

RESOLUTION NO. R- 259438

OCT 17 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, A STORM DRAIN OR DRAINS, A BUTTRESS FILL, AND A TEMPORARY STOCKPILE EASEMENT, AND INCIDENTS THERETO, IN PORTIONS OF LOT 70, RANCHO MISSION AND LOT 381, NAVAJO PARK UNIT 2 IN THE SAN CARLOS AREA, 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 EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH CURBS, GUTTERS, AND SIDEWALKS, EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES, STORM DRAIN OR DRAINS, A BUTTRESS FILL, AND INCIDENTS THERETO, AND A TEMPORARY STOCKPILE EASEMENT; 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

01193

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, and a storm drain or drains, and a buttress fill, and incidents thereto, and a temporary stockpile, in portions of Lot 70, Rancho Mission and Lot 381, Navajo Park Unit 2 in the San Carlos area, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 8999, 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 easements in 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, and a storm drain or drains, and a buttress fill and incidents thereto, and a temporary stockpile, 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

All that portion of the partition of Lot 70 of Rancho Mission in the County of San Diego, State of California, according to Map thereof filed in the Office of the County Clerk in Action 15191, entitled "San Diego Realty Company versus Maria Y. Olvera De Toro, et al," described as follows:

Parcel 1 - Jackson Drive

Commencing at the Northwestern Corner of Navajo Park Unit 2, according to Map thereof No. 8999 filed October 6, 1978 as amended by Certificate of Correction recorded June 26, 1983 as File 83-027400 in the Office of the County Recorder of San Diego County; thence South 23°02'14" East along the Westerly boundary of said Map 8999, a distance of 254.76 feet to the TRUE POINT OF BEGINNING; and the Westerly terminus of the Northerly line of Tuxedo Drive as dedicated for public use on said Map 8999; thence continuing South 23°02'14" East along said boundary a distance of 65.52 feet (Record 65.56 feet per Map 8999) to the Westerly terminus of the Southerly line of said Tuxedo Drive, as shown on said Map 8999; being the beginning of a nontangent 20.00-foot radius curve, concave Southeasterly, a radial bears North 70°54'20" West to the beginning of said curve; thence Southwesterly and Southerly along the arc of said curve through a central angle of 52°57'49", a distance of 18.49 feet; thence tangent to said curve South 33°52'09" East, 25.59 feet to said Westerly line of Navajo Park Unit 2; thence along said Westerly line, South 23°02'14" East, 424.51 feet (Record 424.53 feet per said Map 8999) to the beginning of a tangent 2,500.00-foot radius curve, concave Easterly, thence continuing Southerly along said Westerly line, and along the arc of said curve, through a central angle of 11°47'04", a distance of 514.19 feet to the beginning of a compound 1,056.00-foot radius curve, concave Easterly, a radial bears South 66°01'02" West to the beginning of said compound curve; thence Southerly along the arc of said curve through a central angle of 03°19'08", a distance of 61.17 feet to a point hereby set out as Point A, for the purpose of this description; thence continuing Southerly and Southeasterly along the arc of said curve through a central angle of 20°24'23", a distance of 376.16 feet; thence tangent to said curve South 47°42'39" East, 105.71 feet to said Westerly boundary of Map 8999; thence along said Westerly boundary South 38°48'16" East, 289.43 feet to the beginning of a tangent 2,500.00-foot radius curve, concave Easterly, a radial bears South 51°11'44" East to the beginning of said curve; thence continuing along said boundary, and Southerly along the arc of said curve through a central angle of 12°14'20", a distance of 534.02 feet; thence tangent to said curve South 26°33'56" East, 115.54 feet to an angle point in said Map 8999, common to an angle point in the Northerly line of Jackson Drive as dedicated on the date of this instrument; said point lying North 63°26'00" East, 44.00 feet from the Easterly boundary of Vista Del Cerro Unit 1 according to Map thereof 6234 filed in the Office of the Recorder of San Diego

County; thence South 63°26'04" West along said Northerly line of said Jackson Drive, a distance of 42.00 feet; thence North 26°33'56" West 309.03 feet to the beginning of a tangent 956.00-foot radius curve, concave Westerly, a radial bears North 63°26'04" East to the beginning of said curve; thence Northwesterly along the arc of said curve through a central angle of 21°08'43" a distance of 352.82 feet; thence tangent to said curve North 47°42'39" West, 365.96 feet to the beginning of a tangent 1,144.00-foot radius curve, concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 24°00'34", a distance of 479.39 feet; thence tangent to said curve North 23°42'05" West 622.20 feet to the beginning of a tangent 956.00-foot radius curve, concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 16°32'55", a distance of 276.12 feet; thence tangent to said curve North 40°15'00" West, 253.05 feet to the beginning of a tangent 1,044.00-foot radius curve, concave Northeasterly; thence Northwesterly along the arc of said curve, through a central angle of 10°39'26", a distance of 194.19 feet; thence tangent to said curve North 29°35'34" West, 35.00 feet to a point hereby set out as "Point B" for the purpose of this description; thence continuing North 29°35'34" West, 23.05 feet to a point on the Westerly extension of the Northerly line of said Navajo Park Unit 2; thence South 89°32'40" East along said Westerly extension, and along the Southerly line of Jackson Drive as it exists on the date of this instrument, a distance of 100.27 feet to a point in the arc of a non-tangent 958.00-foot radius curve concave Northeasterly, a radial bears South 56°01'57" West to said point; thence Southeasterly along the arc of said curve, through a central angle of 06°16'57", a distance of 105.04 feet; thence tangent to said curve South 40°15'00" East, 198.56 feet to the beginning of a tangent 20.00-foot radius curve, concave Northerly; thence Southeasterly, and Easterly along the arc of said curve, through a central angle of 80°29'51", a distance of 28.10 feet to the beginning of a reverse 330.00-foot radius curve, concave Southeasterly, a radial bears North 30°44'51" West to the beginning of said curve; thence Easterly along the arc of said curve, through a central angle of 01°31'50", a distance of 8.82 feet returning to the TRUE POINT OF BEGINNING.

Parcel 1A - Slope Easement

An easement and right-of-way for earth embankment or excavation, slope or slopes, through, over, along and across the following described real property:

Beginning at said Northwesterly corner of Navajo Park Unit 2, according to said Map 8999, thence South 23°02'14" East along the Westerly boundary of said map a distance of 16.36 feet; thence South 85°41'04" West 114.73 feet to the Easterly line of Parcel 1 described above, being a point in the arc of a 958.00-foot radius curve, concave Easterly, a radial bears South 54°14'00" West to said point; thence Northwesterly along said Easterly line, and along the arc of said curve through a central angle of 01°47'57" a distance of 30.08 feet to the Northeasterly corner of said Parcel 1 and to a point on said Westerly extension of the Northerly line of said Navajo Park Unit 2, thence South 89°32'40" East along said Westerly extension, a distance of 125.20 feet returning to the Point of Beginning.

Parcel 1B - Slope Easement

An easement and right-of-way for earth embankment or excavation, slope or slopes, through, over, along and across the following described real property:

Beginning at Point B, as set out in Parcel 1 described above, being a point on the Westerly line of said Parcel 1; thence South 29°35'34" East, along said Westerly line of Parcel 1, a distance of 35.00 feet to the beginning of a tangent 1044.00-foot radius curve, concave Northeasterly; thence Southeasterly along said Westerly line, and along the arc of said curve through a central angle of 10°39'26", a distance of 194.19 feet; thence continuing along said Westerly line, of Parcel 1 South 40°15'00" East, 253.01 feet to the beginning of a tangent 956.00-foot radius curve, concave Southwesterly; thence continuing along said Westerly line, Southeasterly along the arc of said curve through a central angle of 16°32'55", a distance of 276.12 feet; thence continuing along said Westerly line, South 23°42'05" East, 622.20 feet to the beginning of a tangent 1,144.00-foot radius curve, concave Northeasterly; thence continuing along said Westerly line, Southeasterly along the arc of said curve through a central angle of 24°00'34", a distance of 479.39 feet; thence continuing along said Westerly line South 47°42'39" West, 365.96 feet to the beginning of a tangent 956.00-foot radius curve, concave Southwesterly; thence continuing along said Westerly line, Southeasterly along the arc of said curve through a central angle of 21°08'43" a distance of 352.82 feet; thence continuing along said Westerly line South 26°33'56" East, 309.03 feet to the Southwesterly corner of said Parcel 1; thence South 63°26'04" West, 2.00 feet; thence North 26°33'56" West, 115.54 feet to the beginning of a tangent 2456.00-foot radius curve, concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 08°15'00", a distance of 353.64 feet; thence North 48°33'56" West, 563.84 feet; thence North 25°19'51" West, 105.47 feet to the beginning of a non-tangent 1,150.00-foot radius curve, concave Northeasterly, a radial bears South 42°17'21" West to the beginning of said curve; thence Northwesterly along the arc of said curve through a central angle of 18°35'27" a distance of 373.14 feet; thence tangent to said curve North 23°42'05" West, 493.08 feet; thence North 73°06'00" West, 138.29 feet; thence North 40°14'24" East, 89.05 feet to a point in the arc of a 925.00-foot radius curve, concave Southwesterly, a radial bears North 66°17'55" East to said point; thence Northwesterly along the arc of said curve, through a central angle of 16°32'55" a distance of 267.17 feet; thence tangent to said curve North 40°15'00" West, 32.05 feet; thence North 34°32'22" West, 100.49 feet; thence North 25°40'33" West 51.67 feet; thence North 40°15'00" West 71.00 feet to the beginning of a tangent 1052.00-foot radius curve, concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 10°39'26" a distance of 195.68 feet; thence North 29°35'34" West 35.00 feet; thence North 60°24'26" East, 8.00 feet returning to the Point of Beginning.

Parcel 1C - Drain Easement

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

Beginning at a point on the Northeasterly line of Parcel 1 described above, being Point A as set out in said parcel; thence North 59°00'38" East, 10.53 feet to the Westerly line of said Navajo Park Unit No. 2, being a point in the arc of a 2500.00-foot radius curve, concave Easterly, a radial bears South 53°46'42" West to said point; thence Southeasterly along said Westerly line, and along the arc of said curve through a central angle of 00°20'43", a distance of 15.07 feet; thence South 59°00'38" West, 12.81 feet to said Northeasterly line of said Parcel 1; being a point in the arc of a 1056.00-foot radius curve, concave Northeasterly, a radial bears South 61°53'00" West to said point; thence Northwesterly along said Easterly line of Parcel 1 and along the arc of said curve through a central angle of 00°48'55", a distance of 15.02 feet, returning to the Point of Beginning.

LEGAL DESCRIPTION

All that portion of Lot 381 of Navajo Park Unit 2, in the City of San Diego, County of San Diego, according to Map thereof No. 8999, filed in the Office of the County Recorder of San Diego County, October 6, 1978, as amended by Certificate of Correction recorded January 26, 1983 as File 83-027400 described as follows:

Parcel 2 - Buttress Fill Easement

A permanent easement for a buttress fill and all appurtenances thereto through, over, upon, along and across the following described real property:

Commencing at the Southerly corner of Lot 312 of said Navajo Park Unit 2; thence South 52°29'00" West, 184.53 feet to the TRUE POINT OF BEGINNING; thence South 80°24'48" East, 230.00 feet; thence South 32°27'00" East, 213.18 feet; thence South 39°07'43" East, 88.01 feet; thence South 53°09'59" East, 87.07 feet; thence South 41°45'29" East, 154.05 feet; thence South 58°00'00" East, 246.08 feet; thence South 36°45'00" East, 107.14 feet; thence South 15°15'00" East, 200.00 feet; thence South 07°45'00" East, 150.00 feet; thence South 02°15'00" West, 110.00 feet; thence South 80°15'00" West, 120.00 feet; thence North 30°45'00" West, 112.00 feet; thence North 09°15'00" West, 295.00 feet; thence North 54°15'00" West, 75.00 feet; thence South 77°45'00" West, 90.00 feet; thence North 57°15'00" West, 123.50 feet to the Easterly line of Jackson Drive dedicated to public use by said Map 8999 being a point in the arc of a non-tangent 1,044.00-foot radius curve, concave Southwesterly a radial bears North 55°46'18" East to said point; thence Northwesterly along said Easterly line of Jackson Drive and along the arc of said curve through a central angle of 13°27'20", a distance of 245.18 feet; thence tangent to said curve North 47°41'02" West, along said Northeasterly line of Jackson Drive, a distance of 98.30 feet; thence North 29°30'00" West, 261.49 feet; thence North 68°30'00" West, 65.00 feet; thence North 44°00'00" West, 122.00 feet; thence North 21°59'00" East, 105.00 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2A - Temporary Stock Pile

Commencing at the Southerly corner of Lot 321 of said Navajo Park Unit 2, according to Map thereof No. 8999; thence South 25°25'49" West, 37.00 feet to the TRUE POINT OF BEGINNING; thence South 54°00'53" East, 275.32 feet; thence North 50°45'00" East, 85.00 feet; thence South 40°15'00" East, 385.00 feet; thence South 19°45'00" East, 385.00 feet; thence South 10°45'00" East, 140.00 feet; thence South 44°15'00" West, 60.00 feet; thence North 77°45'00" West, 115.00 feet; thence North 51°02'02" West, 245.73 feet to the Southerly line of Parcel 2 described above; thence along the Southerly and Northeasterly boundary of Parcel 2 as follows: North 80°15'00" East, 60.00 feet; North 02°15'00" East, 110.00 feet; North 07°45'00" West, 150.00 feet; North 15°15'00" West, 200.00 feet; North 36°45'00" West, 107.14 feet; North 58°00'00" West, 246.08 feet; thence North 41°45'29" West, 105.68 feet; thence leaving said boundary North 25°25'49" East, 10.00 feet returning 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, and a storm drain or drains, and a buttress fill, and incidents thereto, and a temporary stockpile, 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, and a storm drain or drains, and a buttress fill and incidents thereto, and a temporary stockpile, 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 necessary to improve Jackson Drive in order to relieve the traffic congestion existing on Golfcrest Drive, and to complete the circulation of the Navajo Community Plan.

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

APPROVED:

JOHN W. WITT, City Attorney

By *Susan Hinz*
Susan Hinz, Deputy

hk 10/4/83
Orig.Dept.: Property

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 84259

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 \$ 5,000.00 Fund 30244 CIP

Purpose Authorizing the expenditure of funds for improvement of Jackson Drive in San Carlos

DR Ryan

Auditor and Comptroller

Date October 03, 1983

By Merna S. Robinson

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			30244	107	4638	521220				\$5,000.00
TOTAL AMOUNT										\$5,000.00

FUND OVERRIDE

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 \$ _____

Auditor and Comptroller

Dated _____, 19____ BY _____

PURPOSE _____

VENDOR _____

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

Passed and adopted by the Council of The City of San Diego on OCT 17 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.

(Seal)

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

By *Barbara Burridge*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-259438 Adopted OCT 17 1983