

RESOLUTION NO. R- 261669

OCT 2 1984

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT OF THE SAN CLEMENTE ADDITION "A" OPEN SPACE PROGRAM IN PORTIONS OF PUEBLO LOTS 1243 AND 1244 OF PUEBLO LANDS OF SAN DIEGO, 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 TO SAID PROPERTY FOR SAID SAN CLEMENTE ADDITION "A" OPEN SPACE PROGRAM; 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:

Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the development of the San Clemente Addition "A" Open Space Program in portions of Lots 1243 and 1244 of Pueblo Lands of San Diego, 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 development of the San Clemente Addition "A" Open Space Program, 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; Parks and Playgrounds Act of 1909; Sections 6950-6954, 37350.5 and 51063, Government Code; and Section 61.0603 et seq., San Diego Municipal Code, permit the acquisitions referenced herein.

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

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PARCEL A

That portion of Pueblo Lot 1243 of Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof, a copy of which was filed in the Office of the County Recorder of San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36, being described as follows:

BEGINNING at a point on the Easterly line of said Pueblo Lot 1243, being the Northeasterly corner of Clairemont Villas Unit No. 4, according to Map thereof No. 3228, filed in the Office of the County Recorder of San Diego County, May 5, 1955; thence along the Northerly boundary of said Clairemont Villas Unit No. 4, North $89^{\circ}15'07''$ West 467.14 feet to an angle point in the boundary of Clairemont Mesa North Unit No. 1, according to Map thereof No. 5103, filed in the Office of the County Recorder of San Diego County, December 28, 1962; thence along the boundary of said Clairemont Mesa North Unit No. 1, North $53^{\circ}26'40''$ East 103.54 feet; thence North $08^{\circ}11'53''$ East 119.22 feet; thence North $31^{\circ}00'45''$ West 59.93 feet; thence North $44^{\circ}43'25''$ East 202.21 feet; thence North $15^{\circ}00'00''$ East 98.38 feet; thence North $18^{\circ}01'37''$ West 101.32 feet; thence North $80^{\circ}00'00''$ West 72.84 feet; thence North $70^{\circ}00'00''$ West 52.90 feet; thence South $68^{\circ}34'00''$ West 157.68 feet; thence North $85^{\circ}21'05''$ West 143.75 feet to the most Southerly corner of Clairemont Mesa North Unit No. 2, according to Map thereof No. 5212, filed in the Office of the County Recorder of San Diego County, July 10, 1963; thence along the boundary of said Clairemont Mesa North Unit No. 2, North $43^{\circ}48'33''$ East 259.34 feet; thence North $32^{\circ}09'32''$ East 152.69 feet; thence South $83^{\circ}00'00''$ East 69.01 feet; thence South $69^{\circ}19'00''$ East 61.75 feet; thence North $89^{\circ}18'12''$ East 92.94 feet; thence North $45^{\circ}00'00''$ East 288.00 feet to an angle point in said boundary, said point being on the Easterly line of said Pueblo Lot 1243; thence along said Easterly line, South $00^{\circ}35'10''$ West 1050.00 feet, more or less, to the Point of Beginning.

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PARCEL B

That portion of Pueblo Lot 1244 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which said Map being filed in the Office of County Recorder of San Diego County, and is known as Miscellaneous Map No. 36, which lies Northerly of the South line of the North Half of the North Half of the South 160 acres of said Pueblo Lot 1244.

EXCEPT THEREFROM the above described portion of Pueblo Lot 1244, that portion thereof which lies Westerly of the Easterly line of the land described in deed to the San Diego Gas & Electric Company, recorded April 2, 1958 as File No. 52298 of Official Records.

ALSO EXCEPT THEREFROM the above described portion of said Pueblo Lot 1244, that portion thereof which lies Easterly of the location and prolongation of a line described as follows:

Beginning at the Southeasterly corner of said Pueblo Lot 1244; thence along the Easterly line of said Pueblo Lot, North $00^{\circ}17'00''$ East 1985.19 feet; thence parallel with the Westerly line of said Pueblo Lot, North $89^{\circ}40'00''$ West 870.00 feet to the TRUE POINT OF BEGINNING; thence North $29^{\circ}53'30''$ West 312.18 feet; thence North $37^{\circ}10'00''$ West 245.00 feet; thence South $85^{\circ}00'00''$ West 212.61 feet; thence North $23^{\circ}00'00''$ West 347.59 feet; thence North $04^{\circ}13'00''$ West 139.18 feet; thence South $89^{\circ}53'00''$ East 119.90 feet; thence North $23^{\circ}46'00''$ East 135.74 feet; thence North $36^{\circ}34'53''$ West 173.19 feet to an intersection with the Northerly line of Pueblo Lot 1244.

ALSO EXCEPTING THEREFROM that portion which lies within University View Estates Unit No. 3, in the City of San Diego, County of San Diego State of California, according to Map thereof No. 5068, filed in the Office of County Recorder of San Diego County.

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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 development of the San Clemente Addition "A" Open Space Program 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; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5 and 51063, Government Code; and Section 61.0603 et seq., San Diego Municipal 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 development of the San Clemente Addition "A" Open Space Program which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. That the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

Section 7. That as to any portion of the property that is currently appropriated for a public use, the use to which the property is sought to be taken is a more necessary public use.

Section 8. 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

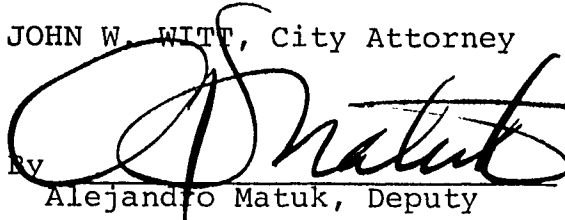
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California, in and for the County of San Diego, in the name and on behalf of The City of San Diego, against all owners and claimants to an interest in the above-described real property, for the purpose of condemning and acquiring the fee interests as above-described, for the use of said City.

APPROVED:

JOHN W. WITT, City Attorney

BY



Alejandro Matuk, Deputy

hk/9/5/84

Orig. Dept: Property

Passed and adopted by the Council of The City of San Diego on OCT 2 1984,
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-261659 Adopted OCT 2 1984

RECEIVED
CITY CLERK'S OFFICE

1984 SEP 19 PM 6:28

OCT 5 1984

SAN DIEGO, CALIF.

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