

RESOLUTION NO. R-255158

OCT 6 1981

WHEREAS, on June 9, 1981, this Council adopted Resolution No. 254397 which found and determined that the public interest, convenience and necessity require the acquisition of certain real property, more particularly described therein for street widening and related purposes; and

WHEREAS, through inadvertence, the legal descriptions for Parcels 1C and 2C and reference to Section 1240.610, Code of Civil Procedure, were omitted from Resolution No. 254397 and therefore the legal descriptions attached to said Resolution are in error; and

WHEREAS, this City Council is desirous of correcting and amending the legal descriptions for the parcels referenced above.

WHEREAS, the effect of said revisions and amendments are described in "Exhibits A and B," attached hereto and made a part hereof; and

WHEREAS, this Council 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:

1. That Resolution No. 254397, adopted June 9, 1981, which determined and declared inter alia 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, in a portion of Lot 6, Section 5, Township 15 South, Range 3 West, San Bernardino Base and Meridian, and in a portion of Acre Lot 34 of Sorrento Lands and Townsite according to Map No. 483, and a storm drain or drains in a portion of Acre Lot 34 of Sorrento Lands and Townsite, in the City of San Diego, County of San Diego, State of California, be and the same is hereby amended by adding parcels 1c and 2C as more particularly described in the legal descriptions affixed and attached hereto as Exhibits A and B.

2. That the City Council reaffirms its findings and determinations contained in Resolution No. 254397 and specifically finds and determines with respect to any additional lands referenced herein and sought to be condemned that:

a. The public use for which the property is to be taken is 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 abutter's rights of access. Those provisions which permit the acquisition are Section 220, the Charter of The City of San Diego, Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410, Code of Civil Procedure, Sections 4090, 5101(d) and 5102, Streets & Highways Code, and Sections 37350.5 and 40404, Government Code.

b. The property to be taken is described in Exhibits A and B attached hereto and made a part hereof.

c. That the public interest and necessity require the taking and acquiring of said parcels of real property described herein for the purposes described herein and in Resolution No. 254397; 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, 1240.420, 1240.610 and 1255.410, Code of Civil Procedure; Section 4090, Streets & Highways Code; Sections 5100, 5101, 5102, 5023, 5023.1 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, abutter's rights of access, and 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.

3. That the City Attorney of The City of San Diego is hereby authorized and directed to amend the action in all necessary particulars heretofore commenced entitled, "The City of San Diego v. John Franklin Hein, et al.," Superior Court Case No. 472121, for the purpose of condemning and acquiring the additional lands and correcting legal descriptions.

APPROVED: JOHN W. WITT, City Attorney

By DWD
Donald W. Detisch, Deputy

DWD/db/Lit
9/29/81

Orig.Dept.: Property

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LEGAL DESCRIPTION

All that portion of Lot 6 in Section 5, Township 15 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, According to Official Plat thereof, as follows:

Parcel 1 - Street In Fee

Beginning at the Southeast corner of said Lot 6 of Section 5 as shown on Parcel Map No. 7870 filed in the office of said County Recorder; thence North $02^{\circ}40'19''$ East along the Westerly boundary of said Parcel Map a distance of 74.74 feet to the TRUE POINT OF BEGINNING; thence leaving said Westerly boundary South $49^{\circ}22'03''$ West a distance of 37.88 feet to an angle point in that certain parcel of land deeded to the City of San Diego by deed recorded November 29, 1972, File/Page 318551, Book 1972, O.R.; thence North $26^{\circ}14'41''$ West (record North $26^{\circ}14'49''$ West) a distance of 125.96 feet to an angle point; thence North $49^{\circ}22'03''$ East a distance of 88.75 feet to the beginning of a tangent 1263.00 foot radius curve concave Southerly; thence Easterly along the arc of said curve through a central angle of $01^{\circ}28'17''$ a distance of 32.43 feet to an intersection with the above mentioned Westerly line of Parcel Map 7870; thence Southerly along said Westerly line South $02^{\circ}40'19''$ West a distance of 167.07 feet to the TRUE POINT OF BEGINNING.

Parcel 1A - Slope Easement

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

Beginning at the Southeast corner of Said Lot 6 as shown on Parcel Map No. 7870, filed in the Office of the County Recorder of said County; thence North $2^{\circ}40'19''$ East along the East line of said Lot 6 and the West boundary of said Parcel Map No. 7870 a distance of 241.81 feet to the TRUE POINT OF BEGINNING, being a point in the arc of a nontangent 1263.00 foot radius curve concave Southeasterly, a radial line to said point bears North $39^{\circ}09'40''$ West; thence Southwesterly along the arc of said curve through a central angle of $1^{\circ}28'17''$ a distance of 32.43 feet; thence tangent to said curve South $49^{\circ}22'03''$ West a distance of 88.75 feet to a point in the Westerly boundary of Said Lot 6 thence North $26^{\circ}14'41''$ West along said Westerly line a distance of 98.64 feet; thence leaving said Westerly line North $46^{\circ}17'42''$ East 64.33 feet; thence North $2^{\circ}04'13''$ East 67.04 feet; thence North $59^{\circ}52'18''$ East a distance of 110.04 feet to a point in Westerly line of the above mentioned Parcel Map 7870; thence South $2^{\circ}40'19''$ West along said Westerly line a distance of 176.75 feet to the TRUE POINT OF BEGINNING.

EXHIBIT A

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Parcel 1B - Slope Easement

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

Beginning at the Southwesterly corner of Parcel 1 described above; thence North 49°22'03" East a distance of 37.88 feet to a point in the West boundary of Parcel Map No. 7870, filed in the office of said County Recorder; thence South 02°40'19" West along said boundary a distance of 74.74 feet to an angle point therein; thence North 89°29'22" West a distance of 0.62 feet to a point in said Westerly boundary of Lot 6; thence leaving the boundary of said Parcel Map No. 7870 North 26°14'41" West (record North 26°14'49" West) along said Westerly boundary a distance of 55.73 feet to the Point of Beginning.

Parcel 1C - Relinquishment of Abutters Rights of Access

All abutters rights of access including access rights appurtenant to a portion of Lot 6 in Section 5, Township 15 South, Range 3 West, San Bernardino Meridian, in and to Parcel 1 described above, over and across the following described line:

Beginning at the Northeasterly corner of said Parcel 1 described above; thence South West along the Northerly line of said Parcel 1, a distance of 121.18 feet to a terminus at the Northwesterly corner of said Parcel 1.

Also: Beginning at the Southwesterly corner of Parcel 1 described above; thence North 49°22'03" East along the Southerly line of said Parcel 1, a distance of 37.88 feet to a terminus at the Southeast corner of said Parcel.

LEGAL DESCRIPTION

That portion of Acre Lot 34 of Sorrento Lands and Townsite in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 483, Filed in the office of the County Recorder of San Diego County, February 9, 1888, as follows:

Parcel 2 - Street in Fee - Mira Mesa Boulevard

Commencing at the Southwest Corner of said Acre Lot 34; thence along the Westerly line of said Acre Lot 34, North 15°00'41" West, 1237.79 feet to a point on the Northerly line of that certain parcel of land relinquished to the City of San Diego by deed recorded November 29, 1972 as File/Page 318551, Book 1972 of Official Records; thence leaving said Westerly line of Acre Lot 34, and along the Northerly line of said parcel relinquished to the City of San Diego South 71°08'24" East 83.21 feet; to the beginning of a tangent curve, concave Southwesterly, having a radius of 535.00 feet; thence Southeasterly along the Northeasterly line of said Parcel relinquished to the City, and along the arc of said curve through a central angle of 33°38'02", a distance of 314.16 feet to a point of reverse curvature concave Northerly and having a radius of 25.00 feet; thence easterly along the northerly line of said parcel relinquished to the City and along the arc of said curve through a central angle of 83°14'31", a distance of 36.32 feet; thence tangent to said curve and along said Northerly line North 59°15'29" East 96.7 feet to the Easterly line of said Acre Lot and THE TRUE POINT OF BEGINNING; Thence North 26°14'41" West (Record: North 59°15'35" East) along said Easterly line, a distance of 7.94 feet; thence South 49°22'03" West 46.09 feet; thence North 59°15'35" (Record North 59°15'35" East) East 44.78 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2A - Slope Easement

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

Beginning at the Southwest corner of Section 4, Township 15 South, Range 3 West, San Bernardino Meridian, according to the official plat thereof, and shown on Parcel Map No. 7870 filed in the office of said County Recorder, thence North 2°40'19" East along the Westerly line of said Section 4 and the Westerly boundary of said Parcel Map No. 7870 a distance of 241.81 feet to a point in the arc of a nontangent 1263.00 foot radius curve concave Southeasterly; a radial line to said point bears North 39°09'40" West; thence leaving said Westerly line, Westerly along the arc of said curve through a central angle of 1°28'17" a distance of 32.43 feet; thence tangent to said curve South 49°22'03" West a

EXHIBIT B

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distance of 88.75 feet to the TRUE POINT OF BEGINNING, being a point in the East line of said Acre Lot 34; thence continuing South 49°22'03" West a distance of 46.09 feet to a point in the boundary of that certain parcel of land as conveyed to the City of San Diego by deed recorded November 29, 1972 as File/Page 318551, Book 1972 O.R.; thence South 59°15'35" West (record South 59°15'29" West per said deed) a distance of 51.94 feet to the beginning of a tangent 25.00 foot radius curve concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 83°14'31" a distance of 36.32 feet to a point of reverse curvature with a 535.00 foot radius curve concave Southwesterly; thence Northerly along the arc of said curve through a central angle of 16°03'53" a distance of 150.00 feet to a point of cusp; thence leaving said curve South 59°53'29" East 100.50 feet; thence North 46°17'42" East a distance of 122.23 feet to the above mentioned Easterly line of Said Acre Lot 34; thence South 26°14'41" East along said Easterly line a distance of 98.64 feet to the TRUE POINT OF BEGINNING.

Parcel 2B - Drain Easement

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

A strip of land 30.00 feet wide, 15.00 feet on each side of the following described centerline:

Commencing at the intersection of the Southerly line of said Parcel 2 described above, with the Easterly line of said Acre Lot 34; thence South 59°15'35" West, 56.61 feet to the TRUE POINT OF BEGINNING; thence North 01°42'00" West, 116.84 feet to a terminus.

The sidelines of said strip of land shall be prolonged or shortened so that the Westerly side line shall terminate Southerly in the Northerly line of said Parcel relinquished to the City, and the Easterly sideline shall terminate Southerly in the Northerly line of said Parcel 2.

Parcel 2C - Relinquishment of Abutters Rights of Access

All abutter's rights of access including access rights appurtenant to a portion of said Acre Lot 34 in and to Parcel 2 described above and said parcel of land relinquished to the City over, and across the following described line:

Beginning at the intersection of said Easterly line of Acre Lot 34 with the Northerly line of said Parcel 2 described above; thence South 49°22'03" West, along said Northerly line, a distance of 46.09 feet; thence South 59°15'35" West, 51.94 feet along the Northerly line of said Parcel relinquished to the City by said File/Page No. 318551 to the beginning of a tangent curve, concave Northerly, having a radius of 25.00 feet; thence Westerly along the arc of said curve and along the Northerly line of said Parcel relinquished to the City through a central angle of 83°14'31", a disance of 36.32 feet to a terminus.

Passed and adopted by the Council of The City of San Diego on OCT 6 1981,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<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"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-255156 Adopted OCT 6 1981