

RESOLUTION NO. R- 253036

NOV 3 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, IN ALL THAT PORTION OF LOT 1288 OF THE PUEBLO LANDS OF SAN DIEGO ACCORDING TO MISCELLANEOUS MAP NO. 36 THEREOF BY JAMES PASCOE, FILED NOVEMBER 14, 1921, 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 PUBLIC STREET OR STREETS AND INCIDENTS THERETO, AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING 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:

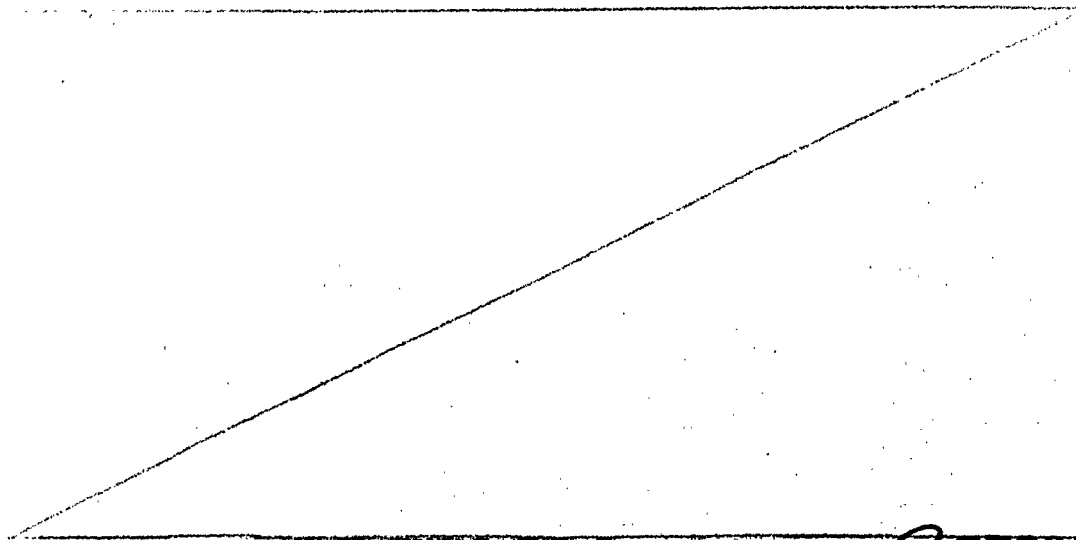
Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of a public street or streets and incidents thereto, in all

that portion of Lot 1288 of the Pueblo Lands of San Diego according to Miscellaneous Map No. 36 thereof by James Pascoe filed November 14, 1921, 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 said property for the construction, operation and maintenance of a public street or streets 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; Sections 4090, 5101(d) and 5102, Streets & Highways Code; Sections 40404, and 37350.5 of the 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:



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

ALL THAT PORTION OF LOT 1288 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH SAID MAP WAS FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, NOVEMBER 14, 1921 AND IS KNOWN AS MISCELLANEOUS MAP NO. 36, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWESTERLY LINE OF A 20.00 FOOT STRIP OF LAND CONVEYED TO THE CITY OF SAN DIEGO AS A PORTION OF ARDATH ROAD, WITH THE EASTERLY LINE OF A 60.00 FOOT STRIP OF LAND CONVEYED TO SAID CITY AND NAMED HIDDEN VALLEY ROAD, SAID 20.00 FOOT STRIP OF LAND BEING DESCRIBED IN PARCEL 2 OF DEED DATED AUGUST 13, 1940 AND RECORDED IN BOOK 1066, PAGE 193 OF OFFICIAL RECORDS, AND SAID 60.00 FOOT STRIP BEING DESCRIBED IN PARCEL 5 OF SAID DEED, THE AFORESAID POINT OF BEGINNING BEING AT THE NORTHEASTERLY END OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET, THENCE SOUTH $62^{\circ}04'31''$ EAST (RECORD SOUTH $62^{\circ}35'$ EAST) TANGENT TO SAID CURVE AND ALONG THE SOUTHWESTERLY LINE OF SAID 20.00 FOOT STRIP, BEING ALONG THE SOUTHWESTERLY LINE OF SAID ARDATH ROAD AS NOW ESTABLISHED FOR A DISTANCE OF 449.81 FEET, THENCE AT RIGHT ANGLES SOUTH $27^{\circ}55'29''$ WEST, A DISTANCE OF 40.00 FEET TO THE TRUE POINT OF BEGINNING, THENCE NORTH $62^{\circ}04'31''$ WEST 401.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 40 FEET, THENCE WESTERLY AND SOUTHERLY ALONG THE ARC OF SAID CURVE THROUGH AN ANGLE OF $113^{\circ}36'43''$ A DISTANCE OF 79.32 FEET TO SAID EASTERLY LINE OF HIDDEN VALLEY ROAD, THENCE SOUTH $4^{\circ}18'46''$ WEST ALONG SAID EASTERLY LINE 113.48 FEET TO THE SOUTHWESTERLY CORNER OF THE LAND DESCRIBED IN DEED TO ARTHUR V. ROGERS, ET UX, RECORDED MARCH 17, 1942, AS DOCUMENT NO. 14352 OF OFFICIAL RECORDS OF SAID COUNTY, THENCE ALONG THE SOUTHERLY LINE OF SAID LAND SOUTH $62^{\circ}04'31''$ EAST 392.96 FEET TO THE SOUTHEASTERLY CORNER OF SAID LAND, THENCE ALONG THE EASTERLY LINE OF SAID LAND NORTH $27^{\circ}55'29''$ EAST 160 FEET TO THE TRUE POINT OF BEGINNING.

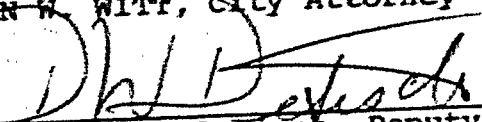
Section 5. That the taking and acquiring by said City of the real property hereinabove described are deemed necessary for the construction, operation and maintenance of a public street or streets and incidents thereto, by the City of San Diego and the inhabitants thereof, for municipal purposes; that 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; Sections 4090, 5101(d) and 5102, Streets & Highways Code; and Sections 40404, and 37350.5 of the Government Code); that for such public uses 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 construction, operation and maintenance of a public street or streets and incidents thereto, 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 9/9/80

Orig. Dept.: Property

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Passed and adopted by the Council of The City of San Diego on NOV 3 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 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 Ellen Bovard, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-253036 Adopted NOV 3 1980