

(R-87-828)

RESOLUTION NUMBER R- 267134

ADOPTED ON NOV 25 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 LEXINGTON 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 LEXINGTON 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.

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 August 5, 1986 (R-266345), of the City of San Diego and the inhabitants thereof, is furthered by the development and completion of the Lexington 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, demanding the acquisition and taking of fee title to said property for the development and completion of the Lexington 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 Section 61.0603 et seq., San Diego Municipal Code, permit the acquisition referenced herein.

Section 4. That the development and completion of the Lexington Canyon Open Space Project by the acquisition of the parcels of real property further described herein, is necessary for the maintenance of the Lexington Canyon 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 3

Lots 7 through 17, Block 146, City Heights,
Amended Map 1007.

Parcel 4

Lots 1 through 4, Block 147, City Heights,
Amended Map 1007.

Parcel 5

Lots 20 and 21, Block 137, City Heights,
Amended Map 1007.

Parcel 7

Lot 16, Block 137, City Heights, Amended Map 1007.

Parcel 9

Lots 13 and 14, Block 137, City Heights, Amended Map 1007.

Parcel 15

Lots 25 and 26, Block 135, City Heights, Amended Map 1007.

Parcel 16

Lots 10 through 13, Block 134, City Heights, Amended Map 1007.

Parcel 17

Lot 14, Block 134, City Heights, Amended Map 1007.

Parcel 18

Lot 31, Block 38, Lexington Park, Map 1696.

Parcel 21

Lots 42 through 44, Block 37, Lexington Park, Map 1696.

Parcel 22

Lot 41, Block 37, Lexington Park, Map 1696.

Parcel 23

Lots 39 and 40, Block 35, Lexington Park, Map 1696.

Parcel 24

Lot 38, Block 35, Lexington Park, Map 1696.

Parcel 25

Lots 36 and 37, Block 35, Lexington Park, Map 1696.

Parcel 27

Lot 34, Block 35, Lexington Park, Map 1696.

Parcel 28

Lot 11, Block 35, Lexington Park, Map 1696.

Section 6. That the use of the Lexington 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 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 Lexington 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. The 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
10/31/86
Or.Dept:Property
Aud.Cert:869068
R-87-828

NOV 25 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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 *Ellen Boward*, Deputy.

Office of the City Clerk, San Diego, California

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