

(R-87-1050)

RESOLUTION NUMBER R- 267307

ADOPTED ON DEC 15 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 AN OFF-SITE WATER MAIN AND ALL APPURTENANCES THERETO, TO SERVE DESIGNATED PORTIONS OF CARMEL VALLEY VILLAGE WITHIN THE CORPORATE LIMITS OF SAN DIEGO, ACROSS PORTIONS OF LANDS WITHIN THE CITY OF SAN DIEGO, AS FOLLOWS: PARCELS 1 AND 11 OF PARCEL MAP NO. 14460, RECORDED SEPTEMBER 12, 1986, AS FILE NO. 86-402405, PAGE 14460, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THE SIDELINES OF SAID 10 FOOT WATER LINE EASEMENT TO BE SHORTENED OR LENGTHENED TO TERMINATE AT THE NORTHWESTERLY RIGHT-OF-WAY LINE OF CARMEL VALLEY ROAD AS SHOWN ON SAID ROAD SURVEY NO. 758 AND THAT THE CITY COUNCIL HAS SO FOUND AND DETERMINED; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF EASEMENTS, AND TEMPORARY WORKING STRIPS IN SAID PROPERTY FOR APPURTENANCES THERETO, AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; THAT AN OFFER TO ACQUIRE THE PROPERTY INTERESTS AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY 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 ACQUIRING SAID PROPERTY INTERESTS 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

00190

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 an off-site water main and all appurtenances thereto to serve designated portions of Carmel Valley Village the corporate limits of San Diego across portions of lands within The City of San Diego, Parcels 1 and 11 of Parcel Map No. 14460, recorded September 12, 1986, as File 86-402405, page 14460, in the office of the County Recorder of San Diego County; the sidelines of said 10 foot waterline easement to be shortened or lengthened to terminate at the Northwesterly right-of-way line of Carmel Valley Road as shown on said Road Survey No. 758; and that the City Council has so found and determined.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of easements and temporary working strips in said property for the construction, operation and maintenance of an off-site water main and all appurtenances thereto, said real property lying within The City of San Diego, County of San Diego, State of California.

Section 3. That the Constitution of California, Article I, Section 19; Charter of The City of San Diego, Article XIV, Section 220; Code of Civil Procedure Sections 1240.010, 1240.110, and 1240.120; Government Code Sections 37350.5, 38730 and 40404; Tentative Map 83-0096, as approved by Planning Commission Resolution 5180 on September 13, 1984; permit the acquisition referenced herein.

Section 4. That the parcels of real property and the interests sought to be condemned are described as follows:

PARCEL 1 - WATER MAIN EASEMENT

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a water line main including any or all appurtenances thereto, together with the right of ingress and egress, over, under, along and across all that real property situated in the County of San Diego, State of California, described as follows:

Being portions of Parcels 1 and 11 of Parcel Map 14460, recorded September 12, 1986, as File 86-402405, Page 14460, in the Office of the County Recorder of San Diego County; in the City of San Diego, County of San Diego, State of California, described as follows:

A 10.00 foot wide easement for waterline purposes, the centerline of which is 15.00 feet southerly and southwesterly of, parallel to and concentric with the centerline of a 20.00 foot wide sewer easement granted to The City of San Diego per deed recorded May 23, 1985, File No. 85-182423 of Official Records of said San Diego County.

The sidelines of said 10.00 ft. waterline easement to be shortened or lengthened to terminate at the northwesterly right-of-way line of Carmel Valley Road as shown on said Road Survey No. 758.

PAGE 3 OF 5

00492

R 267307

PARCEL 1A - TEMPORARY WORK STRIP

Together with a temporary construction easement for the right, during construction of said pipeline or pipelines to use for purpose incidental to said construction, the land adjacent to the within-granted right-of-way, described as follows:

A strip of land 20.00 feet in width, being said sewer easement above described, for temporary construction which shall be vacated at the time of completion of the construction.

Section 5. That the taking and acquiring by said City of San Diego of property interests hereinabove described are deemed necessary for the construction, operation and maintenance of an off-site water main and all appurtenances thereto, to serve designated portions of Carmel Valley Village within the corporate limits of San Diego by The City of San Diego and the inhabitants thereof, for municipal purposes.

Section 6. That such uses are public use authorized by law (Article XIV, Section 220, Article I, Section 19, California Constitution Charter of The City of San Diego; Sections 1240.010, 1240.110 and 1240.120, Code of Civil Procedure, Sections 37350.5, 38730 and 40404, Government Code; and Tentative Map 83-0096, as approved by Planning Commission Resolution 5180 on September 13, 1984); that for such public uses it is necessary that The City of San Diego condemn and acquire said property interests.

Section 7. That said property interests are to be used for the construction, operation and maintenance of an off-site water

main and all appurtenances thereto, to serve designated portions of Carmel Valley Village 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 acquire said property interests has been made to the owners of record of the property at the value determined by Norman R. Robertson, MAI, an independent fee appraiser, on May 19, 1986, and pursuant to Government Code Section 7267.2; and that this offer was 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 owners and claimants to an interest in the above-described real property, for the purpose of obtaining immediate possession, condemning and acquiring the 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:db:Lit.
11/24/86
Or.Dept:Atty
Aud.Cert:
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DEC 15 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 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 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"/> |
| Celia Ballesteros | <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 *Ellen Board*, Deputy.

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| Office of the City Clerk, San Diego, California | |
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