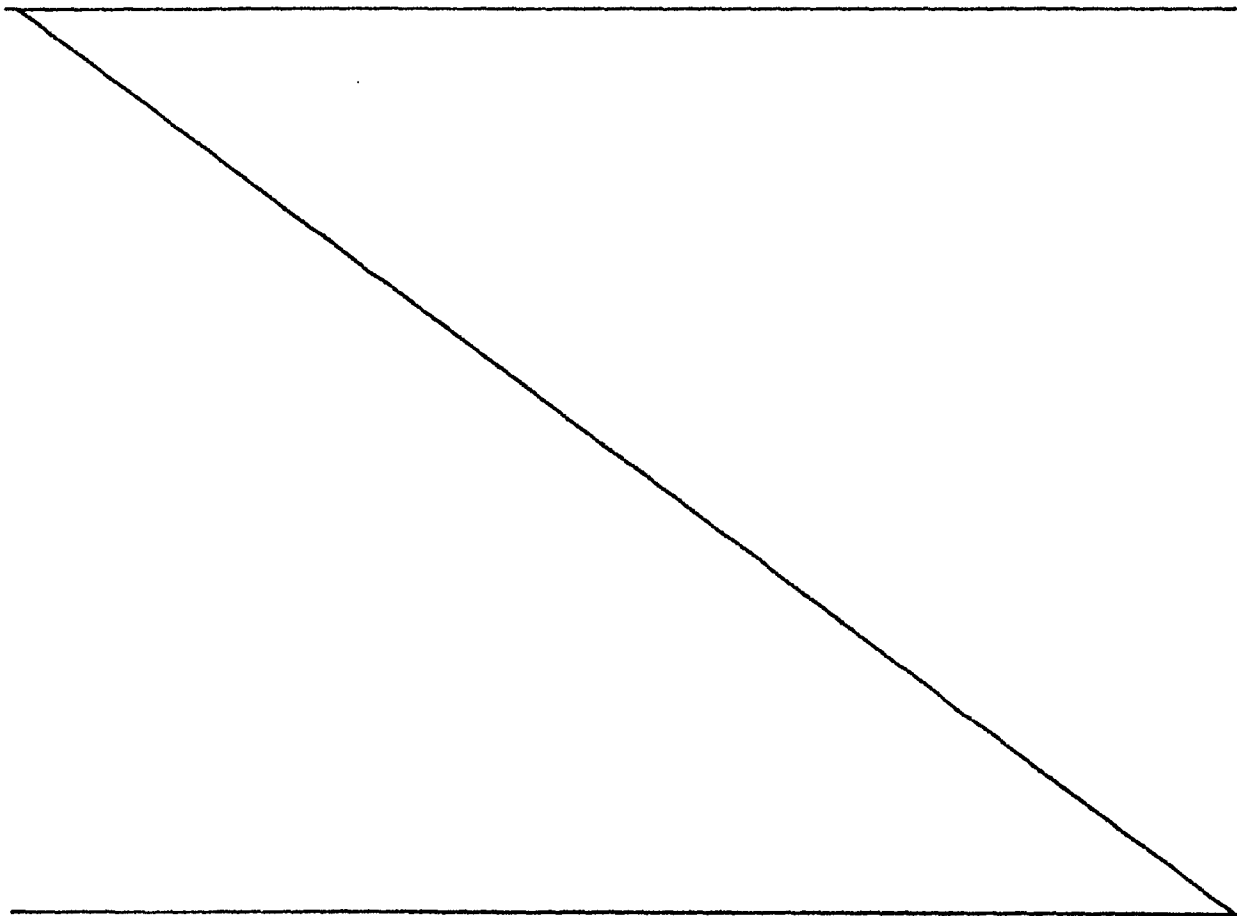
JUN 12 1978

MICROFILMED
02090

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, 1240.120 and 1255.410, Code of Civil Procedure; and Sections 38002, 38010, 39732 and 40401(b), Government Code, permit the acquisition referenced herein.

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



LEGAL DESCRIPTION

All that portion of the Northwest Quarter of the Northwest Quarter of Section 13, Township 14 South, Range 4 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government, approved January 18, 1876, as follows:

Commencing at the Southwest corner of said Northwest Quarter of the Northwest Quarter; thence South $89^{\circ}01'40''$ East, along the Southerly line of said Northwest Quarter of the Northwest Quarter a distance of 50.00 feet to the TRUE POINT OF BEGINNING; thence North $00^{\circ}16'34''$ East, 974.62 feet; thence South $74^{\circ}32'42''$ East, 280.63 feet; thence South $89^{\circ}41'05''$ East, 195.57 feet; thence South $52^{\circ}21'47''$ East, 356.72 feet; thence South $16^{\circ}18'43''$ East, 477.40 feet; thence North $50^{\circ}36'42''$ East, 494.58 feet; thence South $00^{\circ}19'56''$ West, 558.08 feet to said Southerly line; thence North $89^{\circ}01'40''$ West along said Southerly line 1,266.51 feet returning to the TRUE POINT OF BEGINNING.

JUN 12 1978

MICROFILMED

JOB 12520-3/Dwg: 17100-D/GRIM/jvs/9-14-77

02092

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, 1240.120 and 1255.410, 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 proposed acquisition is required in the public's interest and necessity since the project will:

(1) provide the Del Mar Heights community with an area of undisturbed environment to improve the amenities of the community and to provide an area for passive recreation;

JUN 12 1978
MICROFILMED

02093

(2) incorporate the valuable canyon land into the Park Reserve System of the City of San Diego, thereby providing space for future park growth; and

(3) maintain a reasonable residential density within the community.

(b) The proposed project has been planned and located in a manner that would be the most compatible with the greatest public good and least private injury. The acquisition included only canyon lands and those portions of the surrounding mesa lands that would provide vista points or would preserve rare natural growth. One such area in the northerly portion of the property contains a valuable stand of mature Torrey Pines.

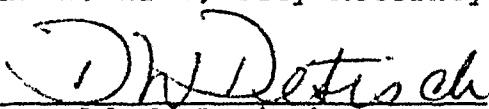
(c) The property proposed for acquisition is necessary for the proposed project as it will complete the consolidation of the canyon property and protect the natural resources contained in the canyon.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

rb/9-14-77
Orig.Dept.: Property

JUN 12 1978
MICROFILMED

02095

Passed and adopted by the Council of The City of San Diego on
by the following vote:

OCT 12 1977

Councilmen	Yeas	Nays	Excused	Absent
Carl Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen E. 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 E. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ernest 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

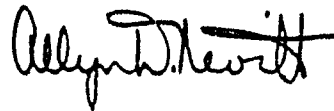
PETE WILSON

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By



Deputy.

OFFICE
CITY

1977 OCT -3 PM 3:23

SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California

Resolution
Number

219495

Adopted

OCT 12 1977



CC-1276 (REV. 8-77)

JUN 12 1978

MICROFILMED

02096