

RESOLUTION NO. R-253094

NOV 10 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 STORM DRAIN OR DRAINS AND APPURTENANCES THERETO IN A PORTION OF LOT 43, SIERRA VISTA, ACCORDING TO MAP THEREOF NO. 1295, 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 AN EASEMENT IN SAID PROPERTY FOR SAID DRAIN OR DRAINS AND APPURTENANCES THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENT 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 EASEMENT.

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 1249.030, 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 storm drain or drains and appurtenances thereto in a portion of Lot 43, Sierra Vista, according to Map thereof No. 1295, filed in the office of the Recorder of San Diego County, October 10, 1910, as more particularly described hereinafter.

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Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of an easement in said property for the construction, operation and maintenance of a storm drain or drains and appurtenances 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; 1255.410; Code of Civil Procedure; Sections 5101(d), 5102, Streets and Highways Code; 37350.5, 38900, 39040 and 40404, Government Code permit the acquisitions referenced herein.

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

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 the following-described property:

The Southerly ten (10) feet of Lot 43, Sierra Vista (formerly Tract No. 4 of Pacific Building Company), according to Map thereof No. 1295, filed in the office of the Recorder of San Diego County, October 10, 1910.

Section 5. That the taking and acquiring by said City of the easement hereinabove described is deemed necessary for the construction, operation and maintenance of a storm drain or drains and appurtenances 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, 1255.410, Code of Civil Procedure; Sections 5101(d), 5102, Streets and Highways Code; 37350.5, 38900, 39040 and 40404, Government Code); that for such public use it is necessary that The City of San Diego condemn and acquire said easement; that said easement is to be used for the construction, operation and maintenance of a storm drain or drains and appurtenances 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 easement as above-described, for the use of said City.

APPROVED:

July 31, 1980

JOHN W. WITT, City Attorney

BY *[Signature]*
Donald W. Detisch, Deputy

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 2,000.00 Fund Capital Outlay
Purpose Authorizing expenditure of funds to acquire right -of - way for the San Miguel Avenue storm drain

W. B. Sage
Auditor and Comptroller of
The City of San Diego, Calif.

Date July 24 19 80

By Don Mussen

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to exceed \$ _____

Dated _____, 19 _____

Auditor and Comptroller of
The City of San Diego, Calif.

BY _____

* FUND/ DEPT.	ORG. NO.	ACCOUNT	JOB ORDER	BENEFITING DEPARTMENT
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PURPOSE _____

VENDOR _____

* USE FUND NO. ONLY WHEN USING GEN. LEDGER & REV. ACCTS., OTHERWISE USE DEPT. NO.

Passed and adopted by the Council of The City of San Diego on NOV 10 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"/>
Maureen F. O'Connor	<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"/>
Tom Gade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-253094 Adopted NOV 10 1980