

(R-85-2564)

RESOLUTION NUMBER R- 264012

ADOPTED ON SEP 9 1985

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRES THE DEVELOPMENT OF OPEN SPACE FOR USE AS PUBLIC PEDESTRIAN ACCESS TO TECOLOTE CANYON NATURAL PARK, 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 PEDESTRIAN ACCESS TO TECOLOTE CANYON NATURAL PARK; AND THAT SAID RIGHT OF WAY IS LOCATED IN SUCH A MANNER THAT IS MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AND THAT AN OFFER TO THE OWNERS OF RECORD TO ACQUIRE THE PROPERTY AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE AND REJECTED; 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,

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require the development of open space for use as a public pedestrian access to Tecolote Canyon Natural Park as more particularly described hereinafter, and that the City Council has so found and determined.

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 open space for use as a public pedestrian access to Tecolote Canyon Natural Park, 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; Parks and Playgrounds Act of 1909; Sections 6950-6954, 37350.5, 38002-38010, 39732, 39792, 40401(b) and 51063 Government Code; Sections 5023.1(a) and 5101(b), Streets and Highways; 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:

PARCEL 1

All that portion of Lot 396 of Clairemont Manor Unit 3, according to Map thereof No. 3013, filed in the Office of the County Recorder of San Diego County July 8, 1953, being more particularly described as follows:

Beginning at the Northwesterly corner of said Lot 396; thence South  $12^{\circ}29'20''$  East along the Westerly line of said Lot 396, 181.57 feet to a point on the Southwesterly corner of said Lot; thence North  $79^{\circ}57'00''$  East along the Southerly line of said Lot 396, 10.01 feet; thence North  $12^{\circ}29'20''$  West, 80.33 feet; thence North  $17^{\circ}51'35''$  East, 82.69 feet to a

point on the Northeasterly line of said Lot 396; thence North 72°08'25" West along said Northeasterly line, 60.00 feet returning to the Point of Beginning.

PARCEL 2

All that portion of Lot 397 of Clairemont Manor Unit 3, according to Map thereof No. 3013, filed in the Office of the County Recorder of San Diego County, July 3, 1953 being more particularly described as follows:

Beginning at the Northwestern corner of said Lot 397; thence South 12°29'20" East along the Westerly line of said Lot, 98.40 feet to a point on the Southwesterly corner of said Lot 397; thence South 80°32'20" East along the Southwesterly line of said Lot, 21.56 feet; thence North 35°04'52" West, 26.03 feet; thence North 12°29'20" West, 82.00 feet to a point on the Northerly line of said Lot 397; thence South 79°57'00" West along said Northerly line, 10.01 feet returning to the Point of Beginning.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the development of open space for use as a public pedestrian access to Tecolote Canyon Natural Park by The City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law (Section 200, Charter of The City of San Diego; Sections 1240.010, 1240.110 and 1240.120, 1240.610 and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002-38010, 39732, 39792, 40401(b) and 51063 Government Code; Sections 5023.1(a) and 5101(b) Streets and Highways; 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 development

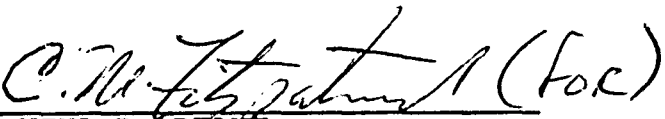
of open space for use as a public pedestrian access to Tecolote Canyon Natural Park which is planned and located in a manner most compatible with the greatest public good and the least private injury; and that the City Council has so found and determined all of the foregoing.

Section 6. That the offer required by Section 7267.2 of the Government Code has been made to the owner or 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 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 and obtaining immediate possession of said parcels for the use of said City.

APPROVED: John W. Witt, City Attorney

By  (for)  
NINA B. DEANE  
Deputy City Attorney

NBD:jkp:Lit  
7/24/85  
Or.Dept:Property Dept.  
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Passed and adopted by the Council of The City of San Diego on SEP 9 1985,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" 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"/>
District 7 - vacant	<input 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 Boyter*, Deputy.

Office of the City Clerk, San Diego, California

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