

OCT 27 1980

RESOLUTION NO. R-252977

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 LOTS 5 AND 6 OF SACHER MIRAMAR INDUSTRIAL TRACT NO. 1, 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 Lots 5 and 6 of Sacher Miramar Industrial Tract No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7770, filed in the Office of the County Recorder of San Diego County, October 17, 1973, 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 Sections 37350.5 and 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

All that portion of Lots 5 and 6 of Sacher Miramar Industrial Tract No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7770, filed in the Office of the County Recorder of San Diego County, October 17, 1973, described as follows:

Parcel 1 - Black Mountain Road

Beginning at the Northwesterly corner of said Lot 6; thence South $88^{\circ}59'18''$ East, along the Northerly line of said Lot, a distance of 62.18 feet to a point in the arc of a non-tangent 449.00 foot radius curve, concave Southeasterly, a radial bears North $56^{\circ}59'40''$ West to said point; thence Southwesterly along the arc of said curve through a central angle of $30^{\circ}30'36''$, a distance of 239.09 feet to a point of cusp with the Westerly line of said Lot 5; thence Northerly along said Westerly line, 226.33 feet returning to the Point of Beginning.

Parcel 1A - Slope Easement

An easement and right-of-way for earth embankment or excavation, slope or slopes, through, over, along and across all that real property described as follows:

Beginning at the Northeasterly corner of said Lot 6; thence South $02^{\circ}30'37''$ West along the Easterly line of said Lot, a distance of 87.50 feet; thence North $43^{\circ}52'29''$ West, 81.11 feet; thence North $11^{\circ}14'31''$ West, 30.70 feet to the Northerly line of said Lot; thence Easterly along said Northerly line, a distance of 66.06 feet returning to the Point of Beginning.

Parcel 1B - Slope Easement

An easement and right-of-way for earth embankment or excavation, slope or slopes, through, over, along and across all that real property described as follows:

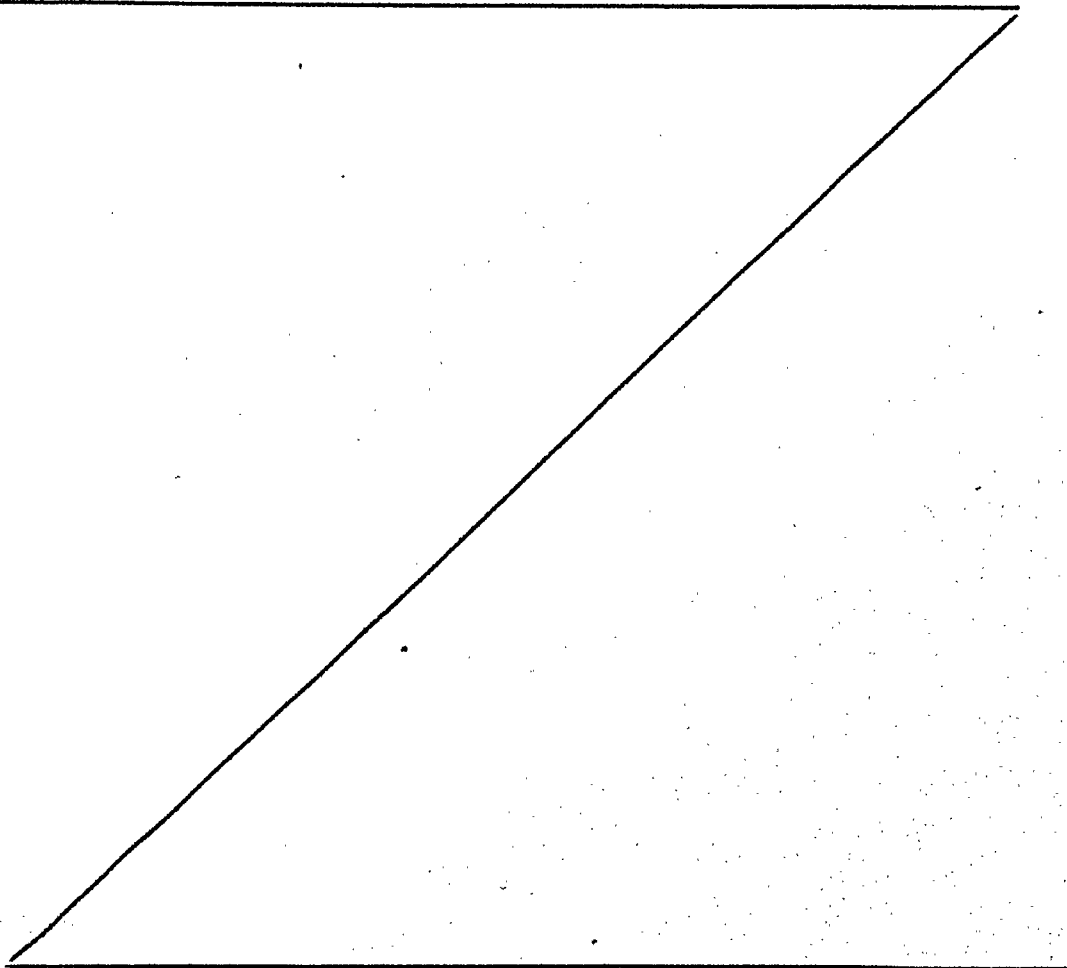
Commencing at said Northeasterly corner of Lot 6; thence Westerly along the Northerly line of said Lot, a distance of 76.22 feet to the TRUE POINT OF BEGINNING; thence South $11^{\circ}14'13''$ East, 30.72 feet; thence South $40^{\circ}12'33''$ West, 90.05 feet; thence South $52^{\circ}42'37''$ West, 70.29 feet; thence South $10^{\circ}41'01''$ West, 84.36 feet; thence North $87^{\circ}29'40''$ West, along a radial line, a distance of 10.00 feet, to the Westerly

line of said Lot 5 and to the beginning of 449.00 foot radius curve, concave Southeasterly, a radial bears North $87^{\circ}29'40''$ West, to the beginning of said curve; thence Northeasterly along the arc of said curve through a central angle of $30^{\circ}30'36''$, a distance of 239.09 feet to the Northerly line of said Lot 6; thence Easterly along said Northerly line, a distance of 61.63 feet returning to the TRUE POINT OF BEGINNING.

Parcel 1D - Drain Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a storm drain or drains, including any or all appurtenances thereto, together with the right-of-ingress and egress, over, under, along and across all that real property described as follows:

Commencing at said Northeasterly corner of said Lot 6, thence Westerly along said Northerly line, a distance of 66.06 feet to the TRUE POINT OF BEGINNING; thence South $11^{\circ}14'31''$ East, 30.70 feet; thence North $88^{\circ}59'13''$ West, 10.16 feet; thence North $11^{\circ}14'31''$ West, 30.72 feet to said Northerly line; thence South $88^{\circ}59'18''$ East, along said Northerly line, a distance of 10.16 feet returning to the TRUE POINT OF BEGINNING.



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 Sections 37350.5 and 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

hk/8/19/80
Orig. Dept.: Property

OCT 27 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 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 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.

By Barbara Beridgo Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-252977 Adopted OCT 27 1980