

RESOLUTION NUMBER R- 266706

ADOPTED ON SEP 30 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 PUMP STATION (SPECIFICALLY THE EXPANSION OF SORRENTO VALLEY SEWER PUMP STATION NO. 64), PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO, TO EXPAND SERVICE TO DESIGNATED PORTIONS OF SORRENTO VALLEY WITHIN THE CORPORATE LIMITS OF SAN DIEGO, IN PORTIONS OF LANDS WITHIN THE CITY OF SAN DIEGO AND OWNED BY THE CITY OF SAN DIEGO IN FEE EXCEPT WHERE SAID INTEREST WAS TRANSFERRED AS A NON-FREEHOLD ESTATE AND THE SUBJECT LESSEES HAVE A VESTED INTEREST IN SAID NONFREEHOLD ESTATE; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE TERMINATION OF ALL NON-FREEHOLD INTERESTS IN SAID PROPERTY FOR SAID SEWER OR SEWERS AND ALL APPURTENANCES THERETO; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO REACQUIRE FULL PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; THAT AN OFFER TO TERMINATE ALL NONFREEHOLD INTERESTS AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE LESSEE(S) OF SAID NONFREEHOLD ESTATE 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 REACQUIRING SAID PROPERTY 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 pump station (specifically the expansion of Sorrento Valley Pump Station No. 64), public sewer or sewers and all appurtenances thereto to serve designated portions of Sorrento Valley within the corporate limits of San Diego in portions of land within The City of San Diego and owned by The City of San Diego in fee, except where said interest was transferred as a nonfreehold estate and the subject lessee(s) have a vested interest in said nonfreehold estate.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the reacquisition of full property interests in said property for the construction, operation and maintenance of a pump station (specifically the expansion of Sorrento Valley Pump Station No. 64.), public sewer or sewers and all appurtenances thereto, said real property lying within The City of San Diego.

Section 3. That Section 220 of the Charter of The City of San Diego; Sections 1240.010, 1240.120, and 1255.410 of the Code of Civil Procedure; and, Sections 37350.5, 38900, 39040 and 40404 of the Government Code, and paragraph 14 of two standard industrial lease agreements amongst The City of San Diego, lessor; Bay Investment Company, lessee/sublessor; Henry and Roxanne Rose, sublessees; and Pacific Beach Imports, sublessees, executed on January 13, 1984, and March 7, 1984, respectively, permit the reacquisition referenced herein.

Section 4. That the parcel(s) of real property and the interests sought to be condemned are described as follows:

PARCEL 1 - Reacquisition of Fee Simple Absolute

Portion of Lots 1, 3 and 4 of University - Sorrento Industrial, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 6218, filed in the Office of the County Recorder of San Diego County on October 31, 1968, more particularly described as follows:

The Southeasterly 137.73 feet of said Lot 1;

The Northwesterly 55.74 feet of said Lot 3;

That portion of said Lot 4 described as follows:

Beginning at the most Southerly corner of said Lot 4, thence Northeasterly along the Southeasterly line of said lot to the most Easterly corner of said Lot 4; thence Northwesterly along the Northeasterly lot line of said Lot 4, a distance of 47.00 feet to a point; thence leaving said lot line, Southwesterly at right angles to said lot line, a distance of 94.00 feet to a point, thence northwesterly at right angles to the last described line, a distance of 13.00 feet to a point; thence Southwesterly at right angles to the last described line, a distance of 20.00 feet to a point; thence Southeasterly at right angles to the last described line, a distance of 13.00 feet to a point, thence Southwesterly at right angles to the last described line, a distance of 25.00 feet to a point on the Southwesterly line of said Lot 4, thence Southeasterly along the Southwesterly line of said Lot 4 to the Point of Beginning.

Section 5. That the taking and reacquiring by said City of San Diego of property interests hereinabove described are deemed necessary for the construction, operation and maintenance

of a pump station (specifically the expansion of Sorrento Valley Pump Station No. 64.), public sewer or sewers and all appurtenances thereto, to serve designated portions of Sorrento Valley within the corporate limits of San Diego by The City of San Diego and the inhabitants thereof.

Section 6. That for such public uses, it is necessary that The City of San Diego condemn and reacquire said property interests.

Section 7. That said property interests are to be used for the construction, operation and maintenance of a pump station (specifically the expansion of Sorrento Valley Pump Station No. 64), public sewer or sewers and all appurtenances thereto, to serve designated portions of Sorrento Valley within 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.

Section 8. That an offer to reacquire said property interests at the appraised fair market value has been made to the lessee(s) of the property pursuant to Government Code Section 7267.2 and rejected.

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 claimants to an interest in the

above-described real property for the purpose of obtaining immediate possession, condemning and reacquiring full property interests as above-described, for the use of said City.

APPROVED: John W. Witt, City Attorney

By 

Alan L. Geraci
Deputy City Attorney

ALG:jt:Lit
09/24/86
Or.Dept:Property
Aud.Cert:8700287
R-87-542

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8700287

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 \$ 225,000.00 Fund 41506

Purpose Authorizing the expenditure of funds to cover litigation and acquisition costs for the expansion of Sewer Pump Station 64

Date September 19, 1986

By: *Dillia Magana*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			700	267	4903	070697				\$225,000.00
TOTAL AMOUNT										\$225,000.00

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 \$ _____

Vendor _____

Purpose _____

Date _____, 19____

By: _____
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

AC-381 (REV 3-86)

FUND OVERRIDE

R-266706 01537 SEP 30 1986

AC 8700287

Passed and adopted by the Council of The City of San Diego on **SEP 30 1986**,
 by the following vote:

Council Members	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 Struiksmma	<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 Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: **MAUREEN O'CONNOR**
 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

Resolution Number **R-266706** Adopted **SEP 30 1986**