

RESOLUTION NO. R-258063

MAR 7 1983

A RESOLUTION AMENDING RESOLUTION NO. 257420 WHICH DECLARED AMONG OTHER THINGS 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; TO INCLUDE CONDEMNATION FOR A PUBLIC SEWER(S) AND ALL OTHER APPURTENANCES THERETO.

WHEREAS, the Council of The City of San Diego adopted Resolution No. 257420, on November 1, 1982, directing the City Attorney to commence an eminent domain action to acquire certain parcels of land described therein for the Los Penasquitos Canyon Preserve; and

WHEREAS, subsequent to the adoption of the above-referenced resolution, it is now necessary that Resolution No. 257420 be amended to allow for condemnation for a sewer and general utility purposes as well as park and open space purposes; and

WHEREAS, the Council of the City of San Diego has provided notice to those persons designated in Section 1245.235 C.C.P. 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:

That Resolution No. 257420, adopted on November 1, 1982, be and the same is hereby amended as follows:

1. Section 1 is amended to read:

"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) and the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto, in portions of Sections 34 and 35, Township 14 South, Range 3 West, San Bernardino Meridian, as more particularly described hereinafter."

2. Section 2 is amended to read:

"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) and the construction, operation, and maintenance of a public sewer or sewers and all appurtenances thereto, said real property lying within the City of San Diego, County of San Diego, State of California."

3. Section 3 is amended to read:

"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, 38900, 39040, 39732, 40401(b), 40404 and 51063 Government Code; and Section 61.0603 et seq., San Diego Municipal Code, permit the acquisitions referenced herein."

4. Section 5 is amended to read:

"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) and the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto 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, 38900, 39040, 39732, 40401(b), 40404 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) and the construction, operation and maintenance of a public sewer or sewers and all appurtenances

thereto, which is planned and located in a manner most compatible with the greatest public good and the least private injury."

5. That in all other particulars, Resolution No. 257420 shall remain the same.

APPROVED: JOHN W. WITT, City Attorney

By 
Donald W. Detisch, Deputy

DWD/hk 2/14/83
Orig. Dept: Property

Passed and adopted by the Council of The City of San Diego on MAR 7 1983,
 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"/>
William Jones	<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"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Vacant

AUTHENTICATED BY:

BILL CLEATOR
 Deputy Mayor of The City of San Diego, California.

(Seal)

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

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-258063 Adopted MAR 7 1983