

RESOLUTION NUMBER R- **267084**

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 MID-CITY (CHOLLAS CREEK) 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 MID-CITY (CHOLLAS CREEK) 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 October 22, 1985 (R-264295), of the City of San Diego and the inhabitants thereof, is furthered by the development and completion of the Mid-City (Chollas Creek) Open Space Project, as more particularly described hereinafter, and that the City Council has again so found and determined.

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 Mid-City (Chollas Creek) 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 Mid-City (Chollas Creek) Open Space Project by Acquisition of the parcel of real property further described herein, is necessary for the maintenance of the Mid-City (Chollas Creek) 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 the South Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 33, Township 16 South, Range 2 West, San Bernardino Meridian, as extended across RANCHO MISSION OF SAN DIEGO, according to Map thereof in Book 1, Page 345 of Patents, Records of said County, lying Westerly of the Westerly line of the public road known as Chollas Parkway, as set out in Resolution No. 169188, by the Council of the City of San Diego, a copy of which was filed for record on January 24, 1962, as Recorder's File No. 13869 of Official Records. EXCEPTING that portion lying

Westerly of the Easterly line of Ridgeview Acres Unit No. 2, according to Map thereof No. 4296, filed in the Office of the County Recorder of San Diego County.

PARCEL 2

That portion of the South Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 33, Township 16 South, Range 2 West, San Bernardino Meridian, as extended across RANCHO MISSION SAN DIEGO, according to Map thereof in Book 1, Page 345 of Patents, Records of said County, lying Westerly of the Westerly line of the public road known as Chollas Parkway, as set out in Resolution No. 169188, by the Council of the City of San Diego, a copy of which was filed for record on January 24, 1962, as Recorder's File No. 13869 of Official Records.

EXCEPTING that portion lying Westerly of the Easterly line of Ridgeview Acres Unit No. 2, according to Map thereof No. 4296, filed in the Office of the County Recorder of San Diego County.

PARCEL 3

That portion of the North Half of the North Half of the Southeast Quarter of the Northeast Quarter of Section 33, Township 16 South, Range 2 West, San Bernardino Meridian, as extended across RANCHO MISSION SAN DIEGO, according to Map thereof in Book 1, Page 345 of Patents, Records of said County, lying Westerly of the Westerly line of the public road known as Chollas Parkway, as set out in Resolution No. 169188, by the Council of the City of San Diego, a copy of which was filed for record on January 24, 1962, as Recorder's File No. 13869 of Official Records.

EXCEPTING that portion lying Westerly of the Easterly line of Ridgeview Acres Unit No. 2, according to Map thereof No. 4296, filed in the Office of the County Recorder of San Diego County.

ALSO EXCEPT THEREFROM that portion lying Westerly of the Easterly line of Ridgeview Heights, according to Map thereof No. 4820, filed in the Office of County Recorder of San Diego County.

Section 6. That the use of the Mid-City (Chollas Creek) 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 Mid-City (Chollas Creek) 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
10/14/86
Or.Dept:Property
Aud.Cert:86211
R-87-727

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Passed and adopted by the Council of The City of San Diego on..... **NOV 18 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 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.

(Seal)

By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-267084** Adopted **NOV 18 1986**