

RESOLUTION NO. R- 252670

SEP 15 1980

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT OF THE MISSION TRAILS REGIONAL PARK SYSTEM IN PORTIONS OF LOTS B, C, E AND F OF THE SUBDIVISION OF A PORTION OF LOT 70, RANCHO MISSION 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 TO SAID PROPERTY FOR SAID MISSION TRAILS REGIONAL PARK SYSTEM; 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,

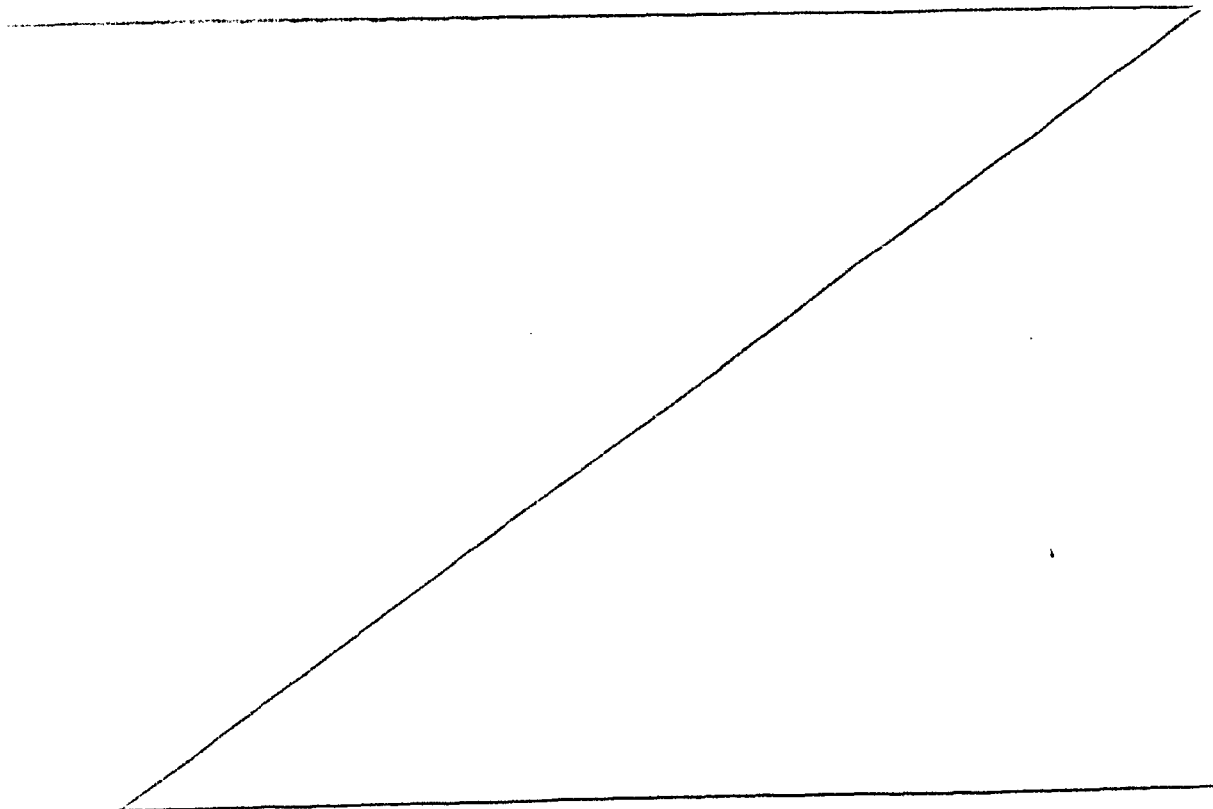
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the development of the Mission Trails Regional Park System in portions of Lots B, C, E and F of the Subdivision of a portion of Lot 70, Rancho Mission of San Diego, according to partition map thereof made in Civil Case No. 15191, Superior Court of the State of California, in and for said County of San Diego.

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 development of the Mission Trails Regional Park System, 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 and 1240.120, Code of Civil Procedure; Parks and Playgrounds Act of 1909; Sections 6950-6954, 37350.5 and 51063, Government Code; and Section 61.0603 et seq., San Diego Municipal Code permit the acquisitions referenced herein.

Section 4. That the real property sought to be condemned is described as follows:



THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL THAT PORTION OF LOT "C" OF THE SUBDIVISION OF A PORTION OF LOT 70 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF MADE IN CIVIL CASE NO. 15191, SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR SAID COUNTY OF SAN DIEGO; SAID PARTITION MAP BEING FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY; SAID PORTION OF LOT "C" BEING ALL THAT LYING BELOW THE 330.00 FOOT CONTOUR, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT "E" ACCORDING TO SAID PARTITION MAP; THENCE NORTH 88°35'04" WEST, -RECORD: NORTH 89°15'00" WEST- 600.72 FEET, ALONG THE LINE COMMON TO LOTS "B" AND "E", ACCORDING TO SAID PARTITION MAP, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH 88°35'04" WEST 461.45 FEET ALONG THE LINE COMMON TO SAID LOTS "E" AND "C"; THENCE NORTH 24°06'42" WEST -RECORD: NORTH 27°20'00" WEST- 175.00 FEET; THENCE NORTH 61°03'39" EAST -RECORD: NORTH 58°10'00" EAST- 280.00 FEET; THENCE NORTH 13°33'32" WEST -RECORD: NORTH 16°33'00" WEST- 417.00 FEET; THENCE NORTH 84°39'34" EAST -RECORD: NORTH 81°40'00" EAST- 213.00 FEET; THENCE NORTH 21°44'04" EAST -RECORD: NORTH 18°40'00" EAST- 1418.00 FEET; THENCE NORTH 85°51'12" EAST -RECORD: NORTH 83°00'00" EAST- 339.00 FEET; THENCE NORTH 00°38'48" EAST -RECORD: NORTH 03°30'00" WEST- 680.00 FEET; THENCE SOUTH 49°08'15" EAST 560.29 FEET; THENCE NORTH 06°04'49" WEST 625.85 FEET; -RECORD: NORTH 605.00 FEET-; THENCE NORTH 34°00'31" EAST 1558.18 FEET; -RECORD: NORTH 33°20'00" EAST 1482.00 FEET-; THENCE SOUTH 00°41'24" EAST 480.77 FEET -RECORD: SOUTH 490.00 FEET-; THENCE SOUTH 23°23'05" WEST 1050.34 FEET -RECORD: SOUTH 22°20'00" WEST 1064.00 FEET-; THENCE SOUTH 59°55'58" EAST 548.92 FEET- RECORD: SOUTH 59°20'00" EAST 560.00 FEET-; THENCE NORTH 61°28'26" EAST 891.58 FEET -RECORD: NORTH 62°45'00" EAST 893.00 FEET-; THENCE NORTH 54°11'28" EAST 720.89 FEET -RECORD: NORTH 55°28'00" EAST 720.00 FEET-; THENCE NORTH 34°09'58" EAST 494.31 FEET -RECORD: NORTH 35°20'00" EAST 490.00 FEET-; THENCE NORTH 88°54'11" EAST 375.58 FEET -RECORD: EAST 380.00 FEET-; THENCE NORTH 32°10'57" EAST 471.44 FEET -RECORD: NORTH 33°20'00" EAST 467.00 FEET-; THENCE SOUTH 63°01'02" EAST 369.30 FEET; THENCE SOUTH 25°00'23" WEST 1208.27 FEET -RECORD: SOUTH 25°14'00" WEST 1201.20 FEET-; THENCE SOUTH 84°32'36" WEST 375.81 FEET -RECORD: SOUTH 84°57'00" WEST 396.00 FEET-; THENCE NORTH 88°37'14" WEST 439.33 FEET- RECORD: NORTH 88°13'00" WEST 439.00 FEET-; THENCE SOUTH 68°21'09" WEST -RECORD: SOUTH 68°45'00" WEST- 187.29 FEET; THENCE SOUTH 52°23'37" WEST 1762.95 FEET -RECORD: SOUTH 52°45'00" WEST 1757.00 FEET-; THENCE SOUTH 80°38'37" WEST 739.02 FEET -RECORD: SOUTH 81°00'00" WEST 738.00 FEET-; THENCE SOUTH 32°23'54" WEST 1065.95 FEET -RECORD: SOUTH 32°40'00" WEST 1060.30 FEET-; THENCE SOUTH 23°54'35" WEST 862.78 FEET -RECORD: SOUTH 24°11'00" WEST 858.00 FEET-, RETURNING TO SAID TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED LANDS:

THAT CERTAIN PARCEL OF LAND IDENTIFIED AS METERING STATION SITE AS SHOWN ON HEREINABOVE REFERENCED MISCELLANEOUS MAP NO. 436.

REFERENCE: MISCELLANEOUS MAP NO. 436 AND CITY OF SAN DIEGO ENGINEERING DEPARTMENT DRAWINGS NO. 12775-D AND NO. 10643-L-C-D.

BASIS OF BEARINGS: SOUTH LINE OF SECTION 26, TOWNSHIP 15 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, I.E., NORTH 88° 54' 24" WEST, AS DERIVED FROM TIES TO CALIFORNIA COORDINATE SYSTEM, ZONE 6.

ALSO EXCEPTING THEREFROM THAT PORTION IF ANY, LYING WITHIN THE BOUNDARIES OF LAND DESCRIBED IN QUIT DEED TO THE CITY OF SAN DIEGO, RECORDED APRIL 29, 1968, AS INSTRUMENT NO. 71337 OF OFFICIAL RECORDS.

ALSO EXCEPTING THAT PORTION LYING WITHIN THE LAND DESCRIBED IN DEED TO MISSION GORGE DEVELOPMENT CO., RECORDED NOVEMBER 12, 1976 AS FILE NO. 76-376795 OF OFFICIAL RECORDS. SAID LAND IS DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF LOTS "B", "C", AND "E" OF THE SUBDIVISION OF A PORTION OF LOT 70 OF THE RANCHO MISSION OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF MADE IN CIVIL CASE NO. 15191, SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR SAID COUNTY OF SAN DIEGO: SAID PARTITION MAP BEING FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, TOGETHER WITH A PORTION OF LOT 60 OF RANCHO MISSION OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF OF SAID RANCHO MADE IN THE ACTION OF JUAN M. LUCO ET AL, VS. COMMERCIAL BANK OF SAN DIEGO, ET AL, IN SUPERIOR COURT, CASE NO. 348, CN FILE IN THE OFFICE OF THE COUNTY CLERK, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF LOT 60, RANCHO MISSION OF SAN DIEGO, ACCORDING TO THE PARTITION MAP THEREOF IN SUPERIOR COURT CASE NO. 348 AND FILED IN THE SAN DIEGO COUNTY RECORDER'S OFFICE AS MAP NO. 330; THENCE NORTH 57° 33' 59" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 60 A DISTANCE OF 643.84 FEET TO THE TRUE POINT OF BEGINNING, BEING AN ANGLE POINT IN THE BOUNDARY LINE OF THE LAND DESCRIBED IN DEED TO KAISER CEMENT AND GYPSUM CORPORATION, RECORDED JANUARY 14, 1970 RECORDER'S FILE NO. 6378 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY LINE OF SAID LAND AS FOLLOWS:

NORTH 16° 22' 03" WEST, RECORD NORTH 17° 34' 45" WEST 675.47 FEET;
NORTH 44° 00' 43" EAST, RECORD NORTH 43° 56' 57" EAST 2316.11 FEET;
NORTH 46° 02' 46" EAST, RECORD NORTH 63° 59' 00" EAST 1869.44 FEET;
NORTH 26° 37' 41" EAST, RECORD NORTH 26° 33' 55" EAST 894.47 FEET;
NORTH 19° 03' 02" EAST, RECORD NORTH 18° 59' 16" EAST 2458.78 FEET;
NORTH 57° 49' 28" EAST, RECORD NORTH 57° 45' 42" EAST 389.24 FEET;
SOUTH 32° 10' 32" EAST 1022.94 FEET, RECORD SOUTH 32° 14' 18" EAST 1016.75 FEET; AND SOUTH 49° 04' 29" EAST, RECORD SOUTH 49° 08' 15" EAST, 226.88 FEET TO AN ANGLE POINT THEREIN; THENCE NORTH 6° 08' 12" WEST, RECORD NORTH 6° 04' 49" WEST, 130 FEET MORE OR LESS TO A POINT IN THE ARC OF A 275 FOOT RADIUS CURVE, CONCAVE EASTERLY IN THE WESTERLY LINE OF THE EASEMENT FOR ROAD PURPOSES AS DESCRIBE IN EASEMENT DEED TO THE UNITED STATES OF AMERICA

RECORDED JULY 30, 1973, RECORDER'S FILE NO. 73-120192 OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE 27.86 FEET; THENCE TANGENT TO SAID CURVE SOUTH 49°20'09" EAST 182.00 FEET TO A TANGENT 125 FOOT RADIUS CURVE, CONCAVE SOUTHWESTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 102.54 FEET THROUGH AN ANGLE OF 47°00'00" TO A POINT OF REVERSED CURVATURE WITH A CURVE HAVING A RADIUS OF 475 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE 232.13 FEET THROUGH AN ANGLE OF 29°00'00"; THENCE TANGENT TO SAID CURVE SOUTH 30°20'09" EAST 430 FEET; MORE OR LESS TO A POINT IN THE NORTHWESTERLY LINE OF THE 25 FOOT EASEMENT FOR SEWER PURPOSES AS DESCRIBED IN DEED TO THE CITY OF SAN DIEGO, RECORDED APRIL 29, 1968 RECORDER'S FILE NO. 71335 OF OFFICIAL RECORDS AND AS SHOWN ON MISCELLANEOUS MAP NO. 436 FILED MAY 16, 1963 IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG SAID NORTHWESTERLY LINE OF SAID SEWER EASEMENT TO THE SOUTHWESTERLY TERMINUS THEREOF, BEING A POINT IN THE NORTHEASTERLY LINE OF THAT PARCEL OF LAND DESCRIBED IN DEED TO VERNON R. DENNIS RECORDED JULY 25, 1933 AS DOCUMENT NO. 33745 OF OFFICIAL RECORDS; THENCE ALONG SAID BOUNDARY LINE OF KAISER CEMENT AND GYPSUM LAND ABOVE MENTIONED NORTH 26°46'38" WEST 775.79 FEET TO AN ANGLE POINT THEREIN; THENCE CONTINUING ALONG SAID KAISER CEMENT AND GYPSUM LAND AS FOLLOWS:

SOUTH 44°33'54" WEST 1027.21 FEET, RECORD SOUTH 44°31'03" WEST 1027.39 FEET; THENCE SOUTH 56°53'23" WEST 742.20 FEET; THENCE SOUTH 01°34'48" WEST, RECORD SOUTH 2°05'22" WEST, 655.17 FEET; THENCE NORTH 88°25'12" WEST, RECORD NORTH 87°54'38" WEST 458.53 FEET; THENCE SOUTH 57°33'59" WEST 1049.34 FEET, RECORD SOUTH 56°35'22" WEST 1046.53 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT CERTAIN PARCEL OF LAND IDENTIFIED AS METERING STATION SITE AS SHOWN ON HEREINABOVE REFERENCED MISCELLANEOUS MAP NO. 436.

PARCEL 2:

THAT PORTION OF LOT "B" OF THE SUBDIVISION OF A PORTION OF LOT 70 OF THE RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE REFERRE'S PARTITION MAP OF A PORTION OF SAID LOT 70 MADE IN AN ACTION ENTITLED SAN DIEGO REALTY COMPANY, A CORPORATION VS. MARIA Y. OLVERA DE TORO, ET AL", -SUPERIOR COURT CIVIL CASE NO. 15191-, AND ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID SAN DIEGO COUNTY, DESCRIBED AS FOLLOWS:

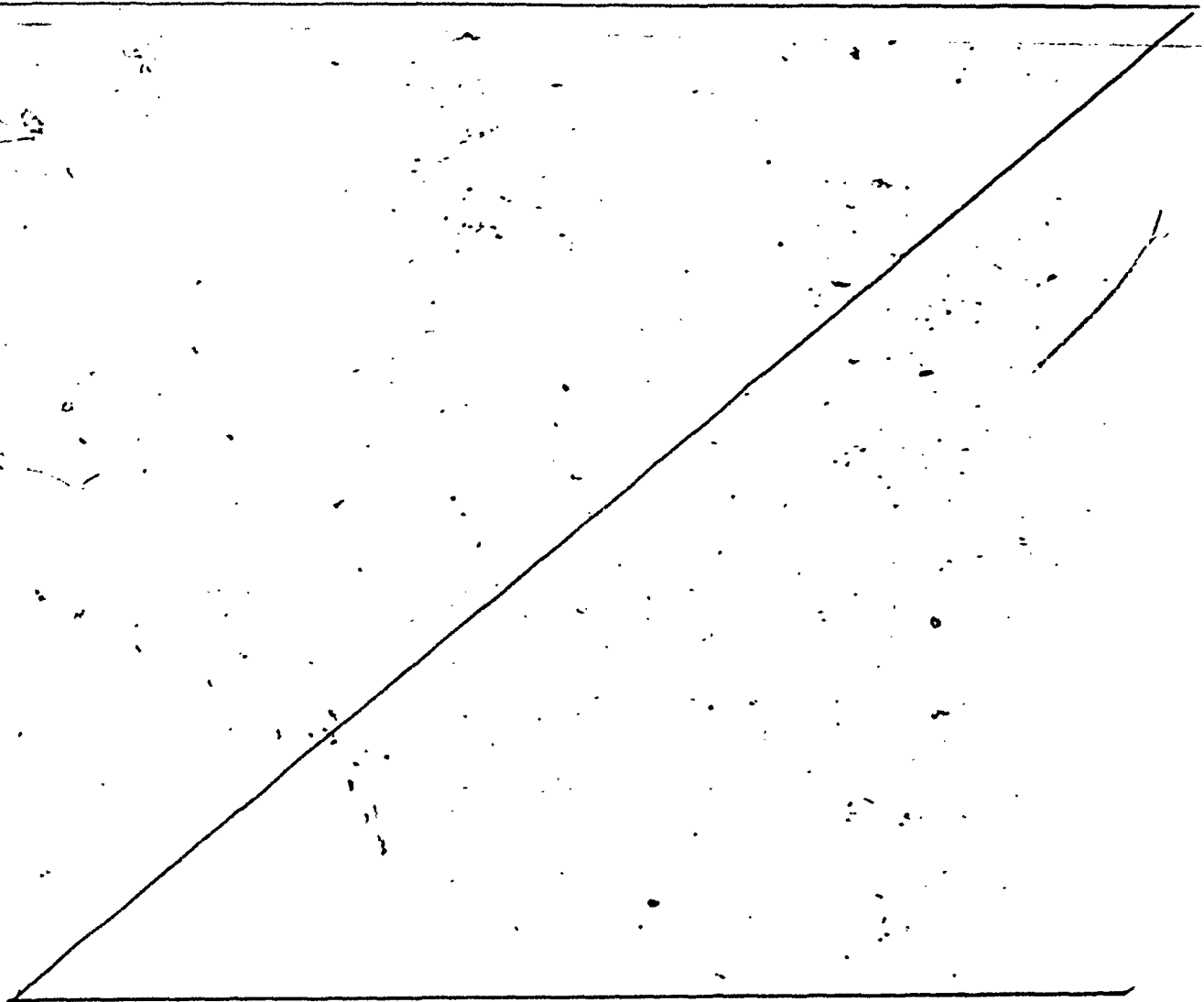
ALL THAT PORTION OF LOT "B" OF THE SUBDIVISION OF A PORTION OF LOT 70 OF THE RANCHO MISSION OF SAN DIEGO, ACCORDING TO PARTITION MAP THEREOF MADE IN CIVIL CASE NO. 15191, SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, SAID PARTITION MAP BEING FILED IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EASTERLY LINE OF SAID LOT "B", DISTANT THEREON 950.00 FEET SOUTHERLY OF THE NORTHEASTERLY CORNER THEREOF, BEING AN ANGLE POINT IN THE BOUNDARY OF LAND DESCRIBED IN QUITCLAIM DEED TO THE CITY OF SAN DIEGO, RECORDED APRIL 29, 1968, RECORDER'S FILE NO. 71337 OF OFFICIAL RECORDS; THENCE ALONG SAID BOUNDARY SOUTH 30°02'10" WEST 706.00 FEET AND NORTH 76°15'40" WEST 1127.10 FEET TO THE MOST EASTERLY CORNER OF LAND DESCRIBED IN QUITCLAIM DEED TO ED FLETCHER RECORDED APRIL 29, 1968 RECORDER'S FILE NO. 71334 OF OFFICIAL RECORDS; THENCE ALONG THE BOUNDARY THEREOF AS FOLLOWS:

SOUTH 25°00'23" WEST 1208.27 FEET -RECORD: SOUTH 25°14'00" WEST 1201.20 FEET; THENCE SOUTH 84°32'36" WEST 395.81 FEET -RECORD: SOUTH 84°57'00" WEST 396.00 FEET-; THENCE NORTH 88°37'14" WEST, 439.33 FEET -RECORD: NORTH 68°13'00" WEST 439.00 FEET-; THENCE SOUTH 68°21'09" WEST -RECORD: SOUTH 68°45'00" WEST- 187.29 FEET; THENCE SOUTH 52°23'37" WEST 1762.95 FEET -RECORD: SOUTH 52°45'00" WEST 1757.00 FEET-; THENCE SOUTH 80°38'37" WEST 739.02 FEET -RECORD: SOUTH 81°00'00" WEST 738.00 FEET-; THENCE SOUTH 32°23'54" WEST 1065.95 FEET -RECORD: SOUTH 32°40'00" WEST 1060.30 FEET-; THENCE SOUTH 23°54'35" WEST 862.78 FEET -RECORD: SOUTH 24°11'00" WEST 858.00 FEET-; TO THE SOUTHWESTERLY CORNER OF SAID LOT "B"; THENCE NORTH 89°15' EAST ALONG THE SOUTHERLY LINE THEREOF TO THE SOUTHEASTERLY CORNER OF SAID LOT "B"; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID LOT "B" TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION LYING SOUTHERLY OF THE NORTHERLY BOUNDARY OF THE COUNTY ROAD SURVEY NO. 1634 AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED FEBRUARY 23, 1965 RECORDER'S FILE NO. 31300 OF OFFICIAL RECORDS.

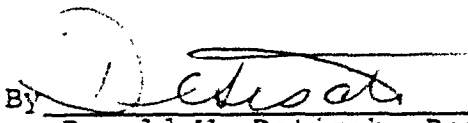
ALSO EXCEPTING THAT PORTION LYING NORTHWESTERLY AND SOUTHWESTERLY OF THE SOUTHEASTERLY AND NORTHEASTERLY LINE OF LAND DESCRIBED IN DEED TO MISSION GORGE DEVELOPMENT CO., RECORDED NOVEMBER 12, 1976, RECORDER'S FILE NO. 76-376795 OF OFFICIAL RECORDS.



Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the development of the Mission Trails Regional Park System 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 and 1240.120, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5 and 51063, Government Code; and Section 61.0603 et seq., San Diego Municipal 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 development of the Mission Trails Regional Park System which is 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 as above-described, for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

hk: 8/26/80
Orig.Dept.: Property

SEP151980

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 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 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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Barbara Berridge, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-252670 Adopted SEP151980