

RESOLUTION R-260912

JUN 11 1984

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRES THE PAVING AND GRADING OF AN ALLEY FOR PURPOSES OF IMPROVING SAFETY, ACCESS AND DRAINAGE IN PORTIONS OF THE UNNUMBERED LOTS IN BLOCKS 44 OF H. P. WHITNEY'S ADDITION ADJOINING BLOCK 339 OF CHOATE'S ADDITION, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND ACQUISITION OF FEE TITLE TO SAID PROPERTY FOR SAID PUBLIC ALLEY IMPROVEMENT; AND THAT SAID ALLEY IMPROVEMENT IS LOCATED IN SUCH A MANNER THAT IS MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY IN THAT THE LANDS AFFECTED ARE TWO FIVE-FOOT WIDE STRIPS CONTIGUOUS TO THE NORTH SIDE OF THE ALLEY, AND THAT NO OFFER TO THE OWNER OF RECORD TO ACQUIRE THE PROPERTY AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE BECAUSE THE OWNER(S) COULD NOT BE LOCATED WITH REASONABLE DILIGENCE; 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.

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:

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Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the paving and grading of this alley for purposes of improving safety, access and drainage of portions of unnumbered lots of Block 44 of H. P. Whitney's Addition adjoining Block 339 of Choate's Addition, 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 said property for the paving and grading of this alley for purposes of improving safety, access and drainage, 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 and 1240.120, Code of Civil Procedure; and Sections 4090, 5100-5102, 5023 and 5101(b), Streets and Highways Code, permit the acquisitions referenced herein.

Section 4. That the parcels of real property sought to be condemned are described as follows:

PARCEL 1

Those unnumbered Lots in Block 44 of H. P. Whitney's Addition, being the East Half of Pueblo Lot 1162, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 168 filed in the Office of the County Recorder of San Diego County, July 8, 1886, lying Southerly of and adjacent to Lots 3, 4 and 5, excepting the Westerly 15 feet of Lot 5 in Block 339 of Choates Addition, being the East Half of Pueblo Lot 1159, according to Map thereof No. 156 filed in the Office of the County Recorder of San Diego County, July 14, 1886.

PARCEL 2

Those unnumbered Lots in Block 44 of H. P. Whitney's Addition, being the East Half of Pueblo Lot 1162, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 168 filed in the Office of the County Recorder of San Diego County, July 8, 1886, lying Southerly of and adjacent to Lots 9 and 10 in Block 339 of Choates Addition, being the East Half of Pueblo Lot 1159, according to Map thereof No. 156 filed in the Office of the County Recorder of San Diego County, July 14, 1886.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the paving and grading of this alley for the purposes of improving safety, access and drainage 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, Charter of The City of San Diego; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure; and Sections 4090, 5100-5102, and 5023, Streets and Highways 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 paving and grading of this alley for purposes of improving safety, access and drainage which is planned and located in a manner most compatible with the greatest public good and the least private injury; and that an offer to the owner(s) of record to acquire the property at the appraised fair market value has not been made because the owner(s) could not be located with reasonable diligence.

Section 6. 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 as
above-described, for the use of said City.

APPROVED:

JOHN W. WITT, City Attorney

By

Susan Hinz
Susan Hinz, Deputy

vtc 4/5/84
Orig. Dept:

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JUN 11 1984

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *June A. Blackwell* , Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-260912 Adopted JUN 11 1984