

RESOLUTION NUMBER R- 265254

ADOPTED ON MAR 17 1986

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT OF THE 34TH STREET CANYON OPEN SPACE PRESERVE 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 FEE TITLE TO SAID PROPERTY FOR SAID 34TH STREET CANYON OPEN SPACE PRESERVE; 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, require the development of the 34th Street Canyon Open Space Preserve, as more particularly described hereinafter, and that the City Council has so found and determined.

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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 the 34th Street Canyon Open Space Preserve, 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, 40401(b) and 51063 Government Code; and Section 61.0603 et seq., San Diego Municipal Code, permit the acquisition referenced herein.

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

PARCEL 1

Lot 5 in Block 43 of EASTERN ADDITION TO NEW SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

ALSO that portion of the East 13 feet of Felton Street closed and vacated, immediately adjoining said Lot 5 on the West.

PARCEL 7

Lots 7 through 11, inclusive, in Block 45 of EASTERN ADDITION TO NEW SAN DIEGO, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

PARCEL 10

Lot 7, Block 46, EASTERN ADDITION TO NEW SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

PARCEL 13

Lots 1 through 6 in Block 67 of EASTERN ADDITION TO NEW SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

PARCEL 18

Lots 1, 2, 3, 4, 5 and 6 in Block 65 of EASTERN ADDITION TO NEW SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

PARCEL 20

Lot 1 in Block 36 of EASTERN ADDITION TO NEW SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

PARCEL 21

Lots 1, 2 and 3 in Block 64 of EASTERN ADDITION TO NEW SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 295, filed in the Office of the County Recorder of San Diego County.

PARCEL 28A

Lots 5 and 6 in Block 34 of SAN DIEGO PROPERTY UNION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 314, filed in the Office of the County Recorder of San Diego County, August 9, 1873.

PARCEL 28B

An easement for ingress and egress for road purposes incidental thereto across the Northerly 10 feet of Lot 19 in Block 34 of SAN DIEGO PROPERTY UNION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 314, filed in the Office of the County Recorder of San Diego County, April 9, 1873.

PARCEL 30

The Westerly 15 feet of Lots 1 and 2 in Block 34 of SAN DIEGO PROPERTY UNION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 314, filed in the Office of the County Recorder of San Diego County, April 9, 1873.

PARCEL 32

Lots 11, 12, 13 and 14 in Block 33, all in the lands of SAN DIEGO PROPERTY UNION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 314, filed in the Office of the County Recorder of San Diego County, April 9, 1873.

PARCEL 37

Lots 1, 2, 3 and 4 in Block 60 of SAN DIEGO PROPERTY UNION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 314, filed in the Office of the County Recorder of San Diego County, April 9, 1873.

PARCEL 52

The East one-half of Block 81 of CHOATE'S ADDITION, a subdivision of the Southeast Quarter of Pueblo Lot 1140, and all of Pueblo Lot 1348, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 351, filed in the Office of the County Recorder of San Diego County, June 9, 1887.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the development of the 34th Street Canyon Open Space Preserve for preservation of open space by The City of San Diego and the inhabitants thereof; that such use is a public use authorized by law (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, 40401(b) and 51063 Government Code; 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 the development of the 34th Street Canyon Open Space Preserve 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 
Nina B. Deane
Deputy City Attorney

NBD:jt:Lit
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Or.Dept:Prop.
Aud.Cert:85441
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Passed and adopted by the Council of The City of San Diego on MAR 17 1986,
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.

(Seal)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

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