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R 84-410

RESOLUTION NO. R-259278

SEP 20 1983

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 SECTIONS 4 AND 5, TOWNSHIP 15 SOUTH, RANGE 2 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 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 Sections 4 and 5, Township 15 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6540, 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:

LEGAL DESCRIPTION

PARCEL 1

All that portion of the South Half of Section 5, Township 15 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof, described as follows:

Commencing at the Southwesterly corner of Parcel 3 of Parcel Map 3156, filed in the Office of the County Recorder of San Diego County, October 25, 1974 as File/Page 74-284929 of Official Records, said Southwesterly corner being a point on the arc of a 1,025.00-foot radius curve concave Southeasterly, a radial to said point bears North 39°51'38" West; thence Southwesterly along the arc of said curve through a central angle of 05°27'25", a distance of 97.62 feet; thence South 44°40'41" West, 388.31 feet to the TRUE POINT OF BEGINNING; thence continuing South 44°40'41" West, 40.42 feet to the beginning of a tangent 475.00-foot radius curve concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of 32°02'31", a distance of 265.64 feet; thence tangent to said curve South 76°43'12" West, 317.57 feet; thence North 78°48'57" East, 150.32 feet; thence North 74°48'57" East, 116.56 feet to the beginning of a tangent 820.00-foot radius curve concave Northwesterly; thence Northeasterly along the arc of said curve through a central angle of 24°28'34", a distance of 350.29 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 said Southwesterly corner of Parcel 3 of Parcel Map 3156 described above, said point being a point on the arc of a 1,025.00-foot radius curve concave Southeasterly, a radial to said point bears North 39°51'38" West; thence Southwesterly along the arc of said curve through a central angle of 05°27'25", a distance of 97.62 feet; thence South 44°40'41" West, 388.31 feet to the beginning of a tangent 820.00-foot radius curve concave Northwesterly said point also being a point on the Northwesterly line of Parcel 1, described above; thence Southwesterly along the arc of said curve and Northwesterly line of Parcel 1 described above through a central angle of 24°28'34", a distance of 350.29 feet; thence continuing along said Northwesterly line of Parcel 1 described above, South 74°48'57" West, 116.56 feet; thence continuing along said Northwesterly line of Parcel 1 described above, South 78°48'57" West, 150.32 feet to a point on the Northerly line of Mission Road 1-A as said street is located and established on June 9, 1983; thence South 76°43'12" West, 187.33 feet to a point on the Easterly line of that certain easement for slope purposes granted to CalTrans by Document 79-488236

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filed in the Office of the County Recorder of San Diego County; thence North 17°11'20" West along said Easterly line, 10.00 feet; thence North 75°01'21" East, 145.00 feet; thence North 59°22'49" East, 52.00 feet; thence North 69°43'00" East, 63.43 feet; thence North 75°01'21" East, 80.00 feet; thence South 86°13'31" East, 70.00 feet; thence North 77°16'20" East, 50.00 feet to the beginning of a tangent 810.00-foot radius curve concave Northwesterly; thence Northeasterly along the arc of said curve through a central angle of 24°28'34", a distance of 346.02 feet; thence North 44°40'41" East, 387.32 feet to the beginning of a tangent 1,034.95-foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of 05°56'19", a distance of 107.27 feet to a point on the Westerly line of said Parcel 3 of Parcel Map 3156; thence South 01°24'17" West along said Westerly line returning to the Point of Beginning.

PARCEL 3

THAT PORTION OF SECTION 4, TOWNSHIP 15 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF UNITED STATES INTERNATIONAL UNIVERSITY, ACCORDING TO MAP THEREOF NO. 5960; THENCE ALONG THE NORTHERLY BOUNDARY OF SAID MAP, NORTH $67^{\circ}04'41''$ EAST (RECORD NORTH $66^{\circ}38'41''$ EAST) 744.00 FEET TO THE BEGINNING OF A TANGENT 3080.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $4^{\circ}11'41''$ A DISTANCE OF 225.49 FEET; THENCE NORTH $27^{\circ}07'00''$ WEST (RECORD NORTH $27^{\circ}33'00''$ WEST) 80.00 FEET; THENCE NORTH $29^{\circ}01'17''$ WEST 50.33 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH $60^{\circ}58'43''$ WEST 311.31 FEET; THENCE NORTH $67^{\circ}04'41''$ EAST 95.46 FEET TO THE BEGINNING OF A TANGENT 2975.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $11^{\circ}17'45''$ A DISTANCE OF 586.52 FEET; THENCE LEAVING SAID CURVE, NORTH $34^{\circ}12'13''$ WEST 14.82 FEET; THENCE SOUTH $60^{\circ}58'43''$ WEST 367.82 FEET TO THE TRUE POINT OF BEGINNING.

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 Pomerado Road between Interstate 15 and Scripps Ranch Boulevard by widening

said road and to complete the right of way between existing improvements to the east and west of the proposed project.

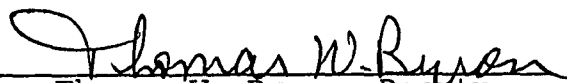
(b) The improvements to Pomerado Road between Interstate 15 and Scripps Ranch Boulevard are necessary because current traffic volume counts indicate that the capacity of Pomerado Road has been exceeded.

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, General Counsel

By


Thomas W. Byron, Deputy

hk 9/2/83

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Passed and adopted by the Council of The City of San Diego on SEP 20 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 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 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 Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-259278 Adopted SEP 20 1983
Number