

JUL 25 1983

RESOLUTION NO. R-258943

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF A PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH CURBS, GUTTERS, AND SIDEWALKS, EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES, AND INCIDENTS THERETO, IN PORTIONS OF LOTS 1 AND 2 OF THE SUBDIVISION OF THE EAST HALF OF PUEBLO LOT 1215, 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 AND SLOPE EASEMENTS TO SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH CURBS, GUTTERS, AND SIDEWALKS, EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO; 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 AND ACQUIRING IMMEDIATE POSSESSION THEREOF.

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, improvement, operation and maintenance

of a public street or streets and incidents thereto, together with curbs, gutters, and sidewalks, earth excavations and embankments, slope or slopes and incidents thereto, in portions of Lots 1 and 2 of the subdivision of the east half of Pueblo Lot 1215, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 690, filed in the Office of the County Recorder of San Diego County, 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 and adjoining slope easements to said property for the construction, improvement, operation and maintenance of a public street or streets and incidents thereto, together with curbs, gutters, and sidewalks, earth excavations or embankments, slope or slopes 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:

PARCEL 1

Being a portion of Lot 1 of the Subdivision of East Half of Pueblo Lot 1215, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 690 as filed in the Office of the County Recorder of San Diego County, more particularly described as follows:

Beginning at the Northwest subdivision corner of West Pines, according to Map No. 9290 thereof, as filed in the Office of the County Recorder of San Diego County, said point being the TRUE POINT OF BEGINNING; thence North $89^{\circ}32'36''$ West 53.00 feet along the Southerly subdivision boundary of Belden Village, according to Map No. 10504 thereof, to a point on a 42.00-foot radius curve concave Northeasterly, a radial to said point bears North $89^{\circ}32'36''$ West; thence Southeasterly along said curve through a central angle of $74^{\circ}47'30''$ for an arc distance of 54.83 feet to a tangent reverse curve with a radius of 23.00 feet; thence Southeasterly along said reverse curve through a central angle of $41^{\circ}11'56''$ for an arc distance of 16.54 feet to a point on the South line of said Lot 1; thence South $89^{\circ}32'36''$ East 9.41 feet along said South line to a point of intersection with the Westerly subdivision boundary of said West Pines subdivision; thence North $00^{\circ}08'31''$ West 50.00 feet along said Westerly subdivision boundary to the TRUE POINT OF BEGINNING.

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PARCEL 1-A

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:

Being a portion of Lot 1 of the Subdivision of East Half of Pueblo Lot 1215, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 690 as filed in the Office of the County Recorder of San Diego County, more particularly described as follows:

Beginning at the Northwest subdivision corner of West Pines, according to Map No. 9290 thereof, as filed in the Office of the County Recorder of San Diego County; thence North $89^{\circ}32'36''$ West 53.00 feet along the Southerly subdivision boundary of Belden Village, according to Map No. 10504 thereof, to the TRUE POINT OF BEGINNING, said point being a 42.00-foot radius curve concave North-easterly, a radial to said point bears North $89^{\circ}32'36''$ West; thence Southeast-erly along said curve through a central angle of $74^{\circ}47'30''$ for an arc distance of 54.83 feet to a 23.00-foot radius tangent reverse curve; thence Southeast-erly along said reverse curve through a central angle of $41^{\circ}11'56''$ for an arc distance of 16.54 feet; thence North $89^{\circ}32'36''$ West 6.43 feet to an 18.00-foot radius curve concave Southwesterly, a radial to said point bears North $45^{\circ}28'02''$ East; thence Northwesterly along said curve through a central angle of $29^{\circ}48'08''$ for an arc distance of 9.36 feet to a 52.00-foot radius tangent reverse curve; thence Northwesterly along said reverse curve through a central angle of $69^{\circ}28'04''$ for an arc distance of 63.05 feet to a point on the South-ern boundary of said Belden Village; thence South $89^{\circ}32'36''$ East 8.46 feet along said Southern boundary to the TRUE POINT OF BEGINNING.

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PARCEL 2

Being a portion of Lot 2 of the Subdivision of East Half of Pueblo Lot 1215, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 690 as filed in the Office of the County Recorder of San Diego County, more particularly described as follows:

Beginning at the Northwest subdivision corner of West Pines, according to Map No. 9290 thereof, as filed in the Office of the County Recorder of San Diego County; thence South $00^{\circ}08'31''$ East 50.00 feet along the Westerly boundary of said subdivision to the TRUE POINT OF BEGINNING; thence North $89^{\circ}32'36''$ West 9.41 feet along the North line of said Lot 2 to a point on a 23.00-foot radius curve concave Southwesterly, a radial to said point bears North $56^{\circ}51'50''$ East; thence leaving said North line Southeasterly along said curve through a central angle of $08^{\circ}31'03''$ for an arc distance of 3.42 feet to a 125.00-foot radius tangent reverse curve; thence Southeasterly along said reverse curve through a central angle of $08^{\circ}05'54''$ for an arc distance of 17.67 feet; thence North $57^{\circ}16'59''$ East 9.63 feet to a point on the Westerly boundary of West Pines subdivision; thence North $33^{\circ}43'03''$ West 15.87 feet along said Westerly boundary to the TRUE POINT OF BEGINNING.

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PARCEL 2-A

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:

Being a portion of Lot 2 of the Subdivision of East Half of Pueblo Lot 1215, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 690 as filed in the Office of the County Recorder of San Diego County, more particularly described as follows:

Beginning at the Northwest subdivision corner of West Pines, according to Map No. 9290 thereof, as filed in the Office of the County Recorder of San Diego County; thence Southerly and Southeasterly along the West line of said subdivision the following numbered courses and distances: (1) South $00^{\circ}08'31''$ East 50.00 feet; (2) South $33^{\circ}43'03''$ East 15.87 feet; thence leaving said subdivision boundary South $57^{\circ}16'59''$ West 9.63 feet to the TRUE POINT OF BEGINNING; thence South $57^{\circ}16'59''$ West 3.00 feet to a 128.00-foot radius curve concave Northeasterly, a radial to said point bears South $57^{\circ}16'59''$ West; thence Northwesterly along said curve through a central angle of $08^{\circ}05'54''$ for an arc distance of 18.09 feet; thence South $65^{\circ}22'53''$ West 2.00 feet to an 18.00-foot radius curve concave Southwesterly, a radial to said point bears North $65^{\circ}22'53''$ East; thence Northwesterly along said curve through a central angle of $19^{\circ}54'51''$ for an arc distance of 6.26 feet; thence South $89^{\circ}32'36''$ East 6.43 feet to a 23.00-foot radius curve concave Southwesterly, a radial to said point bears North $56^{\circ}51'50''$ East; thence Southeasterly along said curve through a central angle of $08^{\circ}31'03''$ for an arc distance of 3.42 feet to a 125.00-foot radius tangent reverse curve; thence Southeasterly along said curve through a central angle of $08^{\circ}05'54''$ for an arc distance of 17.67 feet to the TRUE POINT OF BEGINNING.

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Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, improvement, operation and maintenance of a public street or streets and incidents thereto, together with curbs, gutters, and sidewalks, earth excavations or embankments, slope or slopes 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; that said real property is to be used for the construction, improvement, operation and maintenance of a public street or streets and incidents thereto, together with curbs, gutters and sidewalks, earth excavations or embankments, slope or slopes 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 City Council hereby makes the following findings in support of the above-referenced findings contained in Paragraph 5 herein: (a) The proposed project for which this acquisition is being sought is to improve the cul-de-sac at the northerly terminus of Angelucci Street so that adequate ingress and egress will be provided to the 242-unit Belden

Village public housing project for the elderly. (b) The improvements to the cul-de-sac at the northerly terminus of Angelucci Street will provide necessary safety, ease of public access to Belden Village and a turn-around area for persons not entering Belden Village.

Section 7. 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 and slope 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
Thomas W. Byron, Deputy

hk 6/27/83
Orig.Dept: Property

JUL 25 1983

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"/>
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 Struiksm	<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.

(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-258943 Adopted JUL 25 1983