

(R-87-512)

RESOLUTION NUMBER R- 267085

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 ENCANTO EXPRESSWAY 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 ENCANTO EXPRESSWAY 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.

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-264300), of the City of San Diego and the inhabitants thereof, is furthered by the development and completion of the Encanto Expressway 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, demanding the acquisition and taking of fee title to said property for the development and completion of the Encanto Expressway 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 Section 61.0603 et seq., San Diego Municipal Code, permit the acquisition referenced herein.

Section 4. That the development and completion of the Encanto Expressway Open Space Project by the acquisition of the parcels of real property further described herein, is necessary for the maintenance of the Encanto Expressway Open Space Project, thereby creating a visual amenity and a quiet oasis in the densely developed community.

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

PARCEL 2 (NOBLE)

LEGAL DESCRIPTION

The East 121 feet of the following described property:

All that portion of Lot 12 of the Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Partition Map thereof made in an action entitled "Commercial Bank of San Diego vs. Juan M. Luco, et al," on file in the Office of the County Clerk of said San Diego, described as follows:

Commencing at a point on the West line of said Lot 12, which is 3,909 feet North from the Southwest corner of said Lot, said point of commencement being also the Northwest corner of the land conveyed by Lillie V. Deering to Flora G. Richey, by Deed dated January 14, 1903, and recorded in Book 325, Page 6 of Deeds, Records of said County; thence North along the West line of said Lot 12, a distance of 115 feet, more or less, to a point in the South line of Spring Valley Avenue, or County Road, as said Avenue is shown on Map of Subdivision No. 5 of Ex-Mission Lot 12, according to Licensed Surveyor's Map 63, filed in the Office of the County Recorder of said San Diego County September 6, 1894; thence East along the South line of said Spring Valley Avenue 321 feet; thence South 115 feet, more or less, to the North line of the above-mentioned land conveyed to Flora G. Richey; thence West along said North line of said land, 321 feet to the point of commencement.

EXCEPTING THEREFROM the Northerly 127.00 feet of the above-described parcel of land.

PARCEL 3 (COLLINS)

LEGAL DESCRIPTION

All that portion of Lot 12 of the Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Partition Map thereof made in an Action entitled "Commercial Bank of San Diego vs. Juan M. Luco, et al" on file in the Office of the County Clerk of said San Diego County, described as follows:

Commencing at a point on the West line of said Lot 12, which is 3,909 feet North from the Southwest corner of said Lot, said point of commencement being also the Northwest corner of the land conveyed to Flora G. Richey by Deed dated January 14, 1903 and recorded in Book 325, Page 6 of Deeds, Records of said County; thence East along the North line of said land conveyed to Richey, 321 feet to the TRUE POINT OF BEGINNING, being also the Southeast corner of a parcel of land conveyed to Frank E. Watson and wife, by Deed dated January 22, 1934 and recorded in Book 261, Page 416 of Official Records; thence North along the East line of said parcel conveyed to Watson, 115 feet, more or less, to the Northeast corner thereof, being a point on the South line of Spring Valley Avenue or County Road (now Jamacha Road) as said Avenue is shown on Map of Subdivision No. 5, in Ex-Mission Lot 12, according to Licensed Survey Map No. 63, filed in the Recorder's Office, September 6, 1894; thence East along the South line of said Spring Valley Avenue 150 feet, more or less, to the Northwest corner of a parcel of land conveyed to Rosetta and George Sanan, by Deeds dated December 23, 1922 on August 4, 1925 and recorded in Book 967, Page 369 and Book 1101, Page 346 of Deeds, respectively; thence at right angles South 115 feet, more or less, to a point on said North line of the land conveyed to Flora G. Richey aforementioned; thence West along said North line of Richey's land 150 feet, more or less, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM, the Northerly 130.00 feet of the above-described parcel of land.

PARCEL 4 (HAZARD)

DESCRIPTION

All that portion of Lot 12 of the Rancho Mission of San Diego in the City of San Diego, County of San Diego, State of California, according to the Partition Map thereof made in the action entitled "Juan M. Luco, et al, versus the Commercial Bank of San Diego, et al" on file in the Office of the County Clerk of said County, bounded and described as follows:

Commencing at a point on the West line of said Lot 2 distant of 3609.00 feet North of the Southwest corner thereof; thence due East along the South line of the property conveyed to Azubah A. Ramaga, by deed recorded July 16, 1936 in Book 543, page 56 of Official Records, a distance of 240.00 feet to the most Westerly corner of land conveyed to Herbert R. Warner, by deed recorded May 23, 1945 in Book 1877, page 245 of Official Records; thence South 60° 00' East along the Southwesterly line of said Warner's land 230.95 feet to the most Southerly corner of the land described in Parcel 3 of deed to the City of San Diego, recorded September 25, 1962 as Document No. 164802 of Official Records, being the True Point of Beginning; thence continuing South 60° 00' 00" East 65.51 feet to an angle point in the Northerly boundary of Skyline Hills Unit No. 2 according to the Map thereof No. 4440, filed in the Office of the Recorder of San Diego County, January 8, 1960; thence along said boundary, South 41° 36' 18" East 231.23 feet and North 85° 30' 00" East to an intersection with the Easterly boundary of land described in Parcel 1 of a deed to Williams Construction Company, recorded January 8, 1959 as Document No. 3803, in Book 7434, page 300 of Official Records; thence Northerly along the boundary of said Williams Construction Company's land to the Northerly terminus of that certain course designated in said deed as North 25° 19' West 48.33 feet and Northeasterly in a straight line a distance of 182.00 feet, more or less, to the Easterly terminus of the 180.00 foot radius curve, concave Southerly in the center line of the Easement and right of way for road purposes described as Parcel 2 in deed to Aubrey L. Woodman and wife, recorded September 22, 1945 as Document No. 79031 in Book 1946, page 249 of Official Records; thence South 52° 54' East along the center line of said easement a distance of 100.00 feet to the point of beginning of a curve, concave Southwesterly, having a radius of 150.00 feet, a radial line to said curve bearing South 81° 18' 35" East to said point; thence Northwesterly along said curve a distance of 234.23 feet through an angle of 89° 28' 06"; thence due North to the Southeasterly corner of said land described in Parcel 3 of said deed to the City of San Diego; thence along the boundary of said land as follows: South 85° 30' 00" West 80.00 feet; South 14° 03' 18" West 45.00 feet; South 52° 38' 18" West 55.00 feet; North 55° 21' 42" West 125.00 feet; North 79° 21' 42" West 51.00 feet; South 72° 38' 18" West 57.00 feet and South 35° 56' 58" West 167.26 feet to the True Point of Beginning.

PARCEL 5 (MILLER)

LEGAL DESCRIPTION

All that portion of Lot 12 of Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof on file in the Office of the County Clerk of San Diego County, described as follows:

Beginning at the Southwesterly corner of Miscellaneous Map 171; thence East along the Southerly line of said Miscellaneous Map, 1285.09 feet to the TRUE POINT OF BEGINNING; thence retracing West along said Southerly line 180 feet; thence North $31^{\circ}56'$ West 298.88 feet; thence North $23^{\circ}56'$ West 190 feet; thence North $18^{\circ}03'$ West 108.31 feet; thence North $47^{\circ}48'$ West 8.10 feet to a point in a 218.83-foot radius curve concave Northwesterly radial to said curve bears South $47^{\circ}48'$ East to said point; thence Northeasterly along said curve 58.69 feet to the beginning of a 200-foot radius compound curve concave Westerly; thence Northeasterly along said curve 106.35 feet to the beginning of a 755.85-foot compound curve concave Southwesterly; thence Northwesterly along said curve 284.07 feet; thence North $25^{\circ}10'$ West 48.33 feet, thence Northeasterly in a straight line a distance of 182.00 feet, more or less, to the Easterly terminus of the 180.00-foot radius curve concave Southerly in the center line of the easement and right-of-way for road purposes described as Parcel 2 in Deed to Aubrey L. Woodward and wife, recorded September 22, 1945 as Document 79081 in Book 1946, Page 249 of Official Records; thence South $52^{\circ}54'$ East 100 feet to the beginning of an 80-foot radius curve concave Northwesterly; thence Northeasterly along said curve 173.14 feet; thence North $3^{\circ}06'$ East 10 feet to the beginning of a 100-foot curve concave Southeasterly; thence Northeasterly along said curve 89.27 feet; thence North $54^{\circ}15'$ East 100 feet to the beginning of a 320-foot radius curve concave Southeasterly; thence Northeasterly along said curve 42 feet; thence South 1,295 feet to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion lying within Skyline Hills Unit No. 2 according to Map thereof No. 4440.

PARCEL 6 (HIGGINS)

LEGAL DESCRIPTION

All that portion of Lot 12 of RANCHO MISSION OF SAN DIEGO, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof on file in the Office of the County Clerk of San Diego County, described as follows:

Beginning at the Northwesterly corner of Lot 152 of SKYLINE HILLS UNIT NO. 2, according to Map No. 4440, being also the beginning of a 100-foot radius curve concave Southeasterly; thence Northeasterly along said curve 89.27 feet; thence North 54°15' East, 100 feet to the Beginning of a 320-foot radius curve concave Southeasterly; thence Northeasterly along said curve 142.42 feet; thence North 79°45' East 50 feet to the beginning of a 380-foot radius curve concave Northerly; thence Easterly along said curve 79.86 feet to the most Northwesterly corner of Lot 147 of said Map 4440; thence along the Westerly line of said Lot 147, South 8°39'22" East 8.37 feet; thence along the Northerly boundary of said Map 4440, South 60°47'28" West 435.21 feet to the TRUE POINT OF BEGINNING.

PARCEL 9 (CLAY)

LEGAL DESCRIPTION

That portion of Lot 55, BEACON HILL, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1302, filed in the Office of the Recorder of San Diego County lying Southeasterly of a line described as follows:

Beginning at an angle point in the Westerly line of said Lot; thence along the Southwesterly line thereof South $66^{\circ}48'36''$ East, Record South $66^{\circ}55'$ East 33.42 feet to the TRUE POINT OF BEGINNING; thence North $49^{\circ}36'24''$ East 234.20 feet to an intersection with the Easterly line of said lot, distant thereon South $40^{\circ}23'36''$ East, Record South $40^{\circ}30'$ East 270.0 feet from the Northeasterly corner of said Lot 55.

R- 267085

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PARCEL 18 (WILSON)

LEGAL DESCRIPTION

Parcel 2 in the County of San Diego, State of California, as shown on Page 4908 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, July 13, 1976. Excepting therefrom that portion lying Northerly of a line described as follows:

Commencing at the Northwestern corner of said Parcel 2, being a point on the Southerly line of Jamacha Road as said street is located and established on October 1, 1985; thence Southerly along the Westerly line of said Parcel 2, 143.00 feet to the TRUE POINT OF BEGINNING; thence Easterly to a point on the Easterly line of said Parcel 2, distant thereon 144.00 feet from the Northeasterly corner of said Parcel 2 and said Southerly line of Jamacha Road being also the point of terminus.

PARCEL 19 (WILLIAMS)

LEGAL DESCRIPTION

Parcel 1 as shown on a Parcel Map filed in Book of Parcel Maps at Page 4908 in the Office of the County Recorder of San Diego County on July 13, 1976, being a portion of Lot 20, Block "D" NARRAGANSETT HEIGHTS, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1041, filed in the Office of the County Recorder of San Diego County, April 5, 1907, excepting therefrom the Northerly 143.00 feet of said Parcel 1 lying contiguous to and Southerly of the Southerly line of Jamacha Road as said street is located and established on October 1, 1985.

R- 267085

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PARCEL 20 (LOPEZ)

LEGAL DESCRIPTION

Parcel 2 in the County of San Diego, State of California, as shown on Page 4908 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, July 13, 1976. Excepting therefrom that portion lying Northerly of a line described as follows:

Commencing at the Northwesterly corner of said Parcel 2, being a point on the Southerly line of Jamacha Road as said street is located and established on October 1, 1985; thence Southerly along the Westerly line of said Parcel 2, 143.00 feet to the TRUE POINT OF BEGINNING; thence Easterly to a point on the Easterly line of said Parcel 2, distant thereon 144.00 feet from the Northeasterly corner of said Parcel 2 and said Southerly line of Jamacha Road being also the point of terminus.

PARCEL 21 (HOWARD)

LEGAL DESCRIPTION

Parcel 3, in the County of San Diego, State of California, as shown at Page 4908 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, July 13, 1976. Excepting therefrom the Northerly 134.00 feet of said Parcel 3 lying contiguous to and Southerly of the Southerly line of Jamacha Road as said street is located and established on October 1, 1985.

PARCEL 22 (RAY)

LEGAL DESCRIPTION

Parcel 4 of Parcel Map 4908, in the City of San Diego, County of San Diego, State of California, being a division of a portion of Lot 20 in Block "D" of NARRAGANSETT HEIGHTS, Map 1041, and a portion of the unnumbered Lot of Subdivision No. 5, Ex-Mission Lot 12 of EX-MISSION RANCHO, according to Licensed Surveyor Map 63. Excepting therefrom that portion lying Northerly of the following described line:

Commencing at the Northwesterly corner of said Parcel 4 being a point on the Southerly line of Jamacha Road as said street is located and established on October 1, 1985; thence Southerly along the Westerly line of said Parcel 4, 134.00 feet to the TRUE POINT OF BEGINNING; thence Northeasterly to a point on the Easterly line of said Parcel 4, distant thereon 112.00 feet from the Northeasterly corner of said Parcel 4 and said Southerly line of Jamacha Road, being also the point of terminus.

PARCEL 23 (MABEE)

LEGAL DESCRIPTION

All that portion of Lot 898 of LOMITA VILLAGE UNIT NO. 5, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 2998, filed in the Office of the Recorder of San Diego County June 4, 1953, lying Westerly of the following described line:

Beginning at the Northeasterly corner of Lot 287 of LOMITA VILLAGE UNIT NO. 2, according to the Map thereof No. 2931, filed in the Office of the Recorder of San Diego County, being also an angle point in the Southerly line of said Lot 898; thence along the center line of the 8.00-foot easement as shown on said Map 2998, North $30^{\circ}49'20''$ West 64.90 feet to an angle point in said center line and North $61^{\circ}05'$ West 212.64 feet to the Northerly line of said Lot 898.

Section 6. That the use of the Encanto Expressway 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 Section 61.0603 et seq., 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 Encanto Expressway 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 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: 86237
R-87-512

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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 Struiksmma	<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 Bayler*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-267085 Adopted NOV 18 1986