

H 339

(R-87-66) REV-2

266442

RESOLUTION NUMBER R-

ADOPTED ON AUG 19 1986

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF A PUBLIC STREET OR STREETS AND INCIDENTS THERETO, INCLUDING STREET RIGHT-OF-WAY, OFF-STREET PARKING, SLOPE OR SLOPE EASEMENTS AND RIGHT-OF-WAY FOR EARTH EMBANKMENT OR EXCAVATION, SLOPE OR SLOPES, THROUGH, OVER, ALONG AND ACROSS ALL THAT PORTION OF SAID FORMER RIGHT-OF-WAY AND INCIDENTS THERETO, IN PORTIONS OF THE FORMER RIGHT-OF-WAY OF SAN DIEGO AND SOUTHEASTERN RAILWAY COMPANY, FORMERLY THE NATIONAL CITY AND OTAY RAILWAY COMPANY, AND THAT PORTION OF LANDERS ROAD RIGHT-OF-WAY FOR SAN YSIDRO BOULEVARD, 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, AND EASEMENTS TO SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS, AND INCIDENTS THERETO, INCLUDING STREET RIGHT-OF-WAY, OFF-STREET PARKING, INCLUDING SLOPE OR SLOPES AND RIGHT-OF-WAY FOR EARTH EMBANKMENT OR EXCAVATION, AND INCIDENTS THERETO; AND AN OFFER TO PURCHASE THE PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 7267.5 HAS BEEN MADE TO THE RECORD OWNER(S) OF THE PROPERTY; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; 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; 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

00483

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, improvement, operation and maintenance of a public street or streets and incidents thereto, including street right-of-way, off-street parking, slope or slope easements and right-of-way for earth embankment or excavation, slope or slopes, through, over, along and across all that portion of said former right-of-way of San Diego and Southeastern Railroad Company, formerly the National City and Otay Railroad Company and that portion of Landers Road Right-of-Way for San Ysidro Boulevard, in the City of San Diego, County of San Diego, State of California, according to Map of San Ysidro No. 1174, 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 fee title and easements to said property for the construction, improvement, operation and maintenance of a public street or streets and incidents thereto, including street right-of-way, off-street parking, and slope easements, 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, 1240.410, 1240.610 and 1255.410, Code of Civil Procedure; Sections 4090, 5101(d) and 5102, Streets & Highway 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:

PARCEL 1 (SHELL OIL)

LEGAL DESCRIPTION

That portion of the former right-of-way of San Diego and Southeastern Railway Company, formerly the National City and Otay Railway Company, as shown on Map of San Ysidro No. 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, described as a whole as follows:

Parcel 1 - San Ysidro Boulevard

Commencing at the Southwest corner of Lot A-30 of said Map of San Ysidro No. 1174; thence South 89°45'00" East, along the Southerly line of said lot, a distance of 194.95 feet; thence North 61°51'03" West, 122.65 feet; thence South 89°48'00" East, 13.15 feet; thence North 00°12'00" East, 81.10 feet; thence North 28°03'27" East, 33.83 feet to the TRUE POINT OF BEGINNING, being a point of the arc of a 944.88-foot radius curve, concave Northerly; thence Westerly along the arc of said curve through a central angle of 02°32'44", a distance of 41.98 feet to the beginning of a 20.00-foot radius reverse curve, concave Southeasterly, a radial bears South 21°58'28" East to the beginning of said reverse curve; thence Southwesterly along the arc of said curve through a central angle of 84°53'11", a distance of 29.63 feet to a point on the Easterly line of Via de San Ysidro; thence North 27°05'17" East, along said Easterly line, a distance 54.56 feet to a point on the Southerly line of San Ysidro Boulevard, formerly Tia Juana Boulevard, being also a point on the arc of a 908.88-foot radius curve, concave Northerly, a radial bears South 22°55'25" West to said point; thence Southeasterly along the Southerly line of San Ysidro Boulevard, and along the arc of said curve, through a central angle of 03°50'21", a distance of 60.90 feet; thence South 28°03'27" West, 36.43 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2 - Slope Easement

An easement and right of way for earth embankment or excavation, slope or slopes, through, over, along and across all that portion of said former right-of-way as follows:

Beginning at the TRUE POINT OF BEGINNING of Parcel 1 described above, being also a point in the arc of a 944.88-foot-radius curve concave Northerly, a radial bears South 19°25'44" East to said point; thence Westerly along the Southerly line of Parcel 1 described above and the arc of said curve through a central angle of 02°32'44" a distance of 41.98 feet to the beginning of a 20-foot-radius curve, concave Southeasterly, a radial bears South 21°58'28" East to the beginning of said reverse curve; thence Northwesterly, Westerly and Southwesterly along the arc of said curve through a central angle of 84°53'11", a distance of 29.63 feet to the Easterly line of Via de San Ysidro; thence North

82°35'06" East, 22.86 feet; thence South 69°22'34" East, 41.24 feet;
thence North 28°03'27" East 7.00 feet returning to the TRUE POINT OF
BEGINNING.

PARCEL 2 (MERRILL)

LEGAL DESCRIPTION

All that portion of the former Right-of-Way of San Diego and Southeastern Railroad Company, formerly the National City and Otay Railroad Company, as shown on Map of San Ysidro No. 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, more particularly described as follows:

Parcel 1 - San Ysidro Boulevard

Beginning at the Southwest corner of Lot A-30 of said Map of San Ysidro No. 1174; thence South 89°45'00" East, along the Southerly line of said Lot, a distance of 194.95 feet; thence North 61°51'03" West, 122.65 feet; thence South 89°48'00" East, 13.15 feet; thence North 00°12'00" East, 81.10 feet; thence North 28°03'27" East, 33.83 feet to the TRUE POINT OF BEGINNING; thence continuing North 28°03'27" East, 36.43 feet to a point on the Southerly line of San Ysidro Boulevard, formerly Tia Juana Boulevard, being a point on the arc of a 908.88-foot-radius curve, concave Northerly, a radial bears South 19°05'04" West to said point; thence Southeasterly along said Southerly line, and along the arc of said curve through a central angle of 03°12'25", a distance of 50.87 feet; thence South 28°03'27" West, 36.80 feet to a point on the arc of a 944.88-foot-radius curve, concave Northerly, a radial bears South 16°20'54" West to said point; thence Westerly along the arc of said curve through a central angle of 03°04'50", a distance of 50.80 feet, returning to the TRUE POINT OF BEGINNING.

Parcel 2 - Slope Easement

An easement and right-of-way for earth embankment or excavation, slope or slopes, through, over, along and across all that real property described as follows:

Beginning at the Southwest corner of Lot A-30 of said Map of San Ysidro No. 1174; thence South 89°45'00" East, along the Southerly line of said Lot, a distance of 194.95 feet; thence North 61°51'03" West, 122.65 feet; thence South 89°48'00" East, 13.15 feet; thence North 00°12'00" East 81.10 feet; thence North 28°03'27" East 26.83 feet to the TRUE POINT OF BEGINNING; thence continuing North 28°03'27" East, 7.0 feet to a point on the arc of a 944.88-foot-radius curve, concave Northerly, a radial bears South 19°25'44" West to said point; thence Easterly along the arc of said curve through a central angle of 03°04'50", a distance of 50.80 feet; thence South 28°03'27" West, 9.0 feet; thence North 69°52'35" West, 50.48 feet, returning to the TRUE POINT OF BEGINNING.

PARCEL 3 (CHEVRON)

LEGAL DESCRIPTION

All that portion of the former Right-of-Way of San Diego and Southeastern Railroad Company, formerly the National City and Otay Railroad Company, as shown on Map of San Ysidro No. 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, more particularly described as follows:

Parcel 1 - San Ysidro Boulevard

Beginning at the Northeast corner of Lot A-30 of said Map of San Ysidro No. 1174; thence North $00^{\circ}02'53''$ East along the Northerly prolongation of the Easterly line of said lot, a distance of 54.31 feet to the TRUE POINT OF BEGINNING; thence continuing North $00^{\circ}02'53''$ East along said Northerly prolongation, a distance of 36.21 feet to a point on the Southerly line of San Ysidro Boulevard, formerly Tia Juana Boulevard; thence North $83^{\circ}44'08''$ West along said Southerly line, a distance of 80.62 feet to a point on the arc of a 908.88-foot radius curve, concave Northerly, a radial bears South $06^{\circ}15'52''$ West to said point; thence Westerly along the arc of said curve through a central angle of $09^{\circ}36'47''$, a distance of 152.49 feet; thence South $28^{\circ}03'27''$ West, 36.80 feet to a point on the arc of a 944.88-foot radius curve, concave Northerly, a radial bears South $16^{\circ}20'54''$ West to said point; thence Easterly along the arc of said curve through a central angle of $10^{\circ}05'02''$, a distance of 166.29 feet thence South $83^{\circ}44'08''$ East, 84.54 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2 - Slope Easement

An easement and right-of-way for earth embankment or excavation, slope or slopes, through; over, along and across all that real property described as follows:

Beginning at the TRUE POINT OF BEGINNING as set out in Parcel 1 above; thence North $83^{\circ}44'08''$ West along the Southerly line of Parcel 1 as set out above, a distance of 23.09 feet; thence South $35^{\circ}10'14''$ East, 16.76 feet; thence North $55^{\circ}22'45''$ East, 16.16 feet to said Northerly prolongation of the Easterly line of said Lot A-30; thence North $00^{\circ}02'53''$ East along said Northerly prolongation, a distance of 2.00 feet returning to the Point of Beginning.

PARCEL 4 (NEUMAN)

LEGAL DESCRIPTION

That parcel of land situated in the former Right-of-Way of San Diego and Southeastern Railroad Company, formerly the National City and Otay Railroad Company, and that portion of Landers Road in San Ysidro as said road was vacated and closed to public use by Ordinance Board of Supervisors of San Diego County on March 20, 1919, all being in San Ysidro, according to Map thereof No. 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, described as follows:

Beginning at the Southeast corner of Lot A-30 of said Map of San Ysidro; thence North $00^{\circ}02'53''$ East along the Easterly line of said lot, a distance of 58.02 feet to the Northeasterly corner of said lot and to a point on the Southerly line of Landers Road as vacated and closed to public use; thence continuing North $00^{\circ}02'53''$ East along the Northerly prolongation of the Easterly line of said lot, a distance of 15.08 feet to the TRUE POINT OF BEGINNING; thence continuing North $00^{\circ}02'53''$ East along said Northerly prolongation, a distance of 75.44 feet to the Southerly line of San Ysidro Boulevard, formerly Tia Juana Boulevard, as shown on said Map 1174; thence South $83^{\circ}44'08''$ East along said Southerly line, a distance of 125.00 feet; thence South $00^{\circ}02'53''$ West, 75.44 feet; thence North $83^{\circ}44'08''$ West, 125.00 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 6 (GONZALES)

LEGAL DESCRIPTION

That parcel of land situated in the former Right-of-Way of San Diego and Southeastern Railroad Company, formerly the National City and Otay Railroad Company, and that portion of Landers Road in San Ysidro as said road was vacated and closed to public use by Ordinance Board of Supervisors of San Diego County on March 20, 1919, all being in San Ysidro, according to Map thereof No. 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, described as follows:

Beginning at the Northeast corner of Lot A-30 of said Map of San Ysidro; thence North $00^{\circ}02'53''$ East along the Northerly prolongation of the Easterly line of said lot, a distance of 90.52 feet to a point on the Southerly line of San Ysidro Boulevard, formerly Tia Juana Boulevard; thence South $83^{\circ}44'08''$ East along said Southerly line, a distance of 200.00 feet to the TRUE POINT OF BEGINNING; thence continuing South $83^{\circ}44'08''$ East along said Southerly line, a distance of 97.54 feet; thence South $00^{\circ}26'00''$ West, 75.39 feet; thence North $83^{\circ}44'08''$ West, 97.03 feet; thence North $00^{\circ}02'53''$ East, 75.44 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 8 (CASTRO)

LEGAL DESCRIPTION

That parcel of land situated in the former Right-of-Way of San Diego and Southeastern Railroad Company, formerly the National City and Otay Railroad Company, and that portion of Landers Road in San Ysidro as said road was vacated and closed to public use by Ordinance Board of Supervisors of San Diego County on March 20, 1919, all being in San Ysidro, according to Map thereof No. 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, described as follows:

Beginning at the Northeast corner of Lot A-23 of said Map of San Ysidro; thence North $00^{\circ}26'00''$ East along the Northerly prolongation of the Easterly line of said Lot, a distance of 15.08 feet; thence North $83^{\circ}44'08''$ West, 50.00 feet to the TRUE POINT OF BEGINNING; thence continuing North $83^{\circ}44'08''$ West, a distance of 40.00 feet; thence North $00^{\circ}26'00''$ East, 75.39 feet to a point on the Southerly line of San Ysidro Boulevard, formerly Tia Juana Boulevard; thence South $83^{\circ}44'08''$ East 5.03 feet to a point on the arc of a 94.00-foot-radius curve, concave Southwesterly, a radial bears North $16^{\circ}15'52''$ East to said point; thence Southeasterly along the arc of said curve through a central angle of $16^{\circ}42'43''$, a distance of 27.42 feet; thence South $67^{\circ}01'25''$ East, 8.99 feet; thence South $00^{\circ}26'00''$ West, 68.80 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 9 (NEUMAN)

LEGAL DESCRIPTION

That parcel of land situated in the former railroad right-of-way of the San Diego and Southeastern Railway Company, formerly the National City of Otay Railroad Company, and that portion of Landers Road in San Ysidro, as said road was vacated and closed to public use by an Order of the Board of Supervisors of said San Diego County, made on March 20, 1919, a certified copy of which said Order of Vacation was recorded March 24, 1919 in Book 751, Page 62 of Deeds in the Office of the Recorder of said San Diego County, all of the above land being in San Ysidro, in the County of San Diego, State of California, according to the Map thereof No. 1174, filed in the Office of the Recorder of said San Diego County, April 10, 1909, and being described as a whole as follows:

Commencing at the Northeast corner of Lot A-23 of said San Ysidro; thence running North 00°26'00" East (Record North 00°12'00" East) along the Northerly prolongation of the Easterly line of said Lot A-23, a distance of 15.07 feet to its point of intersection with a line drawn parallel with and 25.00 feet at right angles Southerly from the Northerly line of said Landers Road, said point of intersection being the TRUE POINT OF BEGINNING, and being also the Southeast corner of a portion of said Landers Road, called Parcel 2, conveyed by James Russell Johnson and Ethel E. Johnson to John J. Connolly and Edith Connolly by Deed dated October 5, 1923 and recorded in Book 966, Page 326 of Deeds, records of said San Diego County; thence continuing North 00°26'00" East (Record North 00°12'00" East) along the said Northerly prolongation of the Easterly line of said Lot A-23, a distance of 75.39 (Record 75.33) feet to a point on the former Northerly right-of-way line of said San Diego and Southeastern Railway Company, being also the Southerly line of Tiajuana Boulevard; thence North 83°44'08" West (Record North 84°11'00" West) along the Northerly line of said right-of-way, a distance of 50.00 feet; thence South 00°26'00" East (Record South 00°12'00" West) on a line parallel with the said Northerly prolongation of the Easterly line of said Lot A-23, a distance of 75.39 (Record 75.25 feet) to a point on a line drawn parallel with and 25.00 feet at right angles Southerly from the Northerly line of said Landers Road; thence South 83°44'08" East (Record South 84°11'00" East) along said above-described parallel line, which line is also the Southerly line of said portion of Landers Road conveyed to Connolly, a distance of 50.00 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion conveyed to the State of California, in deed recorded September 5, 1969 as File 163002, described therein as follows:

Commencing at the Northeast corner of Lot A-23 of San Ysidro, according to said Map 1174, thence North 00°25'42" East, along the Northerly prolongation of the Easterly line of said Lot A-23 90.40 feet to a point in the Northerly line of said San Diego and Southeastern Railway Co. right-of-way, being also the Southerly line of San Ysidro Boulevard and the True Point of Beginning; thence along the following described courses: 1) North 83°45'30" West, along the said Southerly line of San

Ysidro Boulevard 50.22 feet of the Easterly line of land described in Deed to Rosalva Gessenius D. Castro recorded December 5, 1945 in Book 1985, Page 456 of Official Records of said County; thence 2) along last said Easterly line South 00°25'42" West, 6.59 feet; thence 3) leaving last said Easterly line South 67°02'47" East, 48.08 feet; thence 4) along a tangent curve to the right, having a radius of 9.00 feet, through a central angle of 67°28'29", a distance of 10.60 feet to a point in said prolongation of said Easterly line of said Lot A-23 thence North 00°25'42" East, 28.23 feet to the TRUE POINT OF BEGINNING.

PARCEL 10 (MOBIL OIL)

LEGAL DESCRIPTION

That portion of the former right-of-way of San Diego and Southeastern Railway Company, formerly the National City and Otay Railway Company, in the City of San Diego, County of San Diego, State of California, as shown on Map of San Ysidro 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, described as a whole as follows:

Commencing at the Southeast corner of Lot A-33 of San Ysidro according to Map thereof No. 1174 filed in the Office of the County Recorder of San Diego County, April 10, 1909; thence North 00°12'00" East along the Easterly line of said Lot and the Northerly prolongation thereof to the Southwesterly line of Landers Road vacated and closed to public use March 20, 1919 by Order of the Board of Supervisors of San Diego County (a certified copy of which order was recorded in Book 751, Page 62 of Deeds, records of said County; thence North 28°03'27" East (Record North 27°35'00" East) 90.00 feet to the Southwesterly line of San Ysidro Boulevard (formerly Tia Juana Boulevard) as shown on said Map 1174; thence North 61°56'33" West (Record 62°25'00" West per said Map 1174) along said Southwesterly line, a distance of 67.23 feet to the TRUE POINT OF BEGINNING; thence continuing North 61°56'33" West (Record North 62°25'00" West per said Map 1174) along said Southwesterly line, a distance of 50.00 feet; thence South 28°03'27" West (Record South 27°35'00" West per said Map 1174) 36.00 feet; thence South 61°56'33" East, 50.00 feet; thence North 28°03'27" East, 36.00 feet returning to the TRUE POINT OF BEGINNING.

PARCEL 11 (DE LA MADRID)

LEGAL DESCRIPTION

That portion of the former right-of-way of San Diego and Southeastern Railway Company, formerly the National City and Otay Railway Company, as shown on Map of San Ysidro 1174, filed in the Office of the County Recorder of San Diego County, April 10, 1909, and that portion of Landers Road as vacated and closed to public use March 20, 1919, by order of the Board of Supervisors of San Diego County (a certified copy of which order was recorded in Book 751, Page 62 of Deeds, records of said County), described as follows:

Parcel 1 - San Ysidro Boulevard

Commencing at the Southeasterly corner of Lot A-33 of said Map 1174; thence North $00^{\circ}12'00''$ East along the Easterly line of said Lot and the Northerly prolongation thereof to the Southerly line of said Landers Road as vacated and closed to public use; thence North $28^{\circ}03'27''$ East (Record North $27^{\circ}35'00''$ East) 34.00 feet to the TRUE POINT OF BEGINNING and a point in the arc of a 20.00-foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of $90^{\circ}00'00''$, a distance of 31.42 feet; thence North $61^{\circ}56'33''$ West, 47.24 feet; thence North $28^{\circ}03'27''$ East (Record North $27^{\circ}35'00''$ East) 36.00 feet to the Southwesterly line of San Ysidro Boulevard (formerly Tia Juana Boulevard as shown on said Map 1174; thence South $61^{\circ}56'33''$ East (Record South $62^{\circ}25'00''$ East per said Map 1174) along said Southwesterly line, a distance of 60.21 feet to the beginning of a tangent 20.00-foot-radius curve, concave Southwesterly; thence Southeasterly along the arc of said curve through a central angle of $20^{\circ}34'45''$, a distance of 7.18 feet to a point to which a radial bears North $48^{\circ}38'12''$ East, being also a point that lies South $28^{\circ}03'27''$ West, 1.28 feet from the Southwesterly line of San Ysidro Boulevard; thence South $28^{\circ}03'27''$ West, 54.72 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2 - Slope Easement

An easement and right of way for earth embankment or excavation, slope or slopes, through, over, along and across all that real property described as follows:

Beginning at the TRUE POINT OF BEGINNING of Parcel 1 described above, being a point in the arc of a 20.00-foot-radius curve, concave Southwesterly; thence Northwesterly along the Southwesterly line of Parcel 1 described above and along the arc of said curve through a central angle of $90^{\circ}00'00''$, a distance of 31.42 feet; thence continuing along said Southwesterly line, North $61^{\circ}56'33''$ West, a distance of 47.24 feet;

thence South 28°03'27" West (Record South 27°35'00" West) 4.00 feet; thence South 61°56'33" East 47.24 feet; thence South 23°16'58" East, 25.61 feet returning to the Point of Beginning.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, improvement, operation and maintenance of a public street or streets and incidents thereto, including street right-of-way, off-street parking and slope easements, and incidents thereto, by the City of San Diego and the inhabitants thereof, for municipal purposes; that uses are public uses authorized by law (Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.410, 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; that said real property is to be used for the construction, improvement, operation and maintenance of a public street or streets and incidents thereto, including street right-of-way, off-street parking, and slope easements, 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 San Ysidro Boulevard which is a two-lane road between I-805 and Via de San Ysidro. This section of roadway is the most heavily congested in the area. The acquisition will enable the City to provide four

traffic lanes with left-turn storage lanes and traffic signals.

(b) The improvements will not only expedite traffic flow, but will provide the attractive setting necessary to stimulate redevelopment activity and provide necessary off-street parking.

Section 7. That an offer required by Section 7267.5 of the Government Code has been made to the owners of record of the property to be acquired.

Section 8. 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 9. 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 and slope 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:dr:Lit.
07/03/86
Or.Dept:Property
Aud.Cert: 85055 & 86759
R-87-66-Rev-2

PAGE 17 OF 17

00499

R - 266442

AUG 19 1986

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

| Council Members | Yeas | Nays | Not Present | Ineligible |
|------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| Abbe Wolfsheimer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 Maureen O'Connor | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

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

(Seal)

By *Charles G. Abdelnour*, Deputy.

| | |
|-------------------------------------------------|--------------------|
| Office of the City Clerk, San Diego, California | |
| Resolution R-266442 | AUG 19 1986 |
| Number | Adopted |