

(R-85-1929)

RESOLUTION NUMBER R- 263063

ADOPTED ON APR 29 1985

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUMP STATION, PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO, TO SERVE DESIGNATED PORTIONS OF OTAY MESA WITHIN AND WITHOUT THE CORPORATE LIMITS OF SAN DIEGO, IN PORTIONS OF LANDS WITHIN THE CITY OF SAN DIEGO, THE CITY OF CHULA VISTA AND THE COUNTY OF SAN DIEGO AS FOLLOWS: CITY OF SAN DIEGO: PORTIONS OF SECTIONS 19 AND 20, TOWNSHIP 18 SOUTH, RANGE 1 WEST, S.B.B.M., AND A PORTION OF LOT 3, SECTION 4, TOWNSHIP 19 SOUTH, RANGE 1 WEST, S.B.B.M.; PARCEL 1 OF PARCEL MAP 8423; CITY OF CHULA VISTA: PORTION OF LOT 8D, RANCHO RIOS UNIT 8, MAP 7878 AND PARCEL 2 OF PARCEL MAP 6263; COUNTY OF SAN DIEGO: PORTIONS OF SECTIONS 22 AND 23, TOWNSHIP 18 SOUTH, RANGE 2 WEST, S.B.B.M.; A PORTION OF PARCEL 1 OF PARCEL MAP 4276; PORTION OF LOT 8, BLOCK 2, AND LOT 9, BLOCK 3 OF BRODERICK'S OTAY ACRES, MAP 1243; PARCELS 1, 2 AND 3 OF PARCEL MAP 10235; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF EASEMENTS, TEMPORARY WORKING STRIPS AND/OR FEE TITLE IN SAID PROPERTY FOR SAID PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO, AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; THAT AN OFFER TO ACQUIRE THE PROPERTY INTERESTS AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY AND REJECTED; 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 TAKING 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

00974

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, operation and maintenance of a pump station, public sewer or sewers and all appurtenances thereto to serve designated portions of Otay Mesa within and without the corporate limits of San Diego in portions of lands within the City of San Diego, the City of Chula Vista and the County of San Diego as follows: City of San Diego: Portions of Sections 19 and 20, Township 18 South, Range 1 West, S.B.B.M., and a portion of Lot 3, Section 4, Township 19 South, Range 1 West, S.B.B.M.; Parcel 1 of Parcel Map 8423; City of Chula Vista: Portion of Lot 8D, Rancho Rios Unit 8, Map 7878 and Parcel 2 of Parcel Map 6263; County of San Diego: Portions of Sections 22 and 23, Township 18 South, Range 2 West, S.B.B.M.; a portion of Parcel Map 4276; Portion of Lot 8, Block 2, and Lot 9, Block 3 of Broderick's Otay Acres, Map 1243; Parcels 1, 2 and 3 of Parcel Map 10235.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of easements, temporary working strips and/or fee title in said property for the construction, operation and maintenance of a pump station, public sewer or sewers and all appurtenances thereto, said real property lying within the City

of San Diego, the City of Chula Vista, and the 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, 1240.140 and 1255.410, Code of Civil Procedure; Sections 37350.5, 38900, 39040 and 40404, Government Code; and Section 4(h) of the Otay Mesa Sewer Construction and Operation Agreement of March 12, 1984, City Document No. 260277, entered into by and between The City of San Diego, the City of Chula Vista, the Montgomery Sanitation District, Otay Water District and the Otay International Center, a partnership; permit the acquisition referenced herein.

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

LEGAL DESCRIPTION

Parcel 5 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The North 20 feet of the West 153 feet of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California. According to the Official Plat thereof, being a portion of Lot 8 of Faivre Homestead Tract, according to the Map thereof No. 10, filed in the Office of the County Recorder of San Diego County, September 27, 1880.

Reserving unto the Grantor herein, its heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 6 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

All that portion of Parcel 1 of Parcel Map No. 4276, in the County of San Diego, California, described as follows:

Beginning at the Northwesterly corner of said Parcel 1; thence along the Westerly line of said Parcel 1 South 00°09'30" East 20.00 feet to the TRUE POINT OF BEGINNING; thence continuing South 00°09'30" East 20.00 feet to a line which is parallel with and 40.00 feet Southerly, measured at right angles, from the North line of said Parcel 1; thence along said parallel line South 89°44'00" East 346.00 feet to the Westerly right-of-way of Faivre Street as shown on said Parcel Map No. 4276, being also a point in a nontangent 60.00-foot radius curve concave Easterly, a radial line to said point bears South 70°47'44" West; thence Northerly along right-of-way and curve through a central angle of 19°28'14" an arc distance of 20.39 feet; thence along a nontangent line North 89°44'00" West 342.72 feet to the TRUE POINT OF BEGINNING.

Also:

The North 20 feet of the East 30 feet of the West 183 feet of the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of Section 22, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof, being a portion of Lot 8 of Faivre Homestead Tract, according to the Map thereof No. 10, filed in the Office of the County Recorder of San Diego County, September 27, 1880.

Reserving unto the Grantor herein, its heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 6A - Temporary Working Strip

Together with a temporary construction easement for the right, during construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within-granted right-of-way, described as follows:

A strip of land 20.0 feet in width, lying Northerly of, and immediately adjacent to, those portions of Parcel 1 of Parcel Map 4276 and Lot 8 of Faivre Homestead Tract, according to Map 10, as described above.

Parcel 9 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

All that portion of the West Half of the East Half of the Southeast Quarter of the Northwest Quarter and the East 21.00 feet of the West Half of the Southeast Quarter of the Northwest Quarter of Section 23, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, California, according to Official Plat thereof, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northeast Quarter of said Section 23; thence along said East Line North 00°26'20" East 247.04 feet; thence North 89°40'05" West, 36.00 feet to the westerly line of Mace Street, 72.00 feet wide as located and established on the date of this instrument; thence continuing North 89°40'05" West, 612.46 feet to the Easterly line of that certain 36-foot-wide road easement conveyed to said County on October 1, 1969 by File/Page 180603 of Official Records, said road now vacated by the County Board of Supervisors by instrument recorded in Book 5170, Page 497 of Official Records; thence North 79°07'30" West 708.09 feet; thence North 33°14'37" West 11.17 feet; thence North 00°48'07" East 94.68 feet; thence North 44°33'27" West 36.16 feet; thence North 89°55'01" West 314.01 feet;

thence North 80°02'30" West 332.32 feet; thence North 41°43'30" West 25.82 feet to the Easterly boundary of Whittington's Subdivision No. 10, Map thereof No. 4353 on file in the Office of the County Recorder of said County; thence along said Easterly boundary South 00°42'39" West (Record South 00°07'30" West) 36.48 feet; thence leaving said boundary South 80°02'30" East 348.44 feet; thence South 89°55'01" East 307.38 feet; thence South 44°33'27" East 19.44 feet; thence South 00°48'07" West 92.44 feet; thence South 33°14'37" East 25.76 feet; thence South 79°07'30" East 718.40 feet; thence South 89°40'05" East 622.29 feet; thence South 44°19'00" East 11.33 feet; thence South 00°26'20" West 218.94 feet; thence South 89°33'40" East 20.00 feet to the Point of Beginning.

Reserving unto the Grantor herein, its heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 9A - Temporary Working Strip

Together with a temporary construction easement for the right, during construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within-granted right-of-way, described as follows:

A strip of land 30.00 feet in width lying Southerly of, and immediately adjacent to, the above-described Parcel "9".

The temporary easement shall cease to exist upon notice of completion of the construction of said pipeline or pipelines.

Parcel 15 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The South 20.00 feet of the South 30.00 feet of the West Quarter of the Southeast Quarter of the Northeast Quarter of Section 23, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, California, according to Official Plat thereof.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 19 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The South 20.00 feet of the South 30.00 feet of the Southeast Quarter of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 23 of Township 18 South, Range 2 West, and the East 20.00 feet of the North 10.00 feet of the South 30.00 feet of said Southeast Quarter of the Southeast Quarter of the Northeast Quarter of Section 23, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, California, according to Official Plat thereof.

Reserving unto the Grantor herein, her heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 20 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The East 20.00 feet of the South 120.00 feet of the Southeast Quarter of the Northeast Quarter of Section 23, Township 18 South, Range 2 West, San Bernardino Meridian, in the County of San Diego, California, according to Official Plat thereof. Excepting therefrom the South 30.00 feet.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 27 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The South 10.00 feet of the South 45.00 feet of the West 103.50 feet of Lot 8, Block 2, of Broderick's Otay Acres, in the County of San Diego, California, according Map thereof No. 1243, filed in the Office of the County Recorder of said County, March 25, 1910.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 28 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The South 10.00 feet of Lot 8, Block 2, of Broderick's Otay Acres, in the County of San Diego, California, according to Map thereof No. 1243, filed in the Office of the County Recorder of said County, March 25, 1910. EXCEPTING THEREFROM the West 103.50 feet and the East 123.00 feet thereof.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 30 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The South 10.00 feet of Parcels 1, 2, and 3 of Parcel Map 10235 in the County of San Diego, California, as said Parcel Map was filed in the Office of the County Recorder of said County.

Parcel 34 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

The North 5.00 feet of the West 150.50 feet of the South 70.00 feet of Lot 9, Block 3, of Broderick's Otay Acres, in the County of San Diego, California, according to Map thereof, No. 1243, filed in the Office of the County Recorder of said County, March 25, 1910.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 36 - Sewer Easement

That portion of Parcel 1 of Parcel Map No. 8423, in the City of San Diego, County of San Diego, California, filed in the Office of the County Recorder of said County on February 9, 1975 more particularly described as follows:

Beginning at the Northwestern corner of said Parcel 1; thence along the North line of said Parcel 1 North 89°38'07" East (Record North 89°12'00" East) 139.62 feet; thence South 59°05'26" West 39.36 feet to a line that is parallel with and 20.00 feet Southerly, measured at right angles, from said North line; thence along said parallel line South 89°38'07" West 105.93 feet to the West line of said Parcel 1; thence Northerly along said West line 20.00 feet to the Point of Beginning.

Parcel 37 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the City of Chula Vista, County of San Diego, State of California, described as follows:

All that portion of Lot 8D of Rancho Rios Unit No. 8 in the City of Chula Vista, County of San Diego, California, according to Map thereof No. 7878 filed February 22, 1974 in the Office of the County Recorder of said County, described as follows:

Beginning at the Southeasterly corner of said Map No. 7878; thence along the Easterly boundary of said Map No. 7878 North 00°17'07" East (Record North 00°09'00" West) 47.48 feet to the TRUE POINT OF BEGINNING, being also a point in a nontangent 210.00-foot radius curve concave Northeast-erly, a radial line to said point bears South 20°30'58" West, thence Northwest-erly along said curve through a central angle of 05°05'58" an arc distance of 18.69 feet; thence tangent to said curve North 64°23'04" West 33.22 feet; thence West 21.96 feet; thence South 59°05'26" West 136.95 feet to the Southerly boundary of said Map No. 7878; thence along said Southerly boundary South 89°38'07" West (Record South 89°12'00" West) 39.35 feet; thence North 59°05'26" East 176.38 feet; thence East 32.04 feet; thence South 64°23'04" East 37.76 feet to the beginning of a

tangent 190.00-foot radius curve concave Northeasterly; thence Southeast-
erly along said curve through a central angle of 02°51'36" an arc dis-
tance of 9.48 feet to said Easterly boundary; thence along said Easterly
boundary South 00°17'07" West (Record South 00°09'00" East) 21.47 feet to
the TRUE POINT OF BEGINNING.

Reserving unto the Grantor herein, its heirs and assigns the continued use of
the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures;
the planting or growing of trees; the changing of the surface grade; and the
installation of privately owned pipe lines shall be prohibited except by
written permission from the City of San Diego.

Parcel 37A - Temporary Working Strip

Together with a temporary construction easement for the right, during con-
struction of said pipeline or pipelines to use for purpose incidental to said
construction, the land adjacent to the within-granted right-of-way, described
as follows:

A 25.00-foot strip of land lying immediately adjacent to, and on each
side of, the above described portion of Lot 8D of Map 7878. Excepting
therefrom any portion lying outside of said Lot 8D.

The temporary easement shall cease to exist upon notice of completion of the
construction of said pipeline or pipelines.

Parcel 38 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain,
operate and repair a public sewer or sewers including any or all appurtenances
thereto, together with the right of ingress and egress, over, under, along and
across all that real property situated in the City of Chula Vista, County of
San Diego, State of California, described as follows:

All that portion of Parcel 2 of Parcel Map No. 6263 in the City of Chula
Vista, County of San Diego, California, filed August 15, 1977 in the
Office of the County Recorder of said County, described as follows:

Beginning at the Southwesterly corner of said Parcel 2; thence along the
Westerly line of said Parcel 2 North 00°17'07" East (Record North
00°21'21" East) 47.48 feet to the TRUE POINT OF BEGINNING, being also a
point in a nontangent 210.00-foot radius curve concave Northeasterly, a
radial line to said point bears South 20°30'58" West; thence Southeast-
erly along said curve through a central angle of 20°30'58" an arc dis-
tance of 75.20 feet; thence tangent to said curve East 53.21 feet; thence
North 68°44'34" East 78.79 feet to the Westerly freeway line of Inter-
state Highway 805; thence along said Westerly boundary North 04°55'51"
East 22.29 feet; thence South 68°44'34" West 84.87 feet; thence West
49.45 feet to the beginning of a tangent 190.00-foot radius curve concave
Northeasterly; thence Northwesterly along said curve through a central
angle of 22°45'20" an arc distance of 75.46 feet to said Westerly

boundary of Parcel 2; thence along said Westerly boundary South 00°17'07" West (Record South 00°21'21" West) 21.47 feet to the TRUE POINT OF BEGINNING.

Reserving unto the Grantor herein, its heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 38A - Temporary Working Strip

Together with a temporary construction easement for the right, during construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within-granted right-of-way, described as follows:

A 25.00-foot-wide strip of land lying Northerly of and adjacent to the Northerly line of said easement described in Parcel 38 above, and a 25.00-foot strip of land lying Southerly of and adjacent to the Southerly line of said Parcel 38.

The temporary easements shall cease to exist upon notice of completion of the construction of said pipeline or pipelines.

Parcel 41 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

A strip of land, 20.00 feet in width, lying within a portion of the South Half of Section 19, Township 18 South Range 1 West, San Bernardino Meridian in the City of San Diego, County of San Diego, California, according to Official Plat thereof, the centerline of said strip being described as follows:

Beginning at the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 19; thence along the West line of said Northwest quarter of the Southwest Quarter North 00°28'33" East 1,042.29 feet to the TRUE POINT OF BEGINNING; thence North 76°39'51" East 778.22 feet to the beginning of a tangent 500.00-foot radius curve concave Southerly; thence Easterly along said curve through a central angle of 17°29'36" an arc distance of 152.66 feet; thence tangent to said curve South 85°50'33" East 1,846.05 feet to the beginning of a tangent 500.00-foot radius curve concave Southerly; thence Easterly along said curve through a central angle of 14°25'09" an arc distance of 125.83 feet; thence tangent to said curve South 71°25'24" East 415.39 feet to the beginning of a tangent 500.00 foot radius curve concave Northerly; thence

Easterly along said curve through a central angle of 07°33'21" an arc distance of 65.94 feet; thence tangent to said curve South 78°58'45" East 427.94 feet to the beginning of a tangent 300.00-foot radius curve concave Southwesterly; thence Southeasterly along said curve through a central angle of 30°57'22" an arc distance of 162.09 feet; thence tangent to said curve South 48°01'23" East 203.40 feet to the beginning of a tangent 300.00 foot radius curve concave Northerly; thence Easterly along said curve through a central angle of 46°35'26" an arc distance of 243.95 feet; thence tangent to said curve North 85°23'01" East 742.54 feet to the beginning of a tangent 2,000.00-foot radius curve concave Northerly; thence Easterly along said curve through a central angle of 05°34'40" an arc distance of 194.70 feet; thence tangent to said curve North 79°48'21" East 190.64 feet to the beginning of a tangent 200.00-foot radius curve concave Southwesterly; thence Southeasterly along said curve through a central angle of 29°09'06" an arc distance of 101.76 feet to a point in the East line of said Section 19, said point lying South 00°23'44" West, 574.90 feet from the East Quarter corner of said Section 19 per Record of Survey 7693.

Reserving unto the Grantor herein, its heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

Parcel 41A - Temporary Working Strip

Together with a temporary construction easement for the right, during construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within-granted right-of-way, described as follows:

A strip of land 20.00 feet in width, lying immediately adjacent to, and on each side of, the above-described 20.00-foot-wide easement.

The temporary easements shall cease to exist upon notice of completion of the construction of said pipeline or pipelines.

Parcel 42 - Sewer Easement

A strip of land, 20.00 feet in width, lying within a portion of the South Half of Section 20, Township 18 South Range 1 West, San Bernardino Meridian in the City of San Diego, County of San Diego, California, according to Official Plat thereof, the centerline of said strip being described as follows:

Beginning at the West Quarter Corner of said Section 20; thence along the West line of said Section 20 South 00°24'44" West 574.90 feet to the TRUE POINT OF BEGINNING, being also a point in a nontangent 200.00-foot radius curve concave Southwesterly, a radial line to said point bears North 18°57'27" East; thence Southeasterly along said curve through a central angle of 01°17'54" an arc distance of 4.53 feet; thence tangent

to said curve South 69°44'39" East 15.00 feet to the beginning of a tangent 200.00-foot radius curve concave Northwesterly; thence Easterly and Northeasterly along said curve through a central angle of 54°20'40" an arc distance of 189.70 feet; thence tangent to said curve North 55°54'42" East 7.78 feet to the beginning of a tangent 300.00-foot radius curve concave Southeasterly; thence Northeasterly along said curve through a central angle of 12°02'47" an arc distance of 63.08 feet; thence tangent to said curve North 67°57'29" East 393.87 feet to the beginning of a tangent 1,000.00-foot radius curve concave Northwesterly; thence Northeasterly along said curve through a central angle of 07°12'25" an arc distance of 125.78 feet; thence tangent to said curve North 60°45'04" East 282.81 feet to the beginning of a tangent 300.00-foot radius curve concave Southerly; thence Easterly along said curve through a central angle of 31°17'21" an arc distance of 163.83 feet; thence tangent to said curve South 87°57'34" East 220.54 feet to a point in the East line of the Northwest Quarter of the Southwest Quarter of said Section 20.

The sidelines of said strip to be lengthened or shortened so as to terminate at their Westerly end in the West line of Section 20 and to terminate at their Easterly end in said East line of the Northwest Quarter of the Southwest Quarter of Section 20.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

42A - Temporary Working Strip

Together with a temporary construction easement for the right, during construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within-granted right-of-way, described as follows:

A strip of land 20.00 feet in width, lying immediately adjacent to, and on each side of, the above-described 20.00-foot-wide easement.

The temporary easements shall cease to exist upon notice of completion of the construction of said pipeline or pipelines.

Parcel 43 - Sewer Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public sewer or sewers including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

A strip of land, 20.00 feet in width, lying within a portion of the South Half of Section 20, Township 18 South Range 1 West, San Bernardino

Meridian in the City of San Diego, County of San Diego, California, according to Official Plat thereof, the centerline of said strip being described as follows:

Beginning at the Northeast corner of the Northwest Quarter of the Southwest Quarter of said Section 20; thence along the East line of said Northwest Quarter of the Southwest Quarter South 00°21'23" West 80.79 feet to the TRUE POINT OF BEGINNING; thence South 87°57'34" East 845.97 feet to the beginning of a tangent 300.00-foot radius curve concave Southwesterly; thence Southeasterly along said curve through a central angle of 31°43'45" an arc distance of 166.13 feet; thence tangent to said curve South 56°13'49" East 20.31 feet to the beginning of a tangent 200.00-foot radius reverse curve concave Northerly; thence Northeasterly along said curve through a central angle of 50°24'14" an arc distance of 175.94 feet; thence tangent to said curve North 73°21'57" East 300.27 feet to the beginning of a tangent 300.00-foot radius curve concave Southerly; thence Southeasterly along said curve through a central angle of 42°57'11" an arc distance of 224.90 feet; thence tangent to said curve South 63°40'52" East 18.24 feet to a point in the centerline of Otay Valley Road.

The sidelines of said strip to be lengthened or shortened so as to terminate at their Westerly end in said East line of the Northwest Quarter of the Southwest Quarter of Section 20, and to terminate at their Easterly end in the Westerly right-of-way of Otay Valley Road.

Reserving unto the Grantors herein, their heirs and assigns the continued use of the above-described parcel of land subject to the following conditions.

The erecting of buildings, masonry walls, masonry fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately owned pipe lines shall be prohibited except by written permission from the City of San Diego.

43A - Temporary Working Strip

Together with a temporary construction easement for the right, during the construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within granted right-of-way, described as follows:

A strip of land, 20.00 feet in width, lying immediately adjacent to, and on each side of, the above described 20.00-foot-wide easement.

The temporary easement shall cease to exist upon notice of completion of the construction of said pipeline or pipelines.

Parcel 44 - Sewer Pump Station Site

All that portion of Lot 3 of Section 4, Township 19 South, Range 1 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to Official Plat thereof described as follows:


Beginning at the Northeast Corner of said Lot 3, thence along the North line of said Lot 3 North $87^{\circ}46'34''$ West 20.00 feet to the TRUE POINT OF BEGINNING; thence North $87^{\circ}46'34''$ West 76.00 feet; thence South $02^{\circ}13'26''$ West 80.00 feet; thence South $87^{\circ}46'34''$ East 76.45 feet; Thence North $02^{\circ}13'26''$ East 60.00 feet; thence North $0^{\circ}56'26''$ East 20.01 feet to the TRUE POINT OF BEGINNING.

Job 517896/Otay Mesa Sewer/GRIM/SAC/sn(5)C2/4/29/85

Section 5. That the taking and acquiring by said City of San Diego of property interests hereinabove described are deemed necessary for the construction, operation and maintenance of a pump station, public sewer or sewers and all appurtenances thereto, to serve designated portions of Otay Mesa within and without the corporate limits of San Diego 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, 1240.140 and 1255.410, Code of Civil Procedure; Sections 37350.5, 38900, 39040 and 40404, Government Code; and Section 4(h) of the Otay Mesa Sewer Construction and Operation Agreement of March 12, 1984, City Document No. 260277, entered into by and between The City of San Diego, the City of Chula Vista, the Montgomery Sanitation District, Otay Water District and the Otay International Center, a partnership); that for such public uses it is necessary that The City of San Diego condemn and acquire said property interests; that said property interests are to be used for the construction, operation and maintenance of a pump station, public sewer or sewers and all appurtenances thereto, to serve designated portions of Otay Mesa within and without the corporate limits of San Diego which are planned and located in a manner most compatible with the greatest public good and the least private injury; that an offer to acquire said property interests at the appraised fair market value has been made to the owners of record of the property pursuant to Government Code Section 7267.2 and rejected.

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 obtaining immediate possession, condemning and acquiring the property interests as above-described, for the use of said City.

APPROVED: John W. Witt, City Attorney

By 
Susan Hinz
Deputy City Attorney

SH:hk:Lit.
4/15/85
Or.Dept:Atty
R-85-1929
Form=r.none

#202

APR 29 1985

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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour* Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-263063** **APR 29 1985**
Number Adopted