

RESOLUTION NO. 222388

DEC 11 1978

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, IN PORTIONS OF LOTS A-250 THROUGH A-256 INCLUSIVE OF ADDITION NO. 5 TO SAN YSIDRO AND A PORTION OF LOT A-190 OF ADDITION NO. 2 TO SAN YSIDRO, 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 PUBLIC STREET AND INCIDENTS THERETO 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:

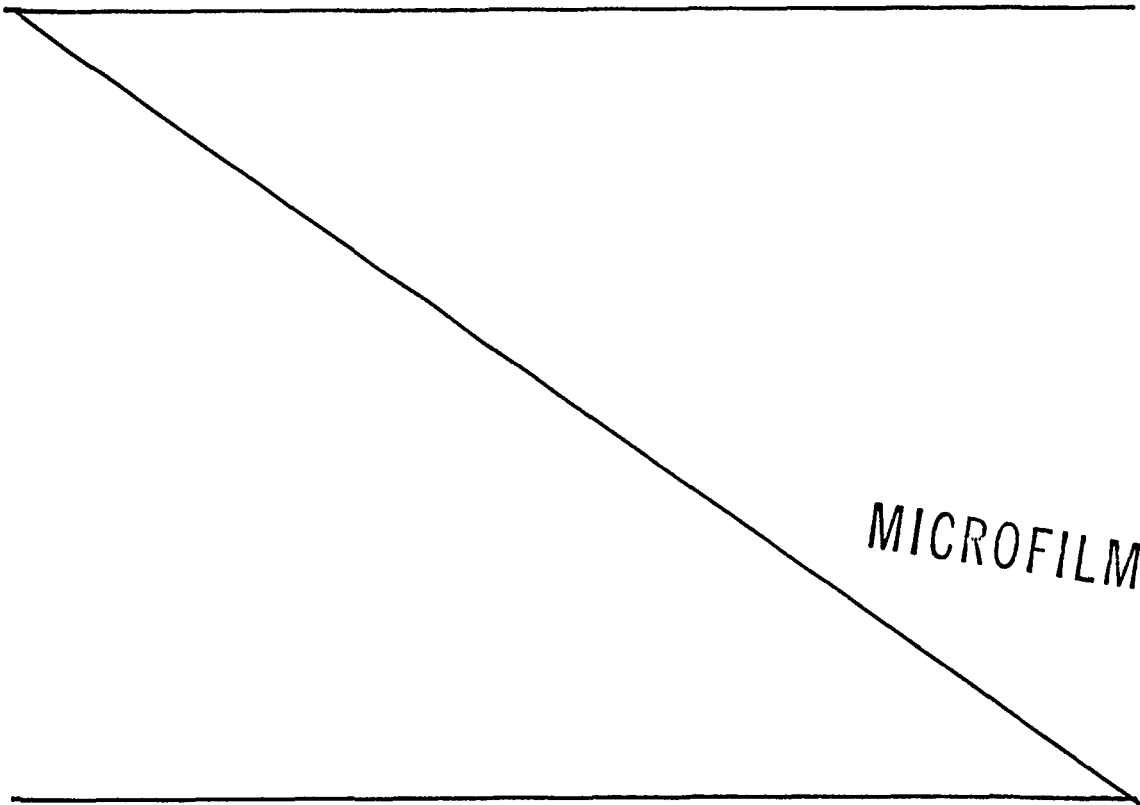
Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of a public street and incidents thereto in portions of Lots A-250 through A-256 inclusive of Addition No. 5 to San Ysidro and a portion of Lot A-190 of Addition No. 2 to San Ysidro as more particularly described hereinafter.

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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 said property for the construction, operation and maintenance of a public street and incidents thereto, said real property lying within the City of San Diego, County of San Diego, State of California.

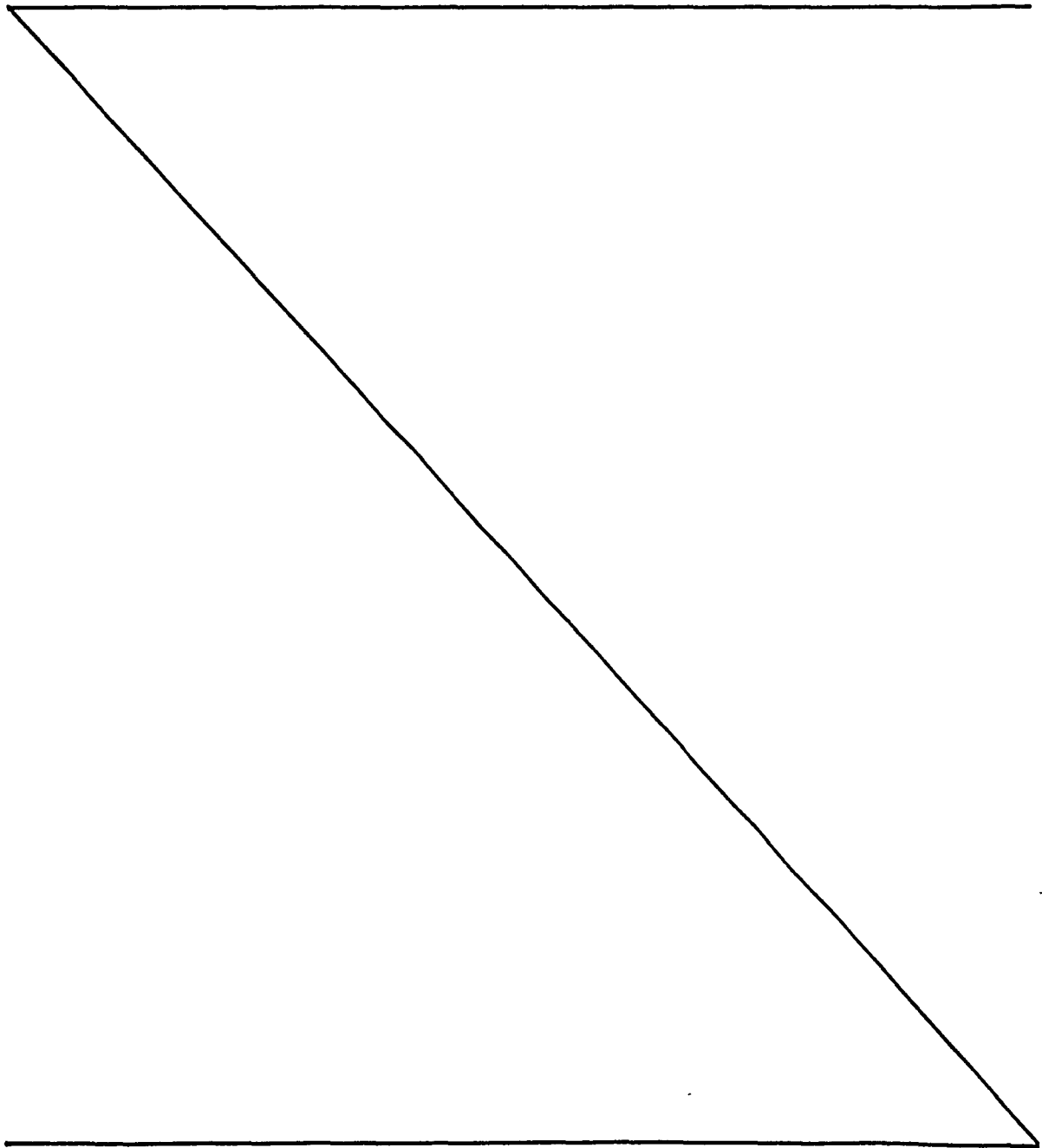
Section 3. That Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120 and 1255.410, Code of Civil Procedure; Section 40404, Government Code; and Section 4090, Streets & Highways Code permit the acquisitions referenced herein.

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



Parcel 1:

Northerly 10.00 feet of the westerly 5.00 feet of Lot A-250 and the northerly 10.00 feet of Lots A-251 to A-256 inclusive of Addition No. 5 to San Ysidro, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1405, filed in the Office of the San Diego County Recorder, January 2, 1912.



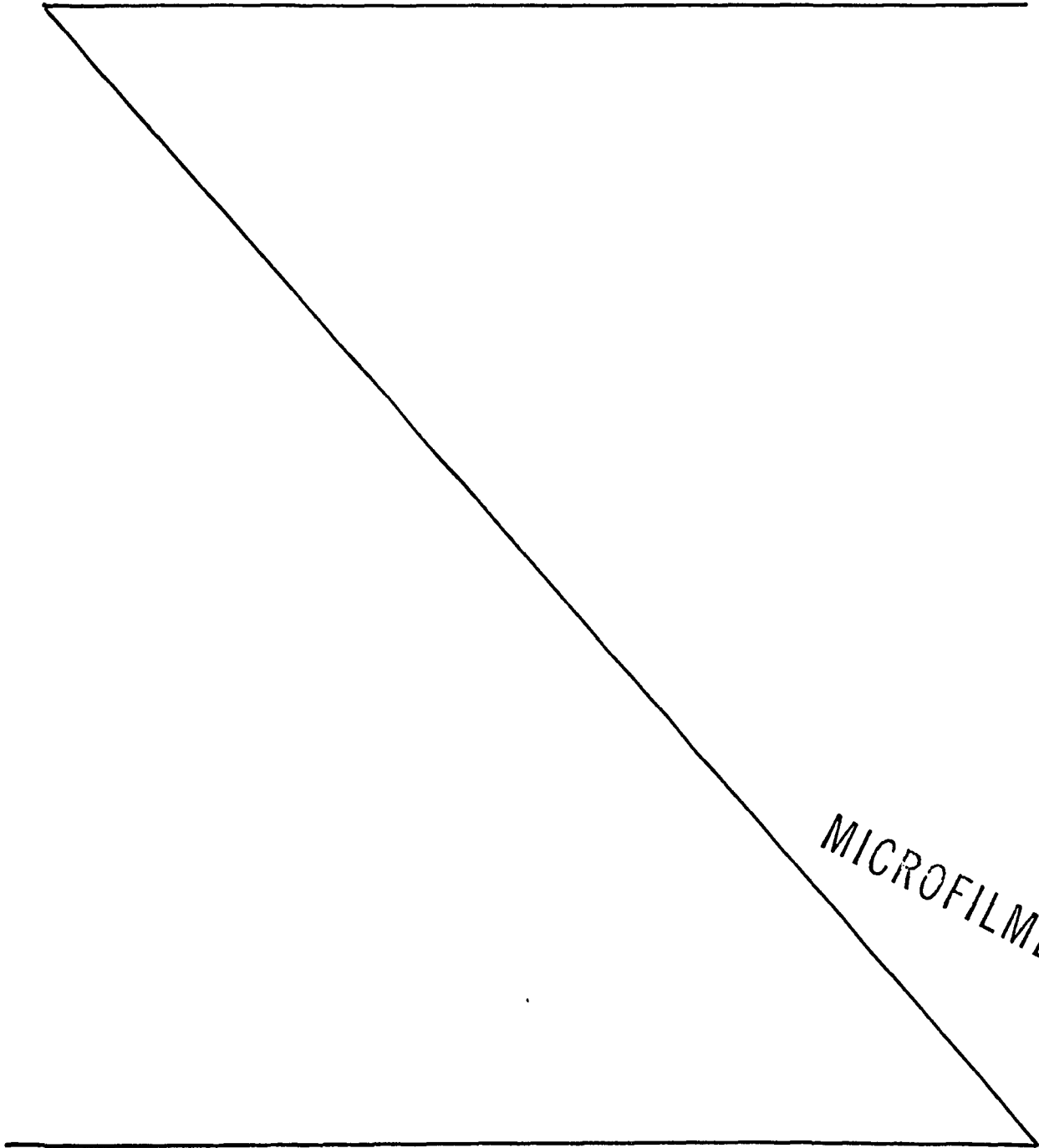
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Parcel 2:

The southerly 20 feet of Lot A-190 of Addition No. 2 to San Ysidro, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1246, filed in the Office of the San Diego County Recorder, April 11, 1910.



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Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, operation and maintenance of a public street and incidents thereto 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; Section 40404, Government Code; and Section 4090, Streets & Highways 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 construction, operation and maintenance of a public street and incidents thereto, which is 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 Section 5 herein:

(a) The proposed project, for which the acquisition is being sought, is to improve the street to City standards for a distance of approximately 2,000 feet, from South Vista Avenue on the east to its western termination, which is approximately 1,100 feet westerly of Averil Road. Between South Vista Avenue and Averil Road, where the zoning is R-2-A, it is proposed to improve the street to a 40-foot curb to curb width within a 60-foot right of way. From Averil Road to the west, where the zoning is R-1-5, a 36-foot curb to curb width within a

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50-foot right of way is proposed. The existing roadway is a narrow two-lane strip of substandard oil on asphalt surface treatment on native soil. There are presently no sidewalks which this project proposes to rectify. Additionally, access to the properties in the assessment district will be improved.

(b) The project was planned and designed in a manner to impact the existing property as little as possible. Widening the existing right of way to accommodate the street improvements is the most practical method of upgrading the existing roadway to City street standards. It causes minimum disruption to the property owners in the area while making the most efficient use of the existing street right of way and improvements. The horizontal and vertical design physically meets land conditions of adjoining properties in order to provide pedestrian and vehicular access.

(c) The new right of way to be acquired is located in such a manner as to require the least amount of property acquisition needed to complete the street improvements. No one will have to be relocated from the two parcels to be taken. Only minor improvements are involved.

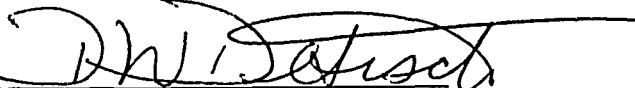
(d) The property sought to be acquired is the minimum necessary to complete the project and improve traffic flow and safety in the area. Not acquiring these two parcels would mean that curb, sidewalk and some pavement would be deleted from the proposed project

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as designed in these two areas, resulting in discontinuous street facilities and potentially hazardous conditions. Acquiring fee title will eliminate title problems and enhance the ownership base for the capital improvements.

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

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

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rb/9-20-78 Lit.
Orig.Dept.: Property

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 \$ _____ Fund _____

Purpose _____

Auditor and Comptroller of
The City of San Diego, Calif.

Date _____, 19 _____

By _____

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 \$ 12,775.00

Dated Sept. 13, 19 78

W. B. Sage

Auditor and Comptroller of
The City of San Diego, Calif.

BY Joe L. Lozano

Job Order
Resolution No. 001053
Project No. _____

Fund 3723 Prog./Elem. 5734 Object 3496

Purpose PROPERTY RIGHTS-BLACKSHAW LANE-WESTERLY OF AVERIL ROAD IN SAN YSIDRO

Vendor LAMYA HOURANY HOURANI & ROBERT L. AND ANNA C. DICKERSON

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CERTIFICATE NO. 79167

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CITY CLERK'S OFFICE
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SAN DIEGO, CALIF.

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Passed and adopted by the Council of The City of San Diego on DEC 11 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<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"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
James H. Jones Lucy Killea	<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 E. H. Cook, Deputy.

(Seal)

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Office of the City Clerk, San Diego, California	
Resolution Number	222388
Adopted	DEC 11 1978

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