

RESOLUTION NO. R-258574

MAY 31 1983

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, AND AN ACCESS EASEMENT AND INCIDENTS THERETO, IN A PORTION OF THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 14 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 SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, A STORM DRAIN OR DRAINS AND INCIDENTS THERETO, AND AN ACCESS EASEMENT AND INCIDENTS THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND 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, storm drain or drains and incidents thereto, and an access easement and incidents thereto, in a portion of the Northwest Quarter of Section 30, Township 14 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 and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee title to and 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, a storm drain or drains and incidents thereto, and an access easement 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:

All that portion of the Northwest Quarter of Section 30, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, being more particularly described as follows:

Parcel 1

Commencing at the Northwest corner of said Section 30; thence South  $89^{\circ}04'53''$  East along the Northerly line of said Section, 398.42 feet to the TRUE POINT OF BEGINNING, said point herein set out as Point "A" for purposes of this description; thence continuing South  $89^{\circ}04'53''$  East along said Northerly line of Section 30, 274.85 feet; thence South  $64^{\circ}34'37''$  West, 132.19 feet, said point herein set out as Point "B" for purposes of this description; thence continuing South  $64^{\circ}34'37''$  West 101.69 feet to the beginning of a 1,739.00-foot radius curve concave Southeasterly; thence Southwesterly along the arc of said curve through a central angle of  $08^{\circ}03'18''$ , a distance of 244.48 feet; thence tangent to said curve, South  $56^{\circ}31'19''$  West, 24.32 feet, said point herein set out as Point "C" for purpose of this description; thence continuing South  $56^{\circ}31'19''$  West, 281.19 feet to a point on the Westerly line of said Section 30; thence North  $00^{\circ}48'01''$  East along said Westerly line of Section 30, 147.64 feet; thence North  $56^{\circ}31'19''$  East, 222.36 feet, said point herein set out as Point "D" for purposes of this description, said point also being a point on the arc of a 1,861.00-foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of  $07^{\circ}40'20''$ , a distance of 249.20 feet returning to the TRUE POINT OF BEGINNING.

Parcel 1A

The permanent easement and right-of-way for an earth excavation or embankment, slope or slopes and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at Point "A" as set out in Parcel 1 above; thence North  $89^{\circ}04'53''$  West along the Northerly line of said Section 30, a distance of 70.54 feet; thence South  $62^{\circ}16'55''$  West, 126.86 feet; thence South  $55^{\circ}58'52''$  West, 203.30 feet; thence South  $47^{\circ}46'33''$  West to the point in the Westerly line of said Section 30; thence Southerly along said Westerly line of Section 30 to a point on the Northwesterly line of Parcel 1 described above; thence North  $56^{\circ}31'19''$  East along said Northwesterly line of Parcel 1, 222.36 feet to a point in the arc of a tangent 1,861.00-foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve and said Northwesterly line of Parcel 1 above, 249.20 feet returning to the Point of Beginning.

Parcel 1B

The permanent easement and right-of-way for an earth excavation or embankment, slope or slopes and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at Point "B" as set out in Parcel 1 above, said point being a point on the Southeasterly line of said Parcel 1 above; thence North  $64^{\circ}34'37''$  East along said Southeasterly line of Parcel 1, a distance of 132.19 feet to a point on said Northerly line of Section 30; thence South  $89^{\circ}04'53''$  East along said Northerly line of Section 30, a distance of 112.68 feet; thence South  $64^{\circ}34'37''$  West, 233.18 feet; thence South  $25^{\circ}25'23''$  East, 10.00 feet; thence South  $64^{\circ}34'37''$  West, 20.00 feet; thence North  $25^{\circ}25'23''$  West, 22.00 feet; thence South  $64^{\circ}26'56''$  West, 230.69 feet; thence South  $55^{\circ}22'47''$  West, 230.06 feet; thence South  $61^{\circ}03'32''$  West, 183.51 feet to a point on the Westerly line of said Section 30; thence Northerly along said Westerly line of Section 30 to a point on the Southeasterly line of said Parcel 1 described above; thence North  $56^{\circ}31'19''$  East along said Southeasterly line of Parcel 1 above, 305.51 feet to the beginning of a tangent 1,739.00-foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve and said Southeasterly line of Parcel 1 through a central angle of  $08^{\circ}03'18''$ , a distance of 244.48 feet; thence continuing along said Southeasterly line of Parcel 1, North  $64^{\circ}34'37''$  East, 101.69 feet returning to the Point of Beginning.

Parcel 1C

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a drain or drains including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property described as follows:

Beginning at Point "B" as set out in Parcel 1 above; thence South  $25^{\circ}25'23''$  East, 60.00 feet; thence South  $64^{\circ}34'37''$  West, 20.00 feet; thence North  $25^{\circ}25'23''$  West, 60.00 feet to a point on said Southeasterly line of Parcel 1 described above; thence North  $64^{\circ}34'37''$  East along said Southeasterly line of Parcel 1, 20.00 feet returning to the Point of Beginning.

Parcel 1D

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a drain or drains including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property described as follows:

Beginning at Point "C" as set out in said Parcel 1 above; thence South  $22^{\circ}12'10''$  East, 54.99 feet; thence South  $67^{\circ}47'50''$  West, 10.00 feet; thence North  $22^{\circ}12'10''$  West, 53.00 feet to a point on said Southeasterly line of Parcel 1, thence North  $56^{\circ}31'19''$  East along said Southeasterly line of Parcel 1, 10.20 feet returning to the Point of Beginning.

Parcel 1E

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a drain or drains including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property described as follows:

Beginning at Point "D" as set out in said Parcel 1 above; thence North 22°12'10" West, 43.01 feet; thence South 67°47'50" West, 10.00 feet; thence South 22°12'10" East, 45.00 feet to a point on the Northwesterly line of said Parcel 1 described above; thence North 56°31'19" East along said Northwesterly line of Parcel 1 above, 10.20 feet returning to the Point of Beginning.

Parcel 1F

The permanent right-of-way for an access easement and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at Point "B" as set out in said Parcel 1 described above; thence South 25°25'23" East along the Northeasterly line of Parcel 4 described above, 50.00 feet; thence North 64°34'37" East, 150.00 feet; thence North 25°25'23" West, 41.18 feet to a point on said Northerly line of Section 30; thence North 89°04'53" West along said Northerly line of Section 30, 19.87 feet to a point of said Southeasterly line of Parcel 1 above; thence South 64°34'37" West along said Southeasterly line of Parcel 1, 132.19 feet returning to the Point of Beginning.

Section 5. That the taking and acquiring by said City of the real property and 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, a storm drain or drains and incidents thereto, and an access easement 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 and easements; that said property and 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, a storm drain or drains and incidents thereto and an access easement 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. The Council hereby makes the following specific findings in support of the above-referenced findings contained in Paragraph 5 herein; (a) The proposed project for which the acquisition is being sought is to realign, improve and extend Carmel Valley Road from Interstate 5 through the North City West community. The purpose of this road is to provide the City with

major street access from Interstate 5 to the North City West community. (b) The proposed alignment of the road is necessary to safely carry the future traffic volume of the area.

Section 7. 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 fee interests and easements as above-described and obtaining immediate possession of said parcels for the use of said City.

APPROVED:

JOHN W. WITT, City Attorney

By   
Thomas W. Byron  
Deputy City Attorney

TWB/hk  
5/9/83  
Orig.Dept.: Property

Passed and adopted by the Council of The City of San Diego on MAY 31 1983,  
 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<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 Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-258574 Adopted MAY 31 1983