

RESOLUTION NO. R-251163

FEB 11 1980

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 OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, AND A STORM DRAIN OR DRAINS IN PORTIONS OF LOT A-186 OF ADDITION 2 TO SAN YSIDRO, ACCORDING TO MAP THEREOF NO. 1246, PORTIONS OF LOT A-212 OF ADDITION 4 TO SAN YSIDRO, ACCORDING TO MAP THEREOF NO. 1324, PORTIONS OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, AND PORTIONS OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, 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 AND EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, AND A STORM DRAIN OR DRAINS; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND 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 PROPERTY AND 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:

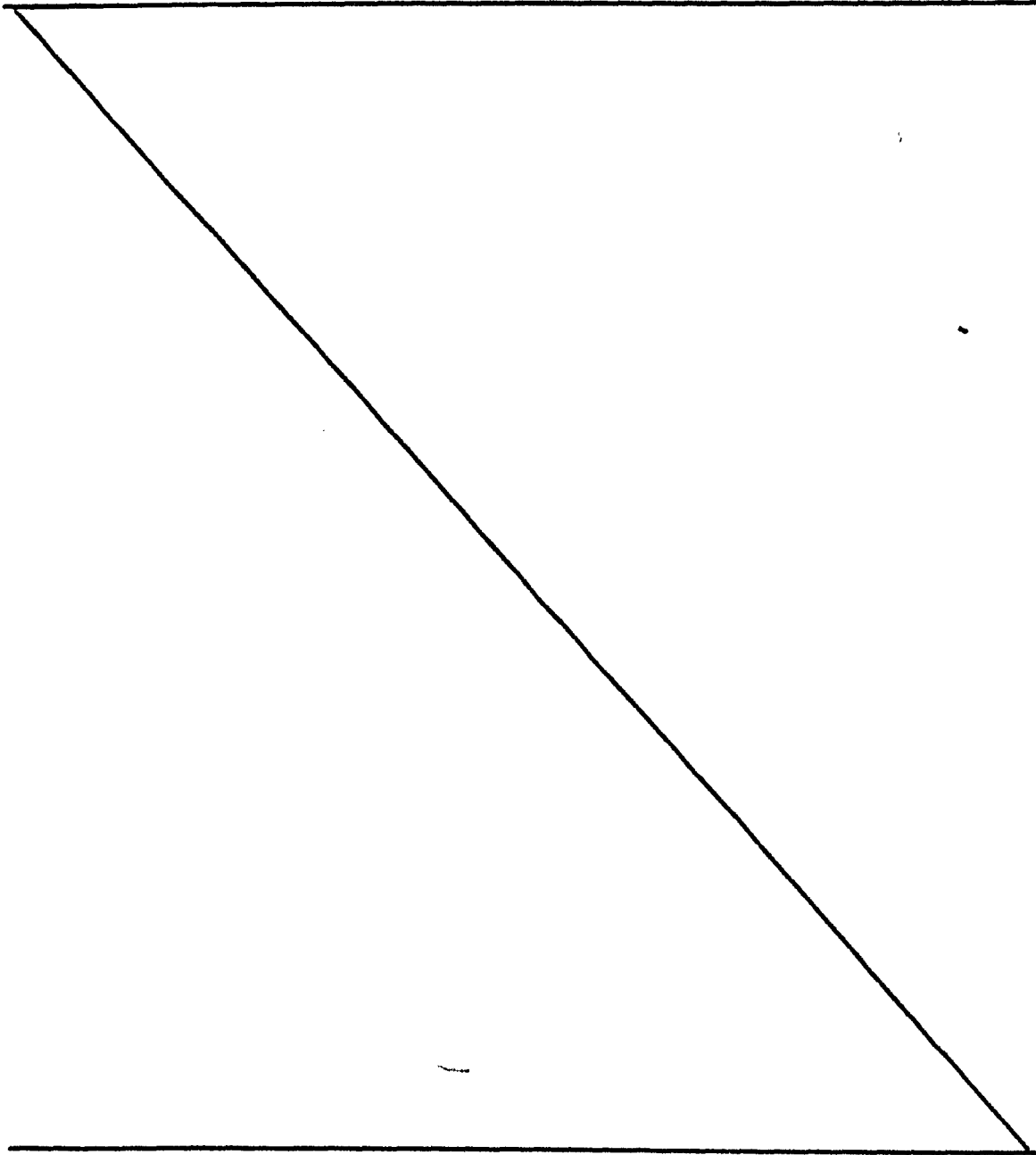
Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains in portions of Lot A-186 of Addition 2 to San Ysidro, according to Map thereof No. 1246, portions of Lot A-212 of Addition 4 to San Ysidro, according to Map thereof No. 1324, portions of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, and portions of the Northwest Quarter of the Southwest Quarter of Section 36, Township 18 South, Range 2 West, San Bernardino Base and Meridian, 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 to and easements in said property for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains, 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 4090, 5101(d) and 5102, Streets & Highways Code; and Section 40404, Government 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:



LEGAL DESCRIPTION

Parcel 1: (Smythe Avenue in Fee)

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

COMMENCING at the Southeast corner of the Northeast Quarter of the Northeast Quarter of Section 35, Township 18 South, Range 2 West; thence along the Southerly line of said Northeast Quarter of the Northeast Quarter of Section 35, North 89°21'14" West, 154.7 feet to a point in the arc of a non-tangent 469.25 foot radius curve concave Southwesterly, a radial bears North 49°50'05" East to said point; thence Northwesterly along the arc of said curve through a central angle of 07°16'44", a distance of 59.61 feet to the TRUE POINT OF BEGINNING; thence North 43°47'50" East, 85.01 feet to a point on the arc of a non-tangent 619.65 foot radius curve, concave Southwesterly, a radial bears North 43°47'50" East to said point; thence Northwesterly along the arc of said curve through a central angle of 02°56'02", a distance of 31.73 feet to a point hereby designated POINT A; thence South 88°43'52" West, 1.05 feet; thence North 61°16'08" West, 261.97 feet to a point hereby designated POINT B; thence continuing along the arc of said curve in a Northwesterly direction through a central angle of 01°31'00" a distance of 16.40 feet; thence North 75°08'48" West, 389.70 feet to a point on a curve concave Northeasterly having a radius of 503.00 feet, said point being hereby designated POINT C; thence Northwesterly along the arc of said curve through a central angle of 59°11'09" an arc distance of 519.59 feet to a point hereby designated POINT D; thence South 74°02'21" West, 47.00 feet to a point on a curve concave Northeasterly having a radius of 550.00 feet; thence Southeasterly along the arc of said curve through a central angle of 14°07'48" an arc distance of 135.64 feet; thence South 59°54'33" West, 51.00 feet to a Point hereby designated POINT E, being a point on a curve, concave Northeasterly having a radius of 601.00 feet; thence Southeasterly along the arc of said curve through a central angle of 45°03'21" an arc distance of 472.61 feet to a point hereby designated POINT F; thence South 75°08'48" East, 430.30 feet to a point on a curve concave Southwesterly having a radius of 469.25 feet; thence Southeasterly along the arc of said curve through a central angle of 27°42'09" an arc distance of 226.89 feet to the TRUE POINT OF BEGINNING.

Parcel 1-A - (Slope Easement)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at POINT A as designated in Parcel 1; thence North  $88^{\circ}43'52''$  East 74.35 feet to the Westerly line of Via De La Melodia, as dedicated for public use, being a point on the arc of a non-tangent 270.00 foot radius curve, concave Northwesterly, a radial bears South  $48^{\circ}11'09''$  East to said point; thence Southwesterly along the arc of said curve through a central angle of  $06^{\circ}05'39''$ , a distance of 28.72 feet; thence South  $47^{\circ}54'30''$  West, 4.56 feet to the beginning of a tangent 20.00 foot radius curve, concave Northerly; thence Westerly along the arc of said curve through a central angle of  $85^{\circ}53'20''$ , a distance of 29.98 feet to a point in the arc of a reverse curve, concave Southwesterly, having a radius of 619.65 feet, a radial bears north  $43^{\circ}47'50''$  East to said point; thence Northwesterly along the arc of said curve through a central angle of  $02^{\circ}56'02''$ , a distance of 31.73 feet returning to the Point of Beginning.

#### Parcel 1-B

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at POINT B as designated in Parcel 1, above; thence Northwesterly along the Northerly line of said Parcel 1, 293.40 feet; thence South  $79^{\circ}01'00''$  East 207.47 feet; thence South  $80^{\circ}20'30''$  East 21.18 feet; thence South  $61^{\circ}16'08''$  East 67.28 feet to the point of beginning of Parcel 1-B.

#### Parcel 1-C - (Slope Easement)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at POINT C as designated in Parcel 1, above; thence Southeasterly along the Northerly line of said Parcel 1, 100.00 feet; thence North  $66^{\circ}36'57''$  West 101.12 feet; thence Northwesterly along the arc of a non-tangent 488.00 foot radius curve, being concentric with said Northerly line of Parcel 1, through a central angle of  $48^{\circ}44'40''$ , a distance of 415.17 feet; thence North  $61^{\circ}41'45''$  West 21.52 feet to the Northerly line of said Parcel 1; thence Southeasterly along said Northerly line of Parcel 1, 443.59 feet to the point of beginning of Parcel 1-C.

Parcel 1-D - (Drain Easement)

An easement and right of way for the construction, operation and maintenance of a storm drain or drains and appurtenances thereto, through, over, under, along and across that portion of said real property, more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning a POINT D as designated in Parcel 1, above; thence North 59°25'23" East 38.22 feet; thence South 78°24'55" East 118.67 feet; thence South 83°26'20" East 133.00 feet; thence South 28°08'50" East 38.00 feet; thence South 15°38'30" West 88.00 feet; thence South 84°42'55" West 61.00 feet; thence North 61°41'45" West 205.00 feet to the Northeasterly line of said Parcel 1; thence Northwesterly along said Northeasterly line of Parcel 1, a distance of 76.00 feet to the Point of Beginning of Parcel 1-D.

Parcel 1-E - (Drain Easement)

An easement and right of way for the construction, operation and maintenance of a storm drain or drains and appurtenances thereto, through, over, under, along and across that portion of said real property, more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at Point E as designated in Parcel 1 above; thence South 59°54'33" West, 1.03 feet; thence South 13°55'45" West, along the Easterly line of Gateway Estates, Map No. 6923, a distance of 30.00 feet; thence South 30°05'27" East, 30.00 feet; thence North 13°55'45" East, 30.00 feet to the Southwesterly line of said Parcel 1; thence Northwesterly along said Southwest line a distance of 28.26 feet returning to the Point of Beginning.

Parcel 1-F - (Slope Easement)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

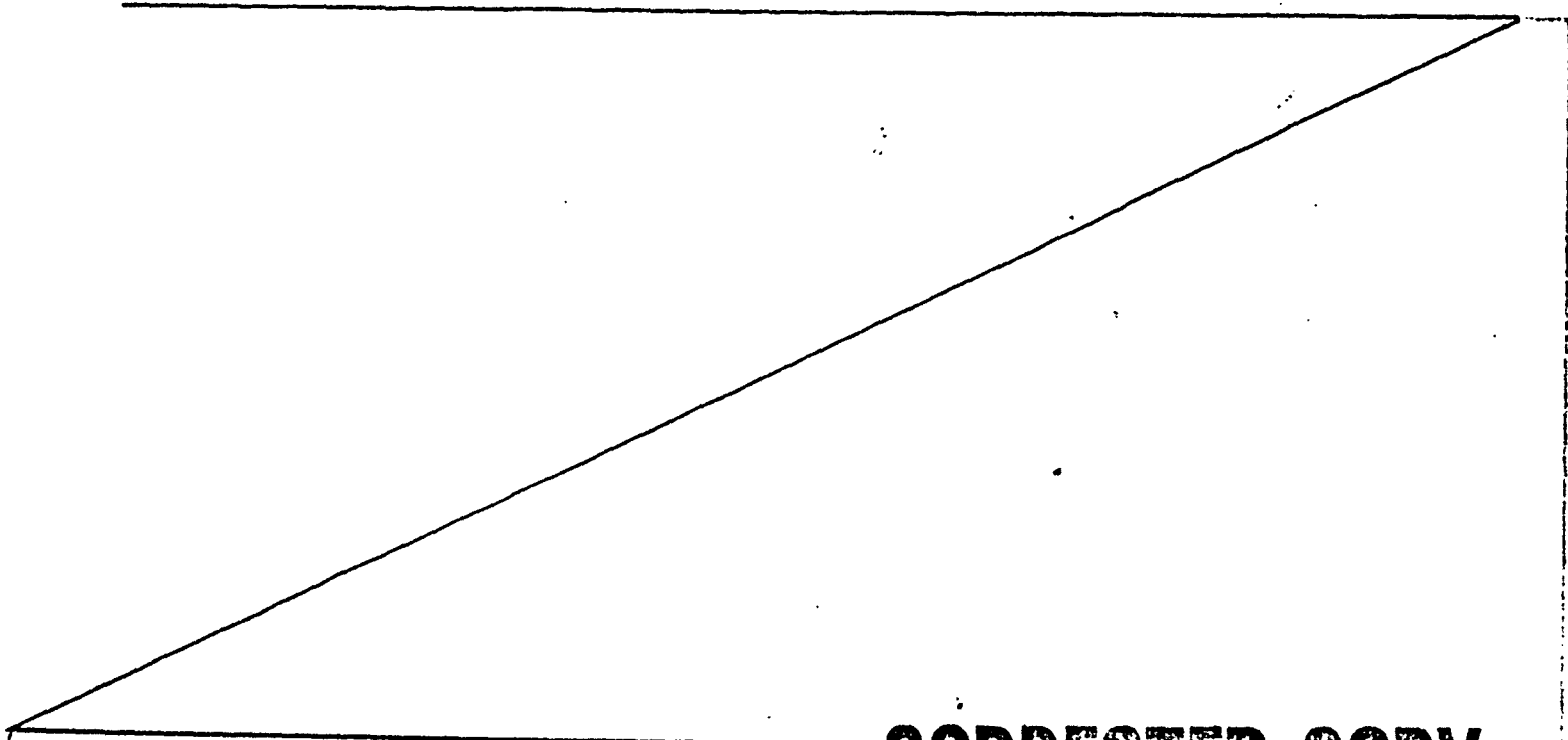
Beginning at POINT F as designated in Parcel 1, above; thence Northwesterly along the Southerly line of said parcel 1, 444.35 feet; thence South 13°55'45" West 13.64 feet; thence Southeasterly along the arc of a 611.00 foot radius curve, said curve being concentric with said Southerly line of Parcel 1, through a central angle of 41°29'06", 442.39 feet; thence South 75°08'48" East 75.00 feet; thence North 14°51'12" East 10.00 feet to said Southerly line of Parcel 1; thence Northeasterly along said Southerly line of Parcel 1, 75.00 feet to the point of beginning of Parcel 1-F.

Parcel 1-G - (Slope Easement)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of the North Half of the Northeast Quarter of Section 35, Township 18 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at the True Point of Beginning of Parcel 1 described above, being a point in the arc of a 469.25 foot radius curve, concave Southwesterly; thence Northwesterly along the Southwesterly line of said Parcel 1 and along the arc of said curve, a distance of 205.37 feet; thence 60°01'13" East, 135.04 feet; thence South 52°25'50" East, 127.00 feet to the Southerly line of said North Half of the Northeast Quarter of Section 35, being also a point on the arc of said 469.25 foot radius curve; thence leaving said southerly line, Northwesterly along the arc of said curve through a central angle of 07°16'44", a distance of 59.61 feet returning to the beginning of Parcel 1-G.



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## LEGAL DESCRIPTION

## Parcel 2 (Street In Fee)

All that portion of Lot A-212 of Addition No. 4 to San Ysidro, according to Map thereof No. 1324, filed in the Office of the County Recorder of San Diego, March 28, 1911, as follows:

Beginning at the intersection of the Northerly line of said Lot A-212 with the Easterly line of Smythe Avenue, as dedicated and established on the date of this document; thence South  $00^{\circ}49'06''$  West, along said Easterly line of Smythe Avenue, a distance of 71.04 feet to the Southerly line of said Lot, thence South  $53^{\circ}46'14''$  East, along said Southerly line, a distance of 67.56 feet; thence North  $36^{\circ}13'46''$  East, 10.00 feet; thence North  $53^{\circ}46'14''$  West, 30.00 feet to the beginning of a tangent 20.00 foot radius curve, concave North-easterly; thence Northerly along said curve through a central angle of  $54^{\circ}35'20''$ , a distance of 19.06 feet; thence tangent to said curve North  $00^{\circ}49'06''$  East, 20.00 feet; thence North  $89^{\circ}39'54''$  West, 13.00 feet; thence North  $00^{\circ}49'06''$  East, 48.59 feet to the Northerly line of said Lot; thence North  $89^{\circ}39'54''$  West, along said Northerly line, a distance of 15.00 feet returning to the Point of Beginning.

## Parcel 2-A (Street in Fee)

All that portion of the Northwest Quarter of the Southwest Quarter of Section 36, Township 18 South, Range 2 West, San Bernardino Base and Meridian, according to United States Government Survey approved February 25, 1870, described as follows:

Beginning at the intersection of the Northerly line of said Lot A-212 with the Easterly line of Smythe Avenue; thence North  $00^{\circ}49'06''$  East along said Easterly line, a distance of 325.79 feet to the beginning of a non-tangent 2003.00 foot radius curve, concave Westerly, a radial bears North  $85^{\circ}23'04''$  East to the beginning of said curve; thence Southerly along said curve through a central angle of  $00^{\circ}50'45''$  a distance of 29.57 feet to the beginning of a compound curve, concave Westerly, having a radius of 1997.00 feet; a radial bears North  $84^{\circ}32'19''$  East to the beginning of said compound curve; thence Southerly along said curve through a central angle of  $06^{\circ}16'47''$ , a distance of 218.87 feet; thence tangent to said curve South  $00^{\circ}49'06''$  West, 77.81 feet to said Northerly line of Lot A-212; thence North  $89^{\circ}39'54''$  West along said Northerly line, a distance of 15.00 feet returning to the Point of Beginning.

## Parcel 2-B (Street in Fee)

All that portion of said Northwest Quarter of the Southwest Quarter of Section 36 as follows:

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Commencing at the West Quarter corner of said Section 36; thence South  $89^{\circ}51'27''$  East along the center line of said Section 36, a distance of 30.00 feet to the TRUE POINT OF BEGINNING; thence continuing South  $89^{\circ}51'27''$  East along said centerline of Section 36, a distance of 11.00 feet; thence South  $00^{\circ}50'59''$  West, 5.67 feet to the beginning of a tangent 2003.00 foot radius curve, concave Easterly, thence Southerly along the arc of said curve through a central angle of  $01^{\circ}58'12''$ , a distance of 68.87 feet to a point of cusp with the Easterly line of Smythe Avenue; thence North  $08^{\circ}27'07''$  West, along said Easterly line, a distance of 75.38 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2-C (Slope Easement)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said Northwest Quarter of the Southwest Quarter of Section 36, as follows:

Commencing at the intersection of the Northerly line of said Lot A-212 with the Easterly line of said Smythe Avenue; thence South  $89^{\circ}39'54''$  East, along said Northerly line, a distance of 15.00 feet to the TRUE POINT OF BEGINNING; thence North  $00^{\circ}49'06''$  East, along the Easterly line of Parcel 2A described above, a distance 77.81 feet to the beginning of a tangent 1997.00 foot radius curve, concave Westerly; thence continuing along said Easterly line of Parcel 2A, and Northerly along the arc of said curve through a central angle of  $06^{\circ}16'47''$ , a distance of 218.87 feet to the Easterly line of Smythe Avenue; thence North  $00^{\circ}49'06''$  East along said Easterly line, a distance of 73.71 feet; thence continuing along said Easterly line North  $08^{\circ}27'07''$  West, 48.79 feet to the beginning of a non-tangent 2003.00 foot radius curve, concave Easterly, a radial bears South  $88^{\circ}52'47''$  West to the beginning of said curve; thence Northerly along the Easterly line of Parcel 2B described above, and along the arc of said curve, through a central angle of  $01^{\circ}58'12''$ , a distance of 68.87 feet; thence continuing along the Easterly line of said Parcel 2B North  $00^{\circ}50'59''$  East 5.67 feet to the center line of said Section 36; thence South  $89^{\circ}51'27''$  East along said center line, a distance of 66.00 feet; thence South  $21^{\circ}31'15''$  East, 52.64 feet; thence South  $00^{\circ}29'23''$  East, 218.99 feet; thence South  $11^{\circ}15'41''$  West, 259.33 feet to the Northerly line of said Lot A-212; thence North  $89^{\circ}39'54''$  West, along said Northerly line, a distance of 20.00 feet returning to the TRUE POINT OF BEGINNING.

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PARCEL 3: (FOOTHILL ROAD IN FEE)

That portion of Lot A-186 of Addition 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 on April 11, 1910, described as follows:

Beginning at the most Northerly corner of said Lot "A" 186 of Addition No. 2 to San Ysidro; thence Southwesterly along the Northwesterly line of said Lot "A" 186, South 32°07'14" West, 10.00 feet; thence South 57°52'46" East, 36.82 feet to a point on a curve concave Southwesterly and having a radius of 20.00 feet; thence Southerly along the arc of said curve through a central angle of 53°41'52" an arc distance of 20.49 feet; thence North 00°49'06" East, 22.95 feet to the Northeasterly corner of said Lot "A" 186; thence along the Northeasterly line of said lot North 57°52'46" West, 42.00 feet to the POINT OF BEGINNING.

PARCEL 3-A: (BEYER BOULEVARD IN FEE)

That portion of Lot A-186 of Addition 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 on April 11, 1910, described as follows:

Commencing at the Northeasterly corner of said Lot A-186; thence Southerly along the Easterly line of said lot 216.21 feet to the TRUE POINT OF BEGINNING; thence continuing Southerly along said Easterly lot line 128.76 feet; thence North 57°55'24" West 125.00 feet; thence North 09°05'16" East 19.55 feet; thence South 57°55'24" East 84.74 feet to the beginning of a 20 foot radius curve, concave Northwesterly; thence Southeasterly, Easterly and Northeasterly along the arc of said curve, through a central angle of 119°17'30", a distance of 41.64 feet to a point at the beginning of a 2101 foot radius curve, concave Westerly, said point designated "Point A", thence Northerly along the arc of said curve, through a central angle of 1°58'00", a distance of 72.12 feet to the TRUE POINT OF BEGINNING.

PARCEL 3-B: (SLOPE EASEMENT)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of Lot A-186 of Addition 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 on April 11, 1910, described as follows:

Commencing at the Northeasterly corner of said Lot A-186; thence Southerly along the Easterly line of said lot 22.95 feet to the TRUE POINT OF BEGINNING; thence continuing Southerly along said Easterly lot line 40.00 feet; thence North 22°17'40" West 46.00 feet; thence North 47°13'03" West 37.94 feet; thence North 32°07'14" East 10.00 feet; thence South 57°52'46" East 36.82 feet to the beginning of a 20.00 foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve, through a central angle of 58°41'52", a distance of 20.49 feet to the TRUE POINT OF BEGINNING.

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PARCEL 3-C: (SLOPE EASEMENT)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of Lot A-186 of Addition 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 on April 11, 1910, described as follows:

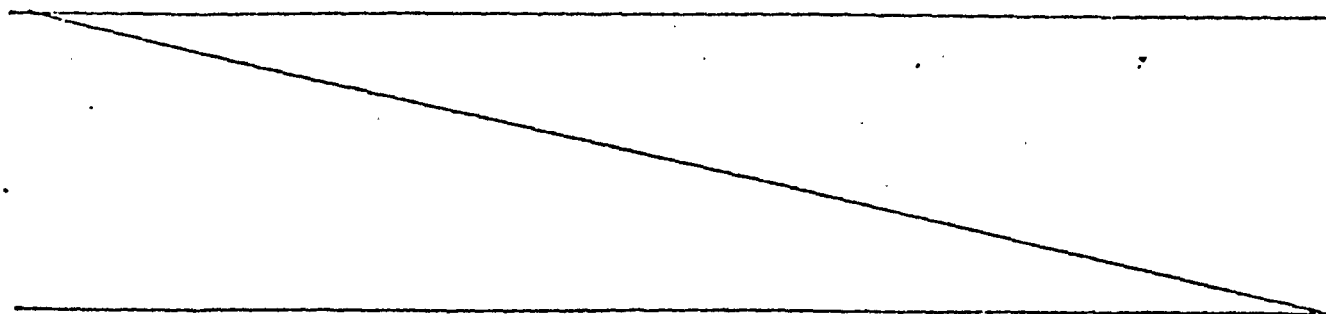
Beginning at Point A designated in Parcel 3A above, said point being the beginning of a 2101 foot radius curve, concave Westerly, a radial bears South  $87^{\circ}12'54''$  East to said point; thence Northerly along the arc of said curve through a central angle of  $01^{\circ}38'10''$ , a distance of 60.00 feet; thence South  $43^{\circ}51'04''$  West, 7.38 feet to the beginning of a non-tangent 2096.00 foot radius curve, concave Westerly, a radial bears South  $88^{\circ}42'10''$  East to said point, thence Southerly along the arc of said curve through a central angle of  $01^{\circ}21'03''$ , a distance of 49.42 feet; thence South  $42^{\circ}12'54''$  East, 7.08 feet returning to the Point of Beginning.

PARCEL 3-D: (SLOPE EASEMENT)

An easement and right of way for an earth excavation or embankment, slope or slopes, through, over, under, upon, along and across that portion of said real property, more particularly described as follows:

That portion of Lot A-186 of Addition 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 on April 11, 1910, described as follows:

Commencing at said Southeasterly corner of said Parcel 3A; thence North  $57^{\circ}55'24''$  West, along the Southerly line of said Parcel 3A, a distance of 125.00 feet; thence North  $09^{\circ}05'16''$  East, 19.55 feet to the TRUE POINT OF BEGINNING; thence South  $57^{\circ}55'24''$  East, 52.17 feet; thence North  $12^{\circ}55'24''$  West, 12.73 feet; thence North  $57^{\circ}55'24''$  West, 46.99 feet; thence South  $09^{\circ}05'16''$  West, 9.78 feet returning to the TRUE POINT OF BEGINNING.



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Section 5. That the taking and acquiring by said City of the real property and easements hereinabove described are deemed necessary for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains 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 4090, 5101(d) and 5102, Streets & Highways Code; and Section 40404, Government Code); that for such public uses it is necessary that The City of San Diego condemn and acquire said real property and easements; that said real property and easements are to be used for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains 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 fee interests and easements as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By   
Donald W. Detisch, Deputy

rb/1-4-80  
Orig.Dept.: Property

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FEB 11 1980

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

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Therese Bookham, Deputy.

Office of the City Clerk, San Diego, California

2011 DIEGO STATE  
Resolution Number R-251163 Adopted FEB 11 1980

CC-1274 (REV. 11-79)

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