

(R-86-544)

RESOLUTION NUMBER R- 264169

ADOPTED ON SEP 30 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 PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH SLOPE OR SLOPE EASEMENTS, STORM DRAIN OR DRAINAGE EASEMENTS AND INCIDENTS THERETO, AND AN ACCESS EASEMENT AND INCIDENTS THERETO, IN A PORTION OF THE EAST 21.26 ACRES OF LOT 4, OF SECTION 19 TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, 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 SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH SLOPE OR SLOPE EASEMENTS AND INCIDENTS THERETO, A STORM DRAIN OR DRAINAGE EASEMENTS AND INCIDENTS THERETO, AND AN ACCESS EASEMENT AND INCIDENTS THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND EASEMENTS UNDER EMINENT DOMAIN PROCEEDINGS; AND DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 7267.5 HAS BEEN MADE TO THE RECORD OWNER; 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 EASEMENTS

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 construction, operation and maintenance of a public street or streets and incidents thereto, together with slope or slope easements, storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, in a portions of the East 21.26 acres of Lot 4 of Section 19, Township 14 South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, 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 and easements in said property for the construction, operation and maintenance of a public street or streets and incidents thereto, together with slope or slope easements and incidents thereto, a storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, 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; Sections 4090, 5101(d) and 5102, Streets & Highways Code; and Sections 37350.5 and 40404, 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:

LEGAL DESCRIPTION

Portions of the East 21.26 acres of Lot 4 of Section 19, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to the official plat thereof, in the City of San Diego, County of San Diego, State of California, described as follows:

Parcel 1 - Carmel Valley Road

Beginning at the Southwest corner of said Section 19; thence along the South line of Section 19, South $89^{\circ}04'53''$ East, 656.32 feet to the Southwest corner of said East 21.26 acres of Lot 4 and the TRUE POINT OF BEGINNING; thence, along the West line of said East 21.26 acres of Lot 4, North $21^{\circ}43''$ East, 128.24 feet; thence North $64^{\circ}34'37''$ East, 163.95 feet to the beginning of a curve concave Southeasterly and having a radius of 1,861.00 feet; thence, Northeasterly, along the arc of said curve, through a central angle of $04^{\circ}07'58''$, 134.24 feet to the centerline of Carmel Valley Road as shown on Road Survey 758; thence, along said centerline, North $86^{\circ}03'38''$ East, 437.80 feet to the East line of said Lot 4; thence, along said East line, South $0^{\circ}54'10''$ West, 39.28 feet; thence South $79^{\circ}06'46''$ West, 90.52 feet to the beginning of a curve concave Southeasterly and having a radius of 1,739.00 feet; thence Southwesterly, along the arc of said curve, through a central angle of $14^{\circ}32'09''$, 441.18 feet; thence South $64^{\circ}34'37''$ West, 206.55 feet to a point hereinafter referred to as Point "B", said point being a point on the South line of said Section 19; thence, along said South line North $89^{\circ}04'53''$ West, 16.95 feet to the TRUE POINT OF BEGINNING.

Parcel 2 - Access Easement

The permanent right-of-way for an access easement and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at said Point "B", said point being the TRUE POINT OF BEGINNING; thence North $64^{\circ}34'37''$ East, 17.81 feet; thence South $25^{\circ}25'23''$ East, 8.82 feet to the South line of said Section 19; thence, along said South line, North $89^{\circ}04'53''$ West, 19.87 feet to the TRUE POINT OF BEGINNING.

Parcel 3 - Slope Easement

The permanent easement and right-of-way for an earth embankment or excavation slope or slopes, through, over, along and across the following described real property:

Beginning at said Point "B", said point being the TRUE POINT OF BEGINNING; thence North $64^{\circ}34'37''$ East, 206.55 feet to the beginning of a curve concave Southeasterly and having a radius of 1,739.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of $14^{\circ}32'09''$, 441.18

feet; thence North 79°06'46" East, 90.52 feet to the East line of said Lot 4 of Section 19; thence along said East line, South 0°54'10" West, 40.86 feet; thence South 79°06'46" West, 67.17 feet; thence North 10°53'14" West, 15.00 feet; thence South 74°38'14" West, 185.51 feet; thence South 67°50'03" West, 179.96 feet; thence South 61°50'04" West, 188.16 feet to the South line of said Section 19; thence along said South line, North 89°04'53" West, 112.68 feet to the TRUE POINT OF BEGINNING.

Parcel 4 - Slope Easement

The permanent easement and right-of-way for an earth embankment or excavation slope or slopes, through, over, along and across the following described real property:

Beginning at said Point "B"; thence along the South line of said Section 19, North 89°04'53" West, 16.95 feet to the West line of the East 21.26 acres of Lot 4 of said Section 19; thence along said West line, North 01°21'43" East, 128.24 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line, North 01°21'43" East, 28.00 feet; thence North 62°17'27" East, 190.49 feet to the centerline of Carmel Valley Road as shown on Road Survey 758; thence along said centerline, North 86°03'38" East, 102.22 feet to the beginning of a non-tangent curve concave Southeasterly and having a radius of 1,861.00 feet, a radial line to said point bears North 21°17'25" West; thence Southwesterly, along the arc of said curve, through a central angle of 04°07'58", 134.24 feet; thence South 64°34'37" West, 163.95 feet to the TRUE POINT OF BEGINNING.

Parcel 5 - Drainage Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a storm drain or drains, including any and all appurtenances thereto, together with the right of ingress and egress, over, under, along and across the following described real property:

Beginning at said Point "B", thence North 64°34'37" East, 206.55 feet to the beginning of a curve concave Southeasterly and having a radius of 1,739.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of 04°23'57", 133.52 feet to the TRUE POINT OF BEGINNING; thence continuing Northeasterly along the arc of said curve, through a central angle of 0°39'46", 20.12 feet; thence South 14°28'32" East, 50.00 feet; thence South 75°31'28" West, 20.00 feet; thence North 14°28'32" West, 47.82 feet to the TRUE POINT OF BEGINNING.

Parcel 6 - Drainage Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a storm drain or drains, including any and all appurtenances thereto, together with the right of ingress and egress, over, under, along and across the following described real property:

Beginning at said Point "B"; thence North 64°34'37" East, 206.55 feet to the beginning of a curve concave Southeasterly and having a radius of 1,739.00 feet; thence Northeasterly, along the arc of said curve, through a central angle of 14°32'09", 441.18 feet; thence North 79°06'46" East, 15.00 feet to the TRUE POINT OF BEGINNING; thence continuing North 79°06'46" East, 75.52 feet to the East line of Lot 4 of said Section 19; thence along said East line, South 0°54'10" West, 40.86 feet; thence South 79°06'46" West, 67.17 feet; thence North 10°53'14" West, 40.00 feet to the TRUE POINT OF BEGINNING.

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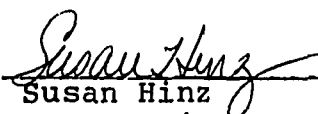
Section 5. That the taking and acquiring by said City of the real property and easements herein above described are deemed necessary for the construction, operation and maintenance of a public streets and incidents thereto, together with slope or slope easements and incidents thereto, a storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, 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, 1240.610, and 1255.410, Code of Civil Procedure; Sections 4090, 5101(d) and 5102, Streets & Highways Code; and Sections 37350.5 and 40404, Government Code); that for such public uses it is necessary that the City of San Diego condemn and acquire said real property and easements; that said property and easements are to be used for the construction, operation and maintenance of a public street or streets and incidents thereto, together with slope or slope easements and incidents thereto, a storm drain or drainage easements and incidents thereto and an access easement and incidents thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury and that an offer to purchase the property pursuant to Government Code Section 7267.2 has been made to the owner or owners of record.

Section 6. The Council hereby makes the following specific findings in support of the above-referenced findings contained in Paragraph 5 herein; (a) The proposed project for which the

acquisition is being sought is to realign, improve and extend Carmel Valley Road from Interstate 5 through the North City West community. The purpose of this road is to provide the City with major street access from Interstate 5 to the North City West community; and (b) The proposed alignment of the road is necessary to safely carry the future traffic volume of the area.

Section 7. That the City Attorney of The City of San Diego be, and he is 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 and easements as above-described and obtaining immediate possession of said parcels for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Susan Hinz
Deputy City Attorney

SH:vtc
08/15/85
Or.Dept:Property
R-86-544

SEP 30 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 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

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Number Adopted.....