

RESOLUTION NO. R-256865

JUL 26 1982

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 FLOOD CONTROL STRUCTURES AND IMPROVEMENTS AND ANY AND ALL APPURTENANCES THERETO AND TEMPORARY GRADING RIGHTS IN PORTIONS OF LOTS 35, 36, 37, 38, 43 AND 44 OF 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 EASEMENTS AND TEMPORARY RIGHTS IN SAID PROPERTY FOR SAID FLOOD CONTROL STRUCTURES AND IMPROVEMENTS; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENTS AND TEMPORARY RIGHTS 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 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 flood control structures and improvements and any and all appurtenances thereto and temporary grading rights in portions of

01749

Lots 35, 36, 37, 38, 43 and 44 of Sierra Vista, according to Map thereof No. 1295, filed in the Office of the Recorder of San Diego County, October 10, 1910, in the City of San Diego, 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 easements in said property for the construction, operation and maintenance of flood control structures and improvements and any and all appurtenances thereto and temporary grading rights, 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 and 1240.610, Code of Civil Procedure; Sections 37350.5, 39901, 40404, 5100-5102, 5023, 5023.1, 54152 Government Code; and Sections 5101 and 5102 Streets and Highways 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

Parcel 1

A permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair flood control structures and improvements, including any or all appurtenances thereto, together with the right of ingress over, under, along and across that real property situated in the City of San Diego County of San Diego, State of California as follows:

All that portion of Lots 37, 38, 43 and 44 of Sierra Vista, according to Map thereof No. 1295, filed in the Office of the Recorder of San Diego County, October 10, 1910, described as follows:

Beginning at the Southeasterly corner of said Lot 43; thence Northerly along the Easterly line of said lot, a distance of 70.00 feet to the Northeasterly corner of said lot, being also the Southwesterly corner of said Lot 38; thence Easterly along the Southerly line of said Lot 38, a distance of 42.472 feet; thence North $09^{\circ}16'09''$ East, 11.21 feet to the beginning of a tangent 100-foot radius curve, concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of $70^{\circ}45'35''$, a distance of 123.50 feet to the Westerly line of San Pasqual Street, as dedicated on said Map 1295; thence North $00^{\circ}24'00''$ East along said Westerly line, a distance, 6.092 feet to the Northeasterly corner of said Lot 37; thence Westerly along the Northerly line of said Lot to a point that lies 20.04 feet Easterly of the Northwesterly corner of said lot, being a point in the arc of a 160.00-foot radius curve, concave Southeasterly, a radial bears North $63^{\circ}12'13''$ West to said point; thence Southeasterly along the arc of said curve, through a central angle of $17^{\circ}34'48''$, a distance of 48.95 feet; thence South $09^{\circ}16'09''$ West to the Southerly line of said Lot 43; thence Easterly along said Southerly line, a distance of 14.00 feet returning to the Point of Beginning.

Parcel 1A

Permission to enter the following described real property for the purpose of performing work consisting of grading and filling:

All that portion of said Lots 37, 38, 43 and 44 of Sierra Vista as follows:

Commencing at a point on the Easterly line of said Lot 43, 10.00 feet Northerly of the Southeasterly corner thereof; thence Westerly along a line parallel with the Southerly line of said lot to a point on the Westerly line of Parcel 1 described above and the TRUE POINT OF BEGINNING. Thence continuing Westerly along said parallel line, 14.00 feet; thence Northerly to a point on the Northerly line of said lot that lies Westerly 20.00 feet from said Westerly line of said Parcel 1; thence Northwesterly to a point on the Northerly line of said Lot 44, 30 feet Westerly of the Northeast corner of said lot; thence Easterly along the Northerly of said Lot 40 to the Northeasterly corner of said lot; thence Northerly along the Westerly line of Lot 37 to the Northwesterly corner thereof; thence Easterly along said Northerly line of Lot 37 to a point on the Westerly line of Parcel 1 described above; thence Southwesterly along the Westerly line of said Parcel 1 returning to the TRUE POINT OF BEGINNING.

Parcel 1B

Permission to enter the following described real property for the purpose of performing work consisting of grading and filling:

All that portion of said Lots 37 and 38 described as follows:

Beginning at a point on the Southerly line of said Lot 38, 40 feet Westerly of the Southeasterly corner of said Lot 38; thence Westerly along the Southerly line of said lot, to the Easterly line of Parcel 1 described above; thence Northeasterly along said Parcel 1 to the Easterly line of said Lot 37; thence Southerly along the Easterly line of said lot to the Southeasterly corner thereof; thence Southwesterly along a straight line returning to the Point of Beginning.

Parcel 2

A permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair flood control structures and improvements, including any or all appurtenances thereto, together with the right of ingress over, under, along and across that real property situated in the City of San Diego County of San Diego, State of California as follows:

Permission to enter the following described real property for the purpose of performing work consisting of grading and filling:

All that portion of Lots 35 and 36 of Sierra Vista, according to Map thereof No. 1295, filed in the office of the Recorder of San Diego County, October 10, 1910, described as follows:

Beginning at the Southeasterly Corner of said Lot 36; thence North $00^{\circ}24'00''$ East, along the Easterly line of said Lots 36 and 35, a distance of 84.05 feet to a point on the arc of 160.00-foot radius curve, concave Southeasterly a radial bears North $13^{\circ}28'23''$ West to said point; thence Southwesterly along the arc of said curve through a central angle of $67^{\circ}15'38''$, a distance of 138.88 feet to a point on the Southerly line of Said Lot 36; thence Easterly along said Southerly line, a distance of 104.96 feet returning to the Point of Beginning.

Parcel 2A

Permission to enter the following described real property for the purpose of performing work consisting of grading and filling:

All that portion of said Lot 36 of Sierra Vista as follows:

Beginning at the Southwesterly corner of said Lot 36; thence Northerly along the Westerly line of said lot, a distance of 13 feet; thence Northeasterly in a straight line to a point on the Northerly line of said lot that lies 50.00 feet Easterly of the Northwesterly corner of said lot; thence continuing Easterly on said Northerly line to the Westerly line of Parcel 2 described above; thence Southwesterly along said Westerly line of Parcel 2 to the Southerly line of said Lot 36; thence Westerly along said Southerly line returning to the Point of Beginning.

Parcel 2B

Permission to enter the following described real property for the purpose of performing work consisting of grading and filling:

All that portion of said Lot 35 of Sierra Vista described as follows:


Beginning at a point of intersection of the Northwesterly line of said Parcel 2 with 16 Southerly line of said Lot 35; thence Northeasterly along the North-erly line of said Parcel 2 to the Easterly line of said lot; thence Northerly along said Easterly line to a point that lies 13.00 feet Southerly from the Northeasterly corner of said lot; thence South $80^{\circ}51'23''$ West 30.42 feet; thence South $48^{\circ}48'06''$ West 48.29 feet returning to the Point of Beginning.

Section 5. That the taking and acquiring by said City of the easements and temporary grading rights hereinabove described are deemed necessary for the construction, operation and maintenance of flood control structures and improvements and any and all appurtenances 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, 1255.410 and 1240.610 Code of Civil Procedure; Sections 37350.5, 39901, 40404, 5100-5102, 5023, 5023.1, and 54152 Government Code; and Sections 5101 and 5102 Streets and Highways Code); that for such public uses it is necessary that The City of San Diego condemn and acquire said easements and temporary grading rights; that said easements are to be used for the construction, operation and maintenance of flood control structures and improvements and any and all appurtenances thereto and temporary grading rights, 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

easements and temporary grading rights as above-described
for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch
Deputy City Attorney

hk/7/1/82
Orig. Dept.: Property

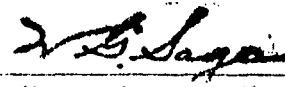
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

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 \$ 10,325.00 Fund 18517 CDBG

Purpose Authorizing the expenditure of funds for South Las Chollas Creek Channel.



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

Date 14 June, 19 82

By _____

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	FACILITY
------------------	----------	---------	-----------	--------------------------	----------

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 JUL 26 1982,
 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"/>
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"/>
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Ellen Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-256865 Adopted JUL 26 1982