

RESOLUTION NUMBER R- 265595

ADOPTED ON APR 29 1986

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION OR ERECTION, OPERATION AND MAINTENANCE OF A TRAFFIC GUARDRAIL, STREET SIGNS AND STREET SIGN EASEMENTS ADJACENT TO STATE ROUTE 125 IN PORTIONS OF SECTIONS 26 AND 36, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SAN BERNARDINO 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 INTERESTS FOR SAID PUBLIC STREET PURPOSES; 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 INTERESTS 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 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 or erection, operation and maintenance

of a traffic guardrail, street signs, street sign easements and incidents thereto in portions of Sections 26 and 36, Township 18 South, Range 1 West, San Bernardino 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 or erection, operation and maintenance of a traffic guardrail, street signs, street sign easements and incidents thereto, said real property lying with 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

All that portion of the Northwest Quarter of Section 36, Township 18 South, Range 1 West, San Bernardino Meridian, according to official plat thereof described as follows:

### Parcel 1

Commencing at the Southwest corner of said Northwest Quarter; thence South  $88^{\circ}45'28''$  East along the Southerly line of said Northwest Quarter, a distance of 193.16 feet to a point in the arc of a 2,000-foot-radius curve, concave Northeasterly, a radial bears South  $65^{\circ}28'54''$  West to said point; thence Northwesterly along the arc of said curve through a central angle of  $01^{\circ}02'33''$  a distance of 886.23 feet to a point on the Westerly line of said Section 36, being also a point to which a radial bears North  $89^{\circ}07'47''$  West; thence South  $89^{\circ}07'47''$  East along said radial line, a distance of 40.00 feet to the Easterly line of that real property described as Parcel 44 in the Final Order of Condemnation recorded July 18, 1984, as Document 84-27065 of Official Records of San Diego County being the TRUE POINT OF BEGINNING: thence North  $00^{\circ}52'13''$  East along said Easterly line, a distance of 247.03 feet to the beginning of a tangent 1,540-foot-radius-curve, concave Westerly; thence Northerly along the arc of said curve through a central angle of  $09^{\circ}14'39''$ , a distance of 248.47 feet; thence North  $00^{\circ}52'13''$  East, 12.16 feet to a point of cusp with the arc of a 1,542-foot-radius-curve, concave Westerly, a radial bears North  $81^{\circ}10'49''$  East to said point; thence Southeasterly along the arc of said curve through a central angle of  $09^{\circ}41'24''$ , a distance of 260.79 feet; thence tangent to said curve South  $00^{\circ}52'13''$  West, 202.03 feet; thence South  $89^{\circ}07'47''$  East, 1.00 feet; thence South  $00^{\circ}52'13''$  West, 45.00 feet; thence North  $89^{\circ}07'47''$  West, 3.00 feet returning to the TRUE POINT OF BEGINNING.

### Parcel 1A - Traffic Sign Easement.

The permanent easement and right-of-way to construct, reconstruct, maintain and repair a road traffic sign or signs, including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property described as follows:

Beginning at the intersection of the Easterly line of said Parcel 44 of said Final Order of Condemnation with the Southerly line of the Northwest Quarter of the Southwest Quarter of the Northwest Quarter of said Section 36; thence South  $89^{\circ}12'29''$  East along said Southerly line, a distance of 12.06 feet to a point in the arc of a 1,948-foot-radius curve, concave Northeasterly, a radial bears South  $85^{\circ}04'39''$  West to said point; thence Northerly along the arc of said curve through a central angle of  $00^{\circ}09'12''$ , a distance of 5.21 feet; thence South  $85^{\circ}13'51''$  West, 12.00 feet to said Easterly line; thence Southerly along said Easterly line, a distance of 4.05 feet returning to the Point of Beginning.

## LEGAL DESCRIPTION

Parcel 2 - Traffic Sign Easement.

The permanent easement and right-of-way to construct, reconstruct, maintain and repair a road traffic sign or signs, including any or all appurtenances thereto together with right of ingress and egress, over, under, along and across all that real property described as follows:

All that portion of the Southwest Quarter of the Southeast Quarter of Section 26, Township 18 South, Range 1 West, San Bernardino Meridian, according to official plat thereof described as follows:

Commencing at the Southeast corner of said West Half of the Southeast Quarter; thence North  $88^{\circ}51'13''$  West along the Southerly line of said West Half, a distance of 157.94 feet to a point on the centerline of Otay Mesa Road, being also a point in the arc of a 1,500-foot radius curve concave Southwesterly, a radial bears North  $01^{\circ}08'47''$  East to said point; thence Southeasterly along the arc of said curve through a central angle of  $01^{\circ}08'09''$ , a distance of 29.74 feet; thence North  $02^{\circ}16'56''$  East, along a radial line, a distance of 40.00 feet to a point on the Northerly line of said Otay Mesa Road, being a point in the arc of a 1,540-foot radius curve, concave Southwesterly, a radial bears North  $02^{\circ}16'56''$  East to said point, being the TRUE POINT OF BEGINNING; thence Northwesterly along the Northerly line of Otay Mesa Road, and along the arc of said curve, through a central angle of  $00^{\circ}44'38''$ , a distance of 19.99 feet; thence North  $01^{\circ}32'18''$  East along a radial line, 5.00 feet to a point in the arc of a 1,545-foot radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of  $00^{\circ}44'38''$ , a distance of 20.06 feet; thence South  $02^{\circ}16'56''$  East, along a radial line, a distance of 5.00 feet returning to the TRUE POINT OF BEGINNING.


Section 5. That the taking and acquiring by said City of real property and easements hereinabove described are deemed necessary for the construction or erection, operation and maintenance of a traffic guardrail, street signs, and street sign easements 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 or erection, operation and maintenance of a traffic guardrail, street signs, street sign easements 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 interests pursuant to Government Code Section 7267.2 has been made to the owner or owners of record.

Section 6. The City Council hereby makes the following specific findings in support of the above-referenced findings contained in Paragraph 5 herein: (a) The proposed improvements for which the acquisition is being sought are to improve the extension of Otay Mesa Road east of Interstate 805 to the Otay Mesa Border Crossing known as State Route 125. (b) The improvements to State Route 125 are necessary to meet state

safety standards and to safely carry the present and 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   
Nina B. Deane  
Deputy City Attorney

NBD:jt:Lit  
04/09/86  
Or.Dept:Property  
Aud.Cert:86724  
R-86-1919

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATION OF UNALLOTTED BALANCE AC 86724

ORIGINATING DEPT. NO.: 070

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 \$ 1,075.00 Fund 30245

Purpose Authorizing expenditure of funds for the condemnation of additional right-of-way along Otay Mesa Road for the second border crossing.

*[Signature]*  
 Auditor and Comptroller  
 By *[Signature]*

Date February 21, 1986

ACCOUNTING DATA										
ACCTG LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPER. ACCT.	BENF/EQUIP	FACILITY	AMOUNT
1			30244	107	4638	521400				\$1,075.00
TOTAL AMOUNT										\$1,075.00

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

# 201

Passed and adopted by the Council of The City of San Diego on APR 29 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *June G. Blackwell* , Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-265595 Adopted APR 29 1986



RECEIVED  
CITY CLERK'S OFFICE

1986 APR 17 AM 4: 43

SAN DIEGO, CALIF.

YBK 57 1099

C1235

YBK 57 1099