

RESOLUTION NO. R-256060

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 CURBS, GUTTERS, SIDEWALKS AND THE INSTALLATION OF A SEWER MAIN AND INCIDENTS THERETO, IN PORTIONS OF LOTS 12, 18 AND 19, OCEAN VIEW HEIGHTS, AND LOT 53 OF HORTON'S PURCHASE, 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, TOGETHER WITH CURBS, GUTTERS, SIDEWALKS AND THE INSTALLATION OF A SEWER MAIN 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 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 construction, operation and maintenance of a public

street or streets and incidents thereto, together with curbs, gutters, sidewalks and the installation of a sewer main and incidents thereto in portions of Lots 12, 18 and 19, Ocean View Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1341, filed in the Office of the County Recorder of San Diego County, June 8, 1911, and portion of Lot 53 of Horton's Purchase, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878, 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, together with curbs, gutters, sidewalks and the installation of a sewer main 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, 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 permit the acquisitions referenced herein.

Section 4. That the parcels of real property and the interests sought to be condemned are described as follows:

PARCEL 1

LEGAL DESCRIPTION

All that portion of Lot 12, Ocean View Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1341, filed in the Office of the County Recorder of San Diego County, June 8, 1911, more particularly described as follows:

Beginning at the Southeast corner of said Lot 12; thence Northerly along the Easterly line of said Lot 12, being also the Westerly line of Ozark Street, 40 feet wide as located and established January 11, 1982, a distance of 60 feet to an intersection with the Southerly line of Franklin Street, 60 feet wide as located and established January 11, 1982; thence Westerly along said Southerly line of Franklin Street, a distance of 20.98 feet to a point of cusp with the arc of a 20-foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve, through a central angle of $63^{\circ}11'21''$ an arc distance of 22.06 feet; thence Southerly along a line parallel with and 10 feet Westerly of said Westerly line of Ozark Street, a distance of 42.15 feet to an intersection with the Southerly line of said Lot 12; thence Easterly along said Southerly line of Lot 12, a distance of 10 feet, returning to the Point of Beginning.

PARCEL 2

LEGAL DESCRIPTION

The Easterly 10 feet of the Northerly 40 feet of Lot 18 of Ocean View Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1341, filed in the Office of the County Recorder of San Diego County, June 8, 1911.

EXCEPTING the Westerly 146.5 feet thereof.

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PARCEL 3

LEGAL DESCRIPTION

The Easterly 10 feet of that parcel of land more particularly described as follows:

Villa Lot 19 and the Southerly 20 feet of Villa Lot 18, of Ocean View Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1341, filed in the Office of the County Recorder of San Diego County, June 8, 1911.

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PARCEL 4

LEGAL DESCRIPTION

All that portion of Lot 53 of Horton's Purchase, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 283, filed in the Office of the Recorder of said San Diego County, March 9, 1878, described as follows:

Beginning at a point 40 feet East and 210 feet South of the Northwest corner of the East Half of the West Half of said Lot 53; thence East 5 feet; thence South 120 feet; thence West 5 feet; thence North 120 feet to the Point of Beginning.

01507

PARCEL 5

LEGAL DESCRIPTION

All that portion of the West 1/2 of Lot 53, of a portion of Ex-Mission Lands of San Diego, commonly called Horton's Purchase, in the County of San Diego, State of California, according to the Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878, being the Westerly 5.00 feet of the following described parcel:

Beginning at a point on the East line of said West one-half (1/2) of Lot 53, distant thereon North 140 feet from the Southeast corner of said West one-half, thence West 290.56 feet, then North 110 feet, then East 290.80 feet to the said East line of said West one-half of said Lot 53, thence South along the East line 110 feet to the Point of Beginning.

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Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, operation and maintenance of a public street or streets and incidents thereto, together with curbs, gutters, sidewalks and the installation of a sewer main 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, 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); 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, together with curbs, gutters, sidewalks and the installation of a sewer main and incidents 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
fee interests as above-described, for the use of said City.

APPROVED:

JOHN W. WITT, City Attorney

By DW Detisch
Donald W. Detisch, Deputy

hk/2/2/82
Orig. Dept.: Property

01510

MAR 22 1982

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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<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"/>
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 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 Benidge*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-256060 Adopted MAR 22 1982