

RESOLUTION NUMBER R- 264883

ADOPTED ON JAN 21 1986

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 SEWER OR SEWERS AND ALL APPURTENANCES THERETO, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG AND ACROSS THAT PORTION OF LOT 8D, RANCHO RIOS UNIT 8, MAP 7878 AND PARCEL 2 OF PARCEL MAP 6263, IN THE CITY OF CHULA VISTA, 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 PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO TO SERVE DESIGNATED PORTIONS OF OTAY MESA WITHIN AND WITHOUT THE CORPORATE LIMITS OF THE CITY OF SAN DIEGO, 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 INTERESTS 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 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 public sewer or sewers and all appurtenances thereto together with the right of ingress and egress over, under, along and across that portion of Lot 8D, Rancho Rios Unit 8, Map 7878 and Parcel 2 of Parcel Map 6263 in the City of Chula Vista, 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 easements and temporary working strips in said property for the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto, said real property lying within the City of Chula Vista, 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:

All that portion of Lot 8D of Rancho Rios Unit 8 in the City of Chula Vista, County of San Diego, California,

according to Map thereof No. 7878 on file in the Office of the County Recorder of said County, described as follows:

Parcel 37 - Sewer Easement

Beginning at the Southeasterly corner of said Map 7878; thence along the easterly boundary of said Map 7878 North 00°17'07" East (Record North 00°09'00" West) 30.97 feet to the TRUE POINT OF BEGINNING, being also a point in a non-tangent 210.00-foot-radius curve concave Northeasterly, a radial line to said point bears South 30°53'48" West; thence Northwesterly along said curve through a central angle of 08°00'07" an arc distance of 29.33 feet; thence tangent to said curve North 51°06'05" West 21.12 feet; thence North 75°54'34" West 30.66 feet; thence South 59°05'26" West 135.58 feet to the Southerly boundary of said Map 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 52.23 feet to a point in a non-tangent 277.50-foot-radius curve concave Northwesterly, said curve being also the Southerly right-of-way of Rancho Drive as shown on said Map 7878, a radial line to said point bears South 21°42'57" East; thence Northeasterly along said curve and right-of-way through a central angle of 18°23'14" an arc distance of 89.06 feet; thence along a non-tangent line North 59°05'26" East 36.85 feet; thence South 75°54'34" East 43.33 feet; thence South 51°06'05" East 25.52 feet to the beginning of a tangent 190.00-foot-radius curve concave Northeasterly; thence Southeasterly along said curve through a central angle of 04°21'46" an arc distance of 14.47 feet to said Easterly boundary of Map 7878; thence along said Easterly boundary South 00°17'07" West (Record South 00°09'00" East) 23.68 feet to the TRUE POINT OF BEGINNING.

Parcel 37A - 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 Parcel 37 described above, 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 construction of said pipeline or pipelines.

All that portion of Parcel 2 of Parcel Map 6263 in the City of Chula Vista, County of San Diego, California, on file in the Office of the County Recorder of said County, described as follows:

Parcel 38 - Sewer Easement

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) 30.97 feet to the TRUE POINT OF BEGINNING, being also a point in a non-tangent 210.00-foot-radius curve concave Northeasterly, a radial line to said point bears South 30°53'48" West; thence Southeasterly and Easterly along said curve through a central angle of 30°53'48" an arc distance of 113.24 feet; thence tangent to said curve East 58.69 feet; thence North 64°01'47" East 33.08 feet to the Easterly line of said Parcel 2; thence along said Easterly line North 04°55'51" East 23.31 feet; thence South 64°01'47" West 40.44 feet; thence West 54.07 feet to the beginning of a tangent 190.00-foot-radius curve concave Northeasterly; thence Westerly and Northwesterly along said curve through a central angle of 34°32'09" an arc distance of 114.53 feet to the Westerly line of said Parcel 2; thence along said Westerly line South 00°17'07" West 23.68 feet to the TRUE POINT OF BEGINNING.

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 Parcel 38 described above, described as follows:

Beginning at said Southwesterly corner of Parcel 2; thence along the Westerly line

of said Parcel 2 North 00°17'07" East 85.94 feet; thence South 51°06'05" East 5.07 feet to the beginning of a tangent 165.00-foot-radius curve concave North-easterly; thence Southeasterly along said curve through a central angle of 11°-44'22" an arc distance of 33.81 feet; thence along a non-tangent line North 89°-38'07" East 168.04 feet to the Easterly line of said Parcel 2; thence along said Easterly line South 04°55'51" West 65.28 feet to the Southerly line of said Parcel 2; thence along said Southerly line South 89°53'07" West 195.09 feet to the POINT OF BEGINNING.

EXCEPTING therefrom all that permanent easement first described above.

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

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 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 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 
Nina B. Deane
Deputy City Attorney

NBD:jt:Lit.
12/30/85
Or.Dept:Atty
R-86-1239
Form=r.none

JAN 21 1986

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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"/>
Judy McCarty	<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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VACANT

AUTHENTICATED BY:

ED STRUIKSMA

Deputy Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Barbara Baxter*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number **R-264883** Adopted **JAN 21 1986**

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