

RESOLUTION NO. R-257420

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT OF THE PENASQUITOS CANYON PRESERVE (LOPEZ CANYON) IN PORTIONS OF SECTIONS 34 AND 35, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO 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 FEE TITLE TO SAID PROPERTY FOR SAID PENASQUITOS CANYON PRESERVE (LOPEZ CANYON); 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,

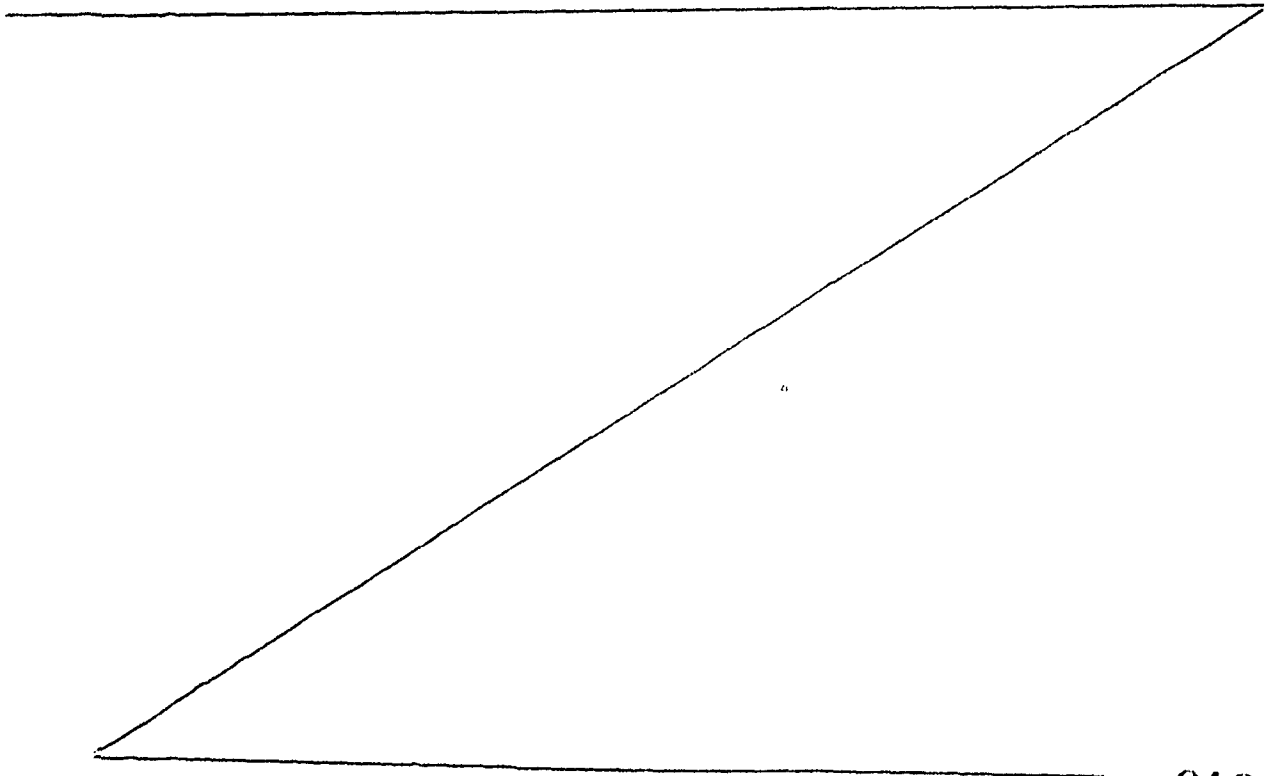
BE IT RESOLVED, by the Council of The City of San Diego, as follows:

Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the development of the Penasquitos Canyon Preserve (Lopez Canyon) in portions of Sections 34 and 35, Township 14 South, Range 3 West, San Bernardino Meridian, 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 development of the Penasquitos Canyon Preserve (Lopez Canyon), 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; Parks and Playgrounds Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b) and 51063 Government Code; and Section 61.0603 et seq., San Diego Municipal Code, permit the acquisitions referenced herein.

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



LEGAL DESCRIPTION

PARCEL 5A

That portion of the North 1/2 of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 34; thence North  $0^{\circ}21'18''$  West along the West line thereof, a distance of 276.99 feet; thence North  $82^{\circ}27'02''$  East 230.75 feet; thence South  $86^{\circ}06'56''$  East 811.87 feet; thence North  $76^{\circ}41'37''$  East 895.03 feet; thence North  $72^{\circ}40'40''$  East 537.37 feet; thence North  $53^{\circ}09'13''$  East 488.60 feet; thence North  $55^{\circ}26'15''$  East 437.15 feet; thence North  $41^{\circ}20'59''$  East 837.33 feet to the East line of the West 12.50 acres of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the aforesaid Section 34; thence South  $0^{\circ}08'02''$  East along said East line, a distance of 535.61 feet to the Southeast corner of said West 12.50 acres of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section 34; thence South  $89^{\circ}03'48''$  East along the South line of said Northeast 1/4 of the Northeast 1/4 a distance of 45.74 feet; thence South  $49^{\circ}14'00''$  West 1,148.92 feet; thence South  $63^{\circ}26'06''$  West 458.39 feet; thence South  $71^{\circ}07'56''$  West 544.24 feet; thence South  $68^{\circ}40'35''$  West 389.59 feet to the South line of the North 1/2 of the aforesaid Section 34; thence North  $89^{\circ}14'29''$  West along said South line, a distance of 1,614.26 feet to the Point of Beginning.

PARCEL 5B

That portion of the Northwest 1/4 of Section 35, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at a point on the West line of said Section 35, which point bears South  $0^{\circ}08'02''$  East 650.44 feet from the Northwest corner thereof; thence North  $67^{\circ}35'25''$  East 793.86 feet; thence North  $53^{\circ}37'36''$  East 438.42 feet; thence North  $17^{\circ}36'27''$  East 91.97 feet to a point on the North line of the aforesaid Northwest 1/4 of Section 35, which point bears South  $89^{\circ}59'37''$  East 1,116.25 feet from the aforesaid Northwest corner thereof; thence South  $89^{\circ}59'37''$  East along said North line, a distance of 1,270.24 feet; thence South  $62^{\circ}09'57''$  West 221.72 feet; thence South  $73^{\circ}14'37''$  West 863.67 feet; thence South  $60^{\circ}50'24''$  West 1,056.96 feet; thence South  $26^{\circ}25'21''$  West 179.78 feet; thence South  $46^{\circ}31'51''$  East 502.93 feet; thence South  $24^{\circ}02'44''$  East 282.53 feet to the North line of the South 3/4 of the Southwest 1/4 of the Northwest 1/4 of the aforesaid Section 35; thence North  $89^{\circ}32'27''$  West along said North line, a distance of 137.75 feet; thence North  $24^{\circ}19'06''$  West 127.19 feet; thence North  $47^{\circ}35'09''$  West 329.14 feet; thence North  $61^{\circ}03'06''$  West 419.40 feet; thence South  $49^{\circ}14'00''$  West 49.91 feet to the aforesaid West line of the Northwest 1/4 of Section 35; thence North  $0^{\circ}08'02''$  West along said line, a distance of 472.95 feet to the Point of Beginning.

LEGAL DESCRIPTION

PARCEL 6

That portion of the East 3/8 of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof being more particularly described as follows:


Beginning at a point on the East line of the Northeast 1/4 of said Section 34, which point bears South 0°08'02" East 650.44 feet from the Northeast corner thereof; thence South 0°08'02" East along the East line of said Section 34, a distance of 650.45 feet to the Southeast corner of the Northeast 1/4 of the Northeast 1/4 of said Section 34; thence North 89°03'48" West along the South line thereof, a distance of 248.21 feet to the Southeast corner of the aforesaid West 12.50 acres of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of said Section; thence North 0°08'02" West along the East line thereof, a distance of 535.61 feet; thence North 41°20'59" East 17.88 feet; thence North 67°35'25" East 255.38 feet to the Point of Beginning.

Excepting therefrom any portion thereof lying within the West 12.50 acres of the East 1/2 of the Northeast 1/4 of the Northeast 1/4 of the aforesaid Section 34.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the development of the Penasquitos Canyon Preserve (Lopez Canyon) 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, the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410, Code of Civil Procedure; Parks and Playgrounds Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b) and 51063 Government Code; and Section 61.0603 et seq., San Diego Municipal Code); that for such public use 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 development of the Penasquitos Canyon Preserve (Lopez Canyon) which is 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   
Donald W. Detisch, Deputy

hk/10/4/82

Orig.Dept: Property

Auditor's Certificate #83214

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R-257420 01347

# 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 \$ 900,000.00 Fund 79102

Purpose Authorizing expenditure for Lopez Canyon Open Space Condemnation.

*J. J. Holodnak*

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

Date September 23, 19 82

By *Don Mumm*

## 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
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PURPOSE \_\_\_\_\_

VENDOR \_\_\_\_\_

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

NOV 1 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R- 257420 Adopted NOV 1 1982