

(R. 78-679)

RESOLUTION NO. 219615

NQV 2 1977

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE IMPROVEMENT OF A PUBLIC STREET IN A PORTION OF LOTS 47 AND 48, BLOCK 50 OF MANNASSE AND SCHILLER SUBDIVISION ACCORDING TO MAP THEREOF NO. 209 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, 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 IN SAID PROPERTY FOR SAID PUBLIC STREET; 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 improvement of a public street in a portion of Lots 47 and 48, Block 50 of Mannasse and Schiller Subdivision

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according to Map thereof No. 209 filed in the office of the County Recorder of San Diego 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 in said property for the improvement of a public street, 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; and Section 40404(b), Government 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:

All that portion of Lots 47 and 48, Block 50 of Mannasse and Schiller Subdivision according to Map thereof No. 209 filed in the Office of the County Recorder of San Diego County being more particularly described as follows:

Beginning at the intersection of the Southeasterly line of Crosby Street, 60.00 feet wide with the Southwesterly line of Harbor Drive 100.00 feet wide as said Streets are located and established on the date of this document; thence South $50^{\circ}39'13''$ East along said Southwesterly line of Harbor Drive 29.93 feet; thence South $39^{\circ}20'47''$ West on a radial line 4.00 feet to a point on the arc of a 30.00 foot radius curve concave Southerly; thence Northwesterly and Westerly along the arc of said curve through a central angle of $89^{\circ}52'10''$ a distance of 47.06 feet to a point of tangency with said Southeasterly line of Crosby Street, a radial

to said point bears North 50°31'23" West; thence North 39°28'37" East along said Southeasterly line of Crosby Street 33.93 Feet returning to the point of beginning.

Section 5. That the taking and acquiring by said City of the real property hereinabove described are deemed necessary for the improvement of a public street thereto by The City of San Diego and the inhabitants thereof, for municipal purposes; that such uses are 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, Street and Highways Code; and Section 40404(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 improvement of a public street which is planned and located in a manner more 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 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, and he is further directed to ask the court for an order granting immediate possession

of said property and premises and to deposit with the court the amount of probable compensation for the property and all interests therein.

Section 6. That the expenditure of \$15,000 out of Gas Tax Fund 219 of The City of San Diego, be hereby authorized solely and exclusively for right-of-way acquisition for the above described property and also for use to purchase a small portion of land at the westerly corner of Crosby Street and Harbor Drive.

APPROVED: JOHN W. WITT, City Attorney

By 
Michael B. Poyner, Deputy

MBP:lc
10/7/77
Aud.Cert.#8860
Or.Dept.:Prop.

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 \$ 15,000.00 Fund 219 Gas Tax

Purpose Authorizing the expenditure for right-of-way acquisition for this and another parcel

Date September 19, 19 77

W. B. Sage
Auditor and Comptroller of
The City of San Diego, Calif.

By E. A. Aguirre

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PM 3:24
SAN DIEGO, CALIF.

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 \$ 15,000.00

Dated September 19, 19 77

W. B. Sage
Auditor and Comptroller of
The City of San Diego, Calif.

BY E. A. Aguirre

Fund 244 Prog./Elem. 4507 Object 3496 Resolution No. 522032
Project No. 522032

Purpose Crosby Street Improvement Project, acquire property

Vendor _____

NOV 2 1977

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

Councilmen	Yeas	Nays	Excused	Absent
Gl 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

City Clerk of The City of San Diego, California.

By

Kathleen Martinez Deputy.

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SAN DIEGO, CALIF.

Office of the City Clerk, San Diego, California	
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