

RESOLUTION NO. R-257015

AUG 17 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 A PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES, STORM DRAIN OR DRAINS AND INCIDENTS THERETO, IN A PORTION OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, 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 IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, AND A STORM DRAIN OR DRAINS; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENTS 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 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, together with earth excavations or embankments, slope or slopes, drain or drains and incidents thereto, in a portion of Section 4, Township 15 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

Section 2. That the public interest, convenience 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 a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains, 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:

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LEGAL DESCRIPTION

the per-
manent easement and right of way to construct, reconstruct, maintain, operate and repair a public street, an earth excavation or embankment, slope or slopes and a storm drain or drains, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

All that portion of Section 4, Township 15 South, Range 3 West, San Bernardino Base and Meridian, according to Official Plat thereof, more particularly described as follows:

Parcel 1 - Mira Mesa Boulevard

Commencing at the Northeast corner of the Southeast 1/4 of the Northeast 1/4 of said Section 4; thence Southerly along the East line of said Section 4 South 04°42'50" West, 80.36 feet to the TRUE POINT OF BEGINNING; thence leaving said East line, South 53°56'27" West, 2.94 feet to the beginning of a tangent 3,051-foot radius curve concave Southeasterly; thence Westerly along the arc of said curve through a central angle of 03°34'43" a distance of 190.56 feet; thence tangent to said curve, South 50°21'44" West, 1,103.07 feet to a point hereby set out as Point A for purposes of this description being also the beginning of a tangent 2,051-foot radius curve concave Southeasterly; thence Southwesterly along the arc of said curve through a central angle of 14°30'35" a distance of 519.40 feet; thence tangent to said curve, South 35°51'09" West, 62.92 feet to a point of intersection with the East line of the West 1/2 of the Southeast 1/4 of said Section 4; thence along said East line South 02°28'59" West, 185.44 feet; thence leaving said East line, North 35°51'09" East, 217.80 feet to a point hereby set out as Point B for purposes of this description also being the beginning of a tangent 1,949-foot radius curve concave Southeasterly, thence Northeasterly along the arc of said curve through a central angle of 14°30'35" a distance of 493.57 feet; thence tangent to said curve, North 50°21'44" East, 1,103.07 feet to the beginning of a tangent 2,949-foot radius curve concave Southeasterly; thence Easterly along the arc of said curve through a central angle of 01°54'20" a distance of 98.06 feet to a point on the East line of said Section 4, a radial to said point bears North 37°43'56" West, thence along said East line, North 04°42'50" East, 136.35 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2 - Slope

Beginning at the TRUE POINT OF BEGINNING of Parcel 1 above; thence Westerly along the Northwesterly line of Parcel 1 described above to an intersection with the East line of the West 1/2 of the Southeast 1/4 of said Section 4; thence leaving said Northwesterly line of Parcel 1 above, North 02°28'59" East 53.70 feet; thence North 04°06'52" East, 19.38 feet; thence North 33°42'13" East, 171.54 feet; thence North 55°16'45" East, 192.54 feet to a point on a nontangent 2,061-foot radius curve concave Southeasterly, a radial to said point bears North 44°24'47" West; thence Easterly along the arc of said curve through a central angle of 04°46'31" a distance of 171.77 feet; thence tangent to said curve North 50°21'44" East, 277.14 feet; thence North 32°44'16" East 196.96 feet; thence North 65°07'50" East, 194.71 feet; thence North 50°21'44" East, 449.93 feet; thence South 39°38'16" East, 5.00 feet along a radial line to a point on the arc of a 3,066-foot radius curve concave Southeasterly; thence Easterly along the arc of said curve through a central angle of 03°34'43" a distance of 191.50 feet; thence North 53°56'27" East, 15.87 feet to a point on the East line of said Section 4; thence along said East line South 04°42'50" West 19.80 feet returning to the Point of Beginning.

Parcel 3 - Slope

Commencing at the TRUE POINT OF BEGINNING of Parcel 1 above; thence along said East line of Section 4, South 04°42'50" West, 136.35 feet to the TRUE POINT OF BEGINNING of the herein described parcel; thence leaving said East line, Westerly along the Southeasterly line of Parcel 1 as described above to an intersection with the East line of the West 1/2 of the Southeast 1/4 of said Section 4; thence along said East line, South 02°28'59" West, 52.87 feet; thence leaving said East line, North 36°59'54" East, 46.10 feet; thence North 35°51'09" East, 262.00 feet; thence North 81°10'00" East, 35.00 feet; thence North 35°51'09" East, 135.00 feet; thence South 54°08'51" East, 40.00 feet; thence North 29°11'51" East, 255.60 feet to a point on a nontangent curve concave Southeasterly, a radial to said point bears North 40°26'08" West; thence Easterly along the arc of said curve through a central angle of 00°47'52" a distance of 27.00 feet; thence tangent to said curve, North 50°21'44" East, 432.14 feet; thence South 71°11'21" East, 66.89 feet; thence North 50°21'44"

East, 45.00 feet; thence North 14°13'37" East, 78.01 feet; thence North 85°58'11" East, 190.65 feet; thence North 33°44'52" East, 129.40 feet; thence North 39°38'16" West, 85.00 feet; thence North 50°21'44" East, 248.93 feet to the beginning of a tangent 2,939-foot radius curve concave Southeasterly; thence Easterly along the arc of said curve through a central angle of 01°43'37" a distance of 88.58 feet to a point on said East line of Section 4; thence along said East line North 04°42'50" East, 13.57 feet returning to the TRUE POINT OF BEGINNING.

Parcel 4 - Drain

Commencing at Point A set out in Parcel 1 above; thence along the Northwesterly line of said Parcel 1, North 50°21'44" East, 197.14 feet to the TRUE POINT OF BEGINNING; thence leaving said Northwesterly line, North 39°38'16" West, 83.75 feet; thence Easterly at right angles to the last described line, 10.00 feet; thence South 39°38'16" East, 83.75 feet to a point on said Northwesterly line of Parcel 1; thence along said Northwesterly line, South 50°21'44" West, 10.00 feet returning to the TRUE POINT OF BEGINNING.

Parcel 5 - Drain

Commencing at Point B set out in Parcel 1 above being a point of the arc of a 1,949-foot radius curve concave Southeasterly, a radial to said point bears North 54°08'51" West; thence Easterly along the arc of said curve through a central angle of 00°42'35" a distance of 24.13 feet to the TRUE POINT OF BEGINNING; thence continuing along the arc of said curve through a central angle of 00°23'02" a distance of 13.05 feet to a point to which a radial bears North 53°03'14" West; thence leaving the arc of said curve North 86°51'06" East, 59.00 feet; thence South 72°38'51" East, 20.00 feet; thence South 17°21'09" West, 10.00 feet; thence North 72°38'51" West, 20.00 feet; thence South 86°51'09" West, 59.00 feet returning to the TRUE POINT OF BEGINNING.

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Section 5. That the taking and acquiring by said City of the easements hereinabove described are deemed necessary 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 a storm drain or drains 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 these easements; that these 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, slope or slopes and incidents thereto, and a storm drain or drains which are planned and located in a manner most compatible with the greatest public good and the least private injury.

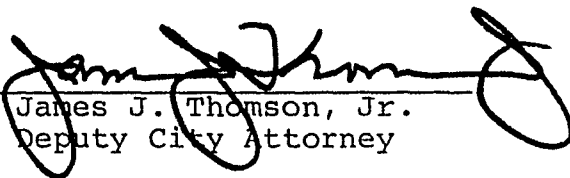
Section 6. That the City Attorney of The City of San Diego be, and he is authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name and on behalf of The City of San Diego, against all owners and claimants

to an interest in the above-described real property, for the purpose of condemning and acquiring the easements as above-described, for the use of said City.

APPROVED:

JOHN W. WITT, City Attorney

By


James J. Thomson, Jr.
Deputy City Attorney

hk/ 8/3/82
Orig. Dept: Property

Passed and adopted by the Council of The City of San Diego on AUG 17 1982,
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

(Seal)

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

By *Barbara Berridge*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R- 257015 Adopted AUG 17 1982