

#334
11/4/86

(R-87-513)

RESOLUTION NUMBER R- 267083

ADOPTED ON NOV 18 1986

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE DEVELOPMENT AND COMPLETION OF THE VALENCIA CANYON OPEN SPACE PROJECT, 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 VALENCIA CANYON OPEN SPACE PROJECT; 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, as declared by the City Council on November 19, 1985 (R-264489), of the City of San Diego and the inhabitants thereof, is furthered by the development and completion of the Valencia Canyon Open Space Project, as more particularly described hereinafter, and that the City Council has again so found and determined.

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Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof continue, thereby demanding the acquisition and taking of fee title to said property for the development and completion of the Valencia Canyon Open Space Project, 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 Sections 61.2000-61.2071 San Diego Municipal Code, permit the acquisitions referenced herein.

Section 4. That the development and completion of the Valencia Canyon Open Space Project by Acquisition of the parcel of real property further described herein, is necessary for the maintenance of the Valencia Canyon Open Space in its natural state.

Section 5. That the parcel of real property sought to be condemned is described as follows:

Parcel 1

That portion of that certain Tract of Land shown as "CHARMOLEE" on CAVE AND MCHATTON SUBDIVISION of Lot 14 and a portion of Lot 16 of EX-MISSION PARTITION in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 159, filed in the Office of the County Recorder of San Diego County, March 30, 1887, described as follows:

Beginning at the Northeast corner of Lot 15 of RANCHO MISSION as shown on West Hollywood, according to Map thereof No. 1551, filed in the Office of the County Recorder of San Diego County March 20, 1913 being also the Northwest corner of

said "CHARMOLEE" TRACT; thence Southerly along the Westerly line of said Map No. 159, to the Northwest corner of Astor Heights, according to Map thereof No. 5510 filed in the Office of the County Recorder of San Diego County, December 29, 1964; thence Easterly along the Northerly line of said Astor Heights, and the Easterly prolongation thereof, 1056.00 feet more or less to the Southeast corner of said "CHARMOLEE" TRACT; thence Northerly along the Easterly line of said Tract to the Southerly line of said West Hollywood; thence Westerly along said Southerly line, and the Westerly prolongation thereof, a distance of 1056.00 feet, more or less, to the point of beginning.

Excepting therefrom that portion lying Easterly of the Easterly line of the road which runs in a North-South direction through said "CHARMOLEE" TRACT as shown on said Map No. 159.

EXCEPTING THEREFROM King Manor Unit No. 1, according to Map Number 10828 recorded in the Office of the County Recorder, County of San Diego, State of California on January 26, 1984.

Section 6. That the use of the Valencia Canyon Open Space Project 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 Sections 61.2000-61.2071 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 and completion of the Valencia Canyon Open Space Project 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 7. That the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record.

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 as above-described and obtaining immediate possession of said parcel for the use of said City.

APPROVED: John W. Witt, City Attorney

By 
Alan L. Geraci
Deputy City Attorney

ALG:jt:Lit
09/16/86
Or.Dept:Property
Aud.Cert:8700118
R-87-513

RECEIVED
CITY CLERK'S OFFICE
1986 OCT 22 AM 1: 14
SAN DIEGO, CALIF.

01378

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8700118

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 \$ 65,000.00 Fund 79103

Purpose Authorizing expenditure of funds for Valencia Canyon Open Space Condemnation

Date July 23, 1986

By: *Lillian 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			79103	101	4638	079103				\$65,000.00
TOTAL AMOUNT										\$65,000.00

CERTIFICATION OF UNENCUMBERED BALANCE FUND OVERRIDE

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

NOTE: Contingent upon approval of FY'87 Appropriations Ordinance

AC 8700118

R- **267083**

NOV 18 1986

01379

NOV 18 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
District 8 - vacant	<input 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.

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

By *Barbara Carter*, Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-267083 Adopted NOV 18 1986