

RESOLUTION NO. R-250895

DEC 18 1979

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 SEWER OR SEWERS AND ALL APPURTENANCES THERETO, IN PORTIONS OF PUEBLO LOTS 1303 AND 1307, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER, 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 EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC SEWER OR SEWERS AND ALL 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:

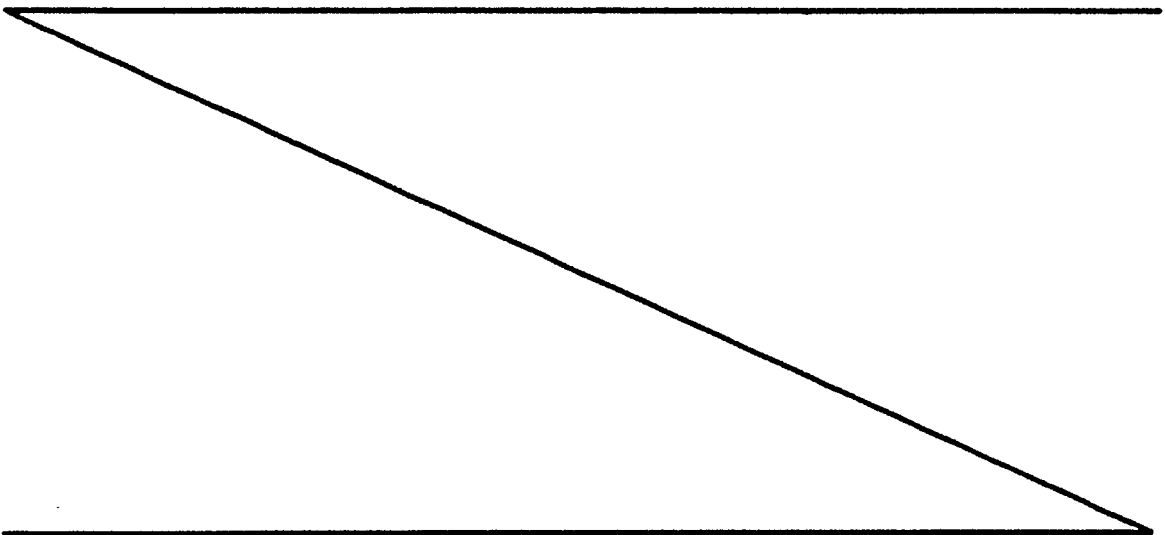
Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto, in portions of Pueblo Lots 1303 and 1307, according to Map thereof made by James Pascoe in 1870, filed in the Office of

the San Diego County Recorder, in the City of San Diego, County of San Diego, State of California, 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 easements in said property for the construction, operation and maintenance of a public sewer or sewers and all 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; and Sections 37350.5, 38900, 39040 and 40404, Government 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:



PARCEL 1 (SEWER EASEMENT)

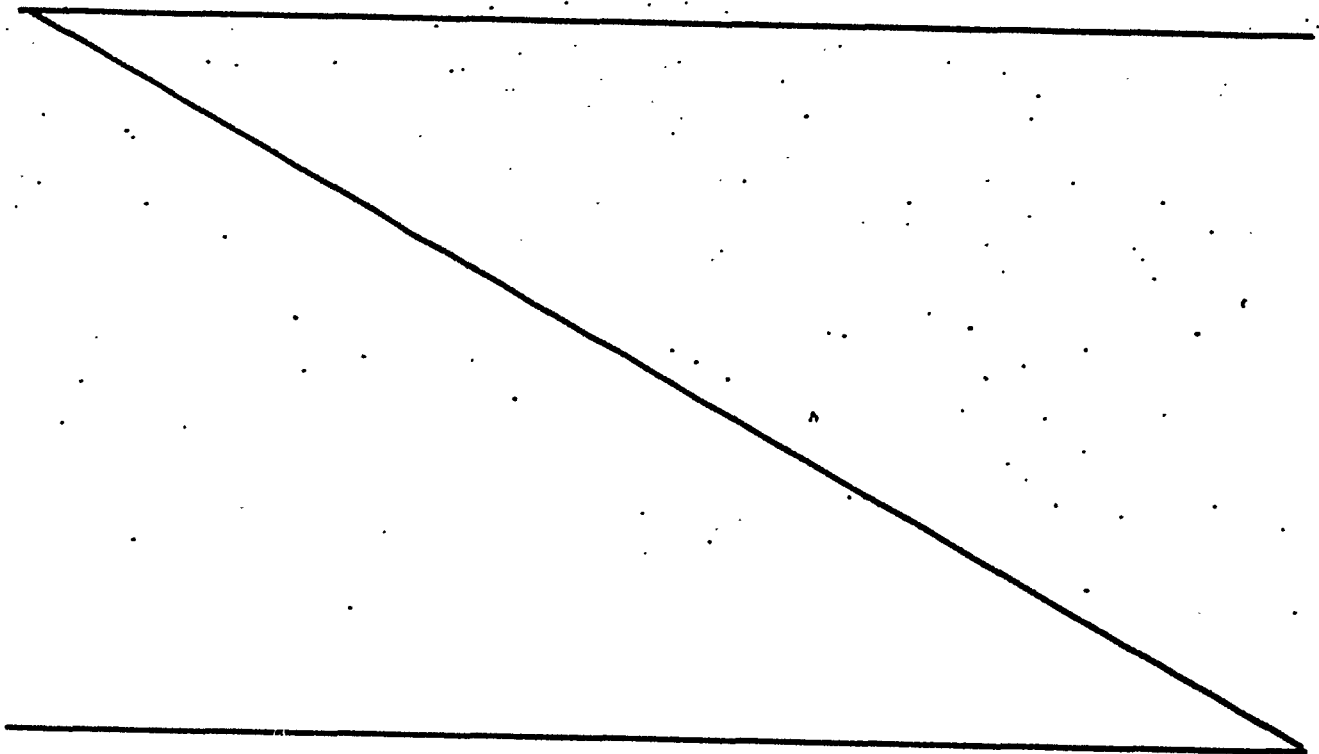
That portion of the Southeast Quarter of Pueblo Lot 1307, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the Office of said San Diego County, more particularly described as follows:

A strip of land 20 feet in width, lying parallel with and 10 feet on each side of the following described centerline:

Beginning at a point on the easterly line of said Pueblo Lot 1307, lying 840.37 feet northerly of the southeast corner of said Pueblo Lot 1307; said point being also the westerly terminus of that certain 15-foot-wide sewer easement as shown on City of San Diego Engineering Department Drawing 13412-2-D.

Thence North  $78^{\circ}52'06''$  West, 167.35 feet; thence South  $54^{\circ}50'24''$  West, 950.21 feet; thence South  $20^{\circ}00'04''$  West, 329.40 feet to a terminus at a point on the southerly line of said Pueblo Lot 1307, lying 1041.18 feet westerly of said southeast corner of said Pueblo Lot 1307.

Sidelines of the above-described strip of land shall be prolonged or shortened to terminate southwesterly at the southerly lot line of said Pueblo Lot 1307 and to terminate easterly at the easterly lot line of said Pueblo Lot 1307.



PARCEL 2 (SEWER EASEMENT)

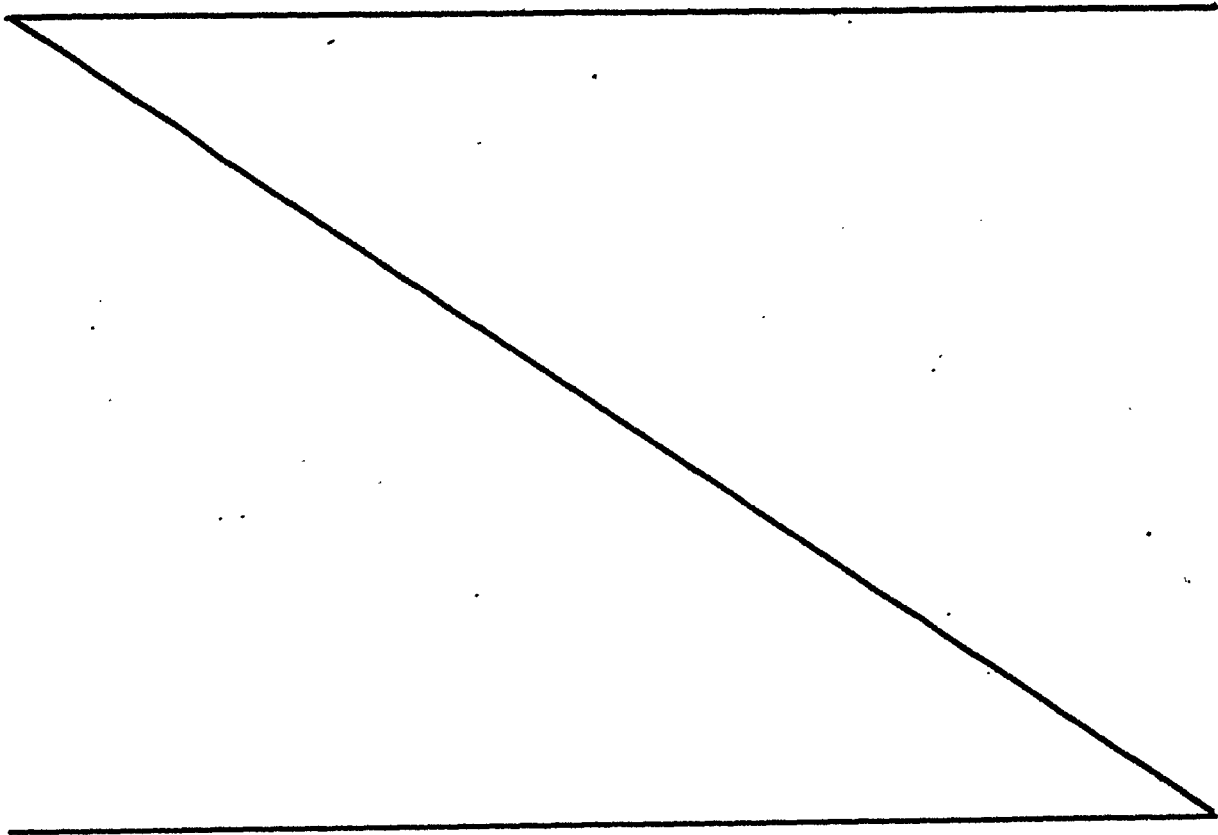
That portion of Pueblo Lot 1303, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, filed in the Office of said San Diego County, more particularly described as follows:

A strip of land 20 feet in width, lying parallel with and 10 feet on each side of the following described centerline:

Beginning at a point on the northeasterly line of said Pueblo Lot 1303, lying 1041.18 feet westerly of the northeast corner of said Pueblo Lot 1303.

Thence South  $20^{\circ}00'04''$  West, 86.80 feet; thence South  $52^{\circ}44'04''$  West, 392.08 feet to a terminus in the easterly sideline of that certain 20-foot-wide easement for sewer purposes, as granted to the City of San Diego by deed recorded in the Office of the San Diego County Recorder on July 2, 1971, at File Page 143038.

Sidelines of the above-described strip of land shall be prolonged or shortened to terminate northerly in said northeasterly line of Pueblo Lot 1303 and to terminate westerly in said easterly sideline of the above-described existing 20-foot-wide sewer easement.

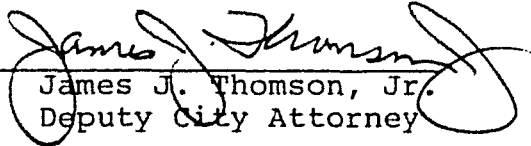


Section 5. That the taking and acquiring by said City of easements hereinabove described are deemed necessary for the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such 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; and Sections 37350.5, 38900, 39040 and 40404, Government 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 public sewer or sewers and all 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 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.

APPROVED: JOHN W. WITT, City Attorney

By

  
James J. Thomson, Jr.  
Deputy City Attorney

rb/11-30-79  
Orig.Dept.: Property

00384

R-250895

Passed and adopted by the Council of The City of San Diego on DEC 18 1979,  
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

(Seal)

CHARLES G. ABDELNOUR  
 City Clerk of The City of San Diego, California.

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-250895</u>	Adopted <u>DEC 18 1979</u>