

(R-86-314)

RESOLUTION NUMBER R- 264120

ADOPTED ON SEP 23 1985

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, RECONSTRUCTION, MAINTENANCE, OPERATION AND REPAIR OF A DRAIN OR DRAINS INCLUDING ANY AND ALL APPURTENANCES THERETO, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCEL 70, LOT F, OF RANCHO MISSION 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 EASEMENTS AND TEMPORARY WORKING STRIPS IN SAID PROPERTY FOR SAID DRAIN OR DRAINS AND ANY AND ALL APPURTENANCES THERETO; 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; AND AUTHORIZING AND APPROVING THE EXPENDITURE OF \$3,000.00 THEREFOR.

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in Section 1245.235 of the 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 of the 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, reconstruction, maintenance, operation and repair of a drain or drains including any and all appurtenances thereto, together with the right of ingress and egress, over, under, along and across that portion of Parcel 70, Lot F of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof made in San Diego Superior Court Case No. 15191, 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 drainage easements and temporary working strips to said property for the construction, operation and maintenance of a drain or drains including all appurtenances thereto, together with the right of ingress and egress, over, under, along and across said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Section 220, of the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410, of the Code of Civil Procedure; Sections 5101(d) and 5102, of the Streets & Highways Code; and Sections 37350.5, 38900, 39040 and 40404, of the 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:

PARCEL 1 - DRAIN EASEMENT

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a drain or drains 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 Lot F of Partition of a portion of Lot 70, Rancho Mission of San Diego, SCC Mp. 15191, as described in that certain Tax Deed recorded at File Page 80-231005 on July 23, 1980 in the Office of the County Recorder of San Diego County, State of California, being a strip of land 10-feet in width, lying parallel with, contiguous to, and Northeasterly of the following described line:

Commencing at the most Southerly corner of Lot 243 of Knollwood Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7417, filed in the Office of the County Recorder of San Diego County on September 5, 1972. Thence along the Southeasterly line of said Lot 243, North 15°56'43" East, 55 feet to the TRUE POINT OF BEGINNING. Thence South 41°25'20" East, 203.88 feet; thence South 53°54'14" East, 216.31 feet to a terminus in the Southwesterly line of that certain existing 10-foot wide easement to the City of San Diego for drainage purposes, identified as "Parcel 5" of the deed recorded in the Office of the County Recorder of San Diego County, State of California on January 22, 1973 at File Page 73-018666.

The above described easement shall be prolonged so as to terminate Northwesterly in the Southeasterly line of Lots 242 & 243 of said Knollwood Park and to terminate Southeasterly in said existing 10-foot wide drainage easement.

PARCEL 2B - TEMPORARY WORKING STRIP

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

All that portion of Lot F of a Partition of a portion of Lot 70, Rancho Mission, SCC Map 15191, more particularly described as follows:

Commencing at the most Southerly corner of Lot 243 of Knollwood Park, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 7417, filed in the Office of the County Recorder of San Diego County on September 5, 1972. Thence along the Southeasterly line of said Lot 243, North $15^{\circ}56'43''$ East, 55 feet to the TRUE POINT OF BEGINNING of the parcel herein described. Said TRUE POINT OF BEGINNING is set forth and designated as Point A for purposes of this description. Thence leaving said Southeasterly line of Lot 243, South $41^{\circ}25'20''$ East, 203.88 feet; thence South $53^{\circ}54'14''$ East, 216.31 feet; thence South $56^{\circ}05'23''$ East, 88.97 feet to a point on the Westerly sideline of the cul-de-sac of Town View Lake, being also the beginning of a non-tangent 45-foot-radius curve, concave Southeasterly, a radial to said curve bears North $51^{\circ}16'04''$ West, thence Southerly along the arc of said curve through a central angle of $8^{\circ}41'46''$, an arc distance of 6.83 feet; thence leaving said sideline, South $72^{\circ}40'32''$ West, 24.92 feet; thence North $73^{\circ}03'50''$ West, 15.24 feet; thence North $56^{\circ}05'23''$ West, 68.11 feet; thence South $73^{\circ}03'50''$ East, 68.50 feet; thence North $56^{\circ}05'23''$ West, 56.21 feet; thence

North 53°54'14" West, 217.40 feet; thence North 41°25'20" West, 198.57 feet to said Southeasterly line of Lot 243; thence along said Southeasterly line, North 15°56'43" East, 12.35 feet to the TRUE POINT OF BEGINNING.

PARCEL 3A - TEMPORARY WORKING STRIP

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

All that portion of Lot F of a Partition of a portion of Lot 70, Rancho Mission, SCC Map 15191, more particularly described as follows:

Commencing at Point A as set forth and described in Parcel 2B: thence along said Southeasterly line of Lot 243, South 15°56'43" West, 12.35 feet to the TRUE POINT OF BEGINNING; thence leaving said Southeasterly line South 41°25'20" East, 198.57 feet; thence South 53°54'14" East, 217.40 feet; thence South 56°05'23" East, 56.21 feet; thence North 73°03'50" West, 68.50 feet; thence North 53°54'14" West, 210.28 feet; thence North 41°25'20" West, 187.95 feet to said Southeasterly line of Lot 243; thence along said Southeasterly line of Lot 243, North 15°56'43" East, 23.75 feet to the TRUE POINT OF BEGINNING.

PARCEL 1A - TEMPORARY WORKING STRIP

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

All that portion of Lot F of a Partition of a portion of Lot 70, Rancho Mission, SCC Map 15191, more particularly described as follows:

Commencing at Point A as set forth and described in Parcel 2B; thence along said Southeasterly line of Lot 243, North 15°-56'43" East, 11.88 feet to the TRUE POINT OF BEGINNING; thence along the Southeasterly line of Lot 242 of said Knollwood Park, North 15°56'43" East, 35.62 feet; thence leaving said Southeasterly line, South 41°25'20" East, 225.16 feet; thence South 53°54'14" East, 270.86 feet to a point on the westerly sideline of Lot 76 of the Knolls of Del Cerro Unit No. 2 according to Map thereof No. 6918, filed in the Office of the County Recorder of San Diego County, State of California; thence along said Westerly sideline of Lot 76, South 7°00'37" East, 40.34 feet; thence leaving said Westerly sideline of Lot 76, North 56°05'23" West, 85.35 feet; thence North 33°54'37" East, 0.007 feet; thence North 53°54'14" West, 214.80 feet; thence North 41°25'20" West, 209.23 feet to the TRUE POINT OF BEGINNING.

Section 5. That the taking and acquiring by said City of the easements hereinabove described is deemed necessary for the construction, reconstruction, maintenance, operation and repair of a drain or drains including any and all appurtenances thereto, together with the right of ingress and egress, over, under, along and across said property, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such uses are public uses authorized by law (Section 220, of the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410, of the Code of Civil Procedure; Sections 5101(d) and 5102, of the Streets & Highways Code; and Sections 37350.5, 38900, 39040 and 40404, of the Government Code); that for such public uses it is necessary that The City of San Diego condemn and acquire said property interests; that

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said property interests are to be used for the construction, reconstruction, maintenance, operation and repair of a drain or drains including any and all appurtenances thereto, together with the right of ingress and egress, over, under, along and across said property, 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 to improve the storm drain system on Hillandale Drive from Hillandale Court on the south to Deerfield Drive on the north; and (b) the proposed project will prevent flooding to adjacent private properties.


Section 7. That an offer to acquire said property interests at the appraised fair market value has been made to the owners of the property pursuant to Section 7267.2 of the Government Code and rejected.

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

BE IT FURTHER RESOLVED, that the expenditure of an amount not to exceed \$3,000.00 from Revenue Sharing Fund 18013 CIP No. 12-049.0, Hillandale Drive Drain, is hereby authorized and approved solely and exclusively for the above purpose.

APPROVED: John W. Witt, City Attorney

By 
NINA B. DEANE
Deputy City Attorney

NBD:jt:Lit
8/20/85
Or.Dept:Property Dept.
Aud. Cert:
R-86-314

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATION OF UNALLOTTED BALANCE AC 86142

ORIGINATING DEPT. NO.: _____

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 \$ 3,000.00 Fund 18013

Purpose Authorizing expenditure of funds for Hillandale Drive Drain.

DR Ryan
 Auditor and Comptroller

Date July 31, 1985 By *Liane Bradley*

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1			30244	101	4638	120490				\$3,000.00
TOTAL AMOUNT										\$3,000.00

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	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

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Passed and adopted by the Council of The City of San Diego on **SEP 23 1985**,
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"/>
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 *Janet A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-264120** Adopted **SEP 23 1985**