

RESOLUTION NO. R-251569

APR 8 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 SLOPE OR SLOPES AND INCIDENTS THERETO, IN PORTIONS OF LOTS 7 THROUGH 10, and LOTS 21 THROUGH 26, IN BLOCK 134 of CENTRAL PARK, ACCORDING TO MAP THEREOF NO. 435, A PORTION OF LOT 1 IN IMPERIAL VILLAGE, ACCORDING TO MAP THEREOF NO. 2576, PORTIONS OF LOTS 1 THROUGH 14 IN BLOCK 1 OF SPRING GARDEN TRACT, ACCORDING TO MAP THEREOF NO. 1331, AND PORTIONS OF THE SOUTHWEST QUARTER OF PUEBLO LOT 1152 OF THE PUEBLO LANDS OF SAN DIEGO, 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 AND EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH SLOPE OR SLOPES AND INCIDENTS THERETO; 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

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street or streets and incidents thereto, together with slope or slopes and incidents thereto, in portions of Lots 7 through 10, and Lots 21 through 26, in Block 134 of Central Park, according to Map thereof No. 435, a portion of Lot 1 in Imperial Village, according to Map thereof No. 2576, portions of Lots 1 through 14 in Block 1 of Spring Garden Tract, according to Map thereof No. 1331, and portions of the Southwest Quarter of Pueblo Lot 1152 of the Pueblo Lands of San Diego, 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 slope or slopes 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 4090, Streets & Highways Code; and Section 40404, Government Code, permit the acquisition referenced herein.

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

Parcel 1

All that portion of Lots 7 through 10 inclusive in Block 134 of Central Park according to Map thereof No. 435 filed in the office of the County Recorder of San Diego County November 9, 1887, described as follows:

Commencing at the Northwesternly corner of said Block 134, thence North $89^{\circ}55'46''$ East along the Northerly line of said Block, a distance of 220.77 feet to the TRUE POINT OF BEGINNING; thence continuing North $89^{\circ}55'46''$ East along said Northerly line a distance of 11.54 feet to a point in the arc of a 548.69 foot radius curve, concave Northwesternly, a radial bears South $67^{\circ}11'39''$ East to said point; thence Southwesterly along the arc of said curve through a central angle of $13^{\circ}58'10''$, a distance of 133.78 feet to a point of cusp with the arc of a 459.03 foot radius curve, concave Northwesternly, a radial bears South $56^{\circ}37'44''$ East to said point; thence Northeasterly along the arc of said curve through a central angle of $16^{\circ}02'45''$ a distance of 128.55 feet returning to the TRUE POINT OF BEGINNING.

Parcel 1-A:

All that portion of Lots 21 through 26, inclusive, in said Block 134, described as follows:

Commencing at the Northwesternly corner of said Lot 26; thence North $89^{\circ}55'46''$ East along the Northerly line of Lots 26, 25, 24, 23 and 22, a distance of 118.05 feet to the TRUE POINT OF BEGINNING; said point being a point in the arc of a 413.90 foot radius curve, concave Northwesternly, a radial bears South $51^{\circ}46'22''$ East to said point; thence Southwesterly along the arc of said curve through a central angle of $21^{\circ}44'58''$, a distance of 157.12 feet to the Westerly line of said Lot 26 being a point of cusp with the arc of a 548.69 foot radius curve, concave Northwesternly; a radial bears South $30^{\circ}01'24''$ East to said point; thence Northeasterly along the arc of said curve through a central angle of $17^{\circ}10'35''$, a distance of 164.49 feet to the Northerly line of said Lot 21; thence South $89^{\circ}55'46''$ West along the Northerly line of Lots 21 and 22, a distance of 10.00 feet returning to the TRUE POINT OF BEGINNING.

Job 15888-1/Imperial Ave./Dwg. 16574-D/Roman Catholic Bishop

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PARCEL 2:

All that portion of Lot 1 in Imperial Village, according to Map thereof No. 2576, filed in the Office of the County Recorder of San Diego County, July 14, 1949, described as follows:

Beginning at the Northwesterly corner of said Lot; thence South $89^{\circ}38'30''$ East, along the Southerly line of Imperial Avenue, as located and established on the date of this instrument, a distance of 216.09 feet; thence South $01^{\circ}21'40''$ West, 8.00 feet; thence North $89^{\circ}38'30''$ West, 100.00 feet; thence South $01^{\circ}21'40''$ West, 6.00 feet; thence North $89^{\circ}38'30''$ West, 116.09 feet to the Westerly line of said Lot; thence North $01^{\circ}21'40''$ East, along said Westerly line, a distance of 14.00 feet, returning to the Point of Beginning.

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PARCEL 3:

All that portion of Lots 1 through 4, inclusive, in Block 1 of Spring Garden Tract, according to Map thereof No. 1331, filed in the Office of the County Recorder of San Diego County, May 3, 1911 described as follows:

Beginning at the Southeasterly corner of said Lot 4; thence South $89^{\circ}38'30''$ West along the Southerly line of said Lots, a distance of 117.95 feet; thence North $01^{\circ}48'00''$ East, 5.00 feet; thence North $89^{\circ}38'30''$ East to a point that lies South $89^{\circ}38'30''$ West from the Easterly line of said Lot 4; thence North $00^{\circ}21'30''$ East, 10.00 feet; thence North $89^{\circ}38'30''$ East, 10.00 feet to the Easterly line of said Lot 4; thence Southerly along said Easterly line of said Lot, 15.00 feet returning to the Point of Beginning.

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PARCEL 4:

The Southerly 15.00 feet of Lots 5 and 6 in Block 1 of
Spring Garden Tract, according to Map thereof No. 1331,
filed in the Office of the County Recorder of San Diego
County, May 3, 1911.

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PARCEL 5:

The Southerly 15.00 feet of Lots 7, 8 and 9 in Block 1 of
Spring Garden Tract, according to Map thereof No. 1331, filed
in the Office of the County Recorder of San Diego County, May
3, 1911.

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PARCEL 6:

The Southerly 15.00 feet of Lots 10, 11 and 12 in Block 1
of Spring Garden Tract, according to Map thereof No. 1331,
filed in the Office of the County Recorder of San Diego
County, May 31, 1911.

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PARCEL 7:

All that portion of Lots 13 and 14 in Block 1 of Spring Garden Tract, according to Map thereof No. 1331, filed in the Office of the County Recorder of San Diego County, May 3, 1911, described as follows:

Beginning at the Southwesterly corner of said Lot 13; thence Northerly along the Westerly line of said Lot, a distance of 10.00 feet; thence South $82^{\circ}36'00''$ East, 30.28 feet; thence South $00^{\circ}21'30''$ West, 5.91 feet to the Southerly line of said Lot 14; thence South $89^{\circ}38'30''$ West along the Southerly line of Lots 13 and 14, a distance of 30.00 feet, returning to the Point of Beginning.

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PARCEL 8:

That portion of the Southwest Quarter of Pueblo Lot 1152 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, described as follows:

Beginning at a point on the Southerly line of Imperial Avenue, as conveyed to the City of San Diego by Deed recorded March 9, 1909 as Document No. 3320 in Book 454, page 465 of Deeds; which is measured North $89^{\circ}38'30''$ West 355.67 feet along said South line from its intersection with the Easterly line of the Southwest Quarter of said Pueblo Lot 1152; thence continuing North $89^{\circ}38'30''$ West along said South line 99.50 feet; thence South $1^{\circ}21'$ West parallel with the center line of 33rd Street as said Street was conveyed to the City of San Diego by Deed recorded June 17, 1930 as Document No. 28870 in Book 1792, page 15 of Deeds, 3.00 feet; thence South $89^{\circ}38'30''$ East parallel with said Southerly line of Imperial Avenue 99.50 feet; thence North $1^{\circ}21'$ East parallel with said center line of 33rd Street 3.00 feet to the Point of Beginning.

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PARCEL 9:

All that portion of the Southwest Quarter of Pueblo Lot 1152 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, described as follows:

Beginning at a point on the Southerly line of Imperial Avenue, as conveyed to the City of San Diego by Deed recorded March 9, 1909 as Document No. 3320 in Book 454, page 465 of Deeds; which is measured North $89^{\circ}38'30''$ West 285.67 feet along said South Line from its intersection with the Easterly line of the Southwest Quarter of said Pueblo Lot 1152; thence continuing North $89^{\circ}38'30''$ West along said South line 70 feet; thence South $1^{\circ}21'$ West parallel with the center line of 33rd Street as said street was conveyed to the City of San Diego by Deed recorded June 17, 1930 as Document No. 28870 in Book 1792, page 15 of Deeds, 2.00 feet; thence South $89^{\circ}38'30''$ East parallel with said Southerly line of Imperial Avenue 70 feet; thence North $1^{\circ}21'$ East parallel with said centerline of 33rd Street 2.00 feet to the Point of Beginning.

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PARCEL 10:

All that portion of the Southwest Quarter of Pueblo Lot 1152 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof by James Pascoe, described as follows:

Beginning at a point on the Southerly line of Imperial Avenue, as conveyed to the City of San Diego by Deed recorded March 9, 1909 as Document No. 3320 in Book 454, page 465 of Deeds; which is measured North $89^{\circ}38'30''$ West 215.67 feet along said South line from its intersection with the Easterly line of the Southwest Quarter of said Pueblo Lot 1152; thence continuing North $89^{\circ}38'30''$ West along said South line 70 feet; thence South $1^{\circ}21'$ West parallel with the center line of 33rd Street as said street was conveyed to the City of San Diego by Deed recorded June 17, 1930 as Document No. 28870 in Book 1792, page 15 of Deeds, a distance of 4.00 feet; thence South $89^{\circ}38'30''$ East parallel with said Southerly line, a distance of 20.00 feet; thence South $01^{\circ}21'00''$ West 3.00 feet; thence North $89^{\circ}38'30''$ West, parallel with said South line, a distance of 50.00 feet, thence North $01^{\circ}21'00''$ East, parallel with said center line of 33rd Street 7.00 feet to the 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 slope or slopes 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 4090, Streets & Highways Code; and Section 40404, Government Code); that for such public use 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 slope or slopes and incidents 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 fee interest and easements as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

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Passed and adopted by the Council of The City of San Diego on APR 8 1980,
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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.

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

(Seal)

By Rita Ardram, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-251569 Adopted APR 8 1980