

(R-87-1277)

RESOLUTION NUMBER R-267482

ADOPTED ON JAN 13 1987

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE EXPANSION OF THE EXISTING FACILITY KNOWN AS LOWER OTAY FILTRATION PLANT AND ALL APPURTENANCES THERETO IN ORDER TO BETTER SERVE DESIGNATED PORTIONS OF SOUTH SAN DIEGO, PARADISE HILLS, SAN YSIDRO, AND OTAY MESA, BASED UPON INCREASING WATER DEMANDS IN THE OTAY SERVICE AREA; THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRES THE ACQUISITION OF A PORTION OF LOT 4 OF THE OTAY RANCH SUBDIVISION, MAP 862 FOR SAID EXPANSION OF THE EXISTING LOWER OTAY FILTRATION PLANT AND ALL APPURTENANCES THERETO; THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY; DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE FULL PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; DECLARING THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; THAT AN OFFER TO ACQUIRE SAID PROPERTY INTERESTS AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE RECORD OWNER(S) OF SUBJECT 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 THE SUBJECT PROPERTY 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 opportunity to appear and be heard on the matters referred to in Section 1240.030, Code of Civil Procedure; NOW, THEREFORE,

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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 expansion of the existing facility known as Lower Otay Filtration Plant and all appurtenances thereto in order to better serve designated portions of South San Diego, Paradise Hills, San Ysidro, and Otay Mesa. Expansion will increase the capacity of the existing plant thereby meeting anticipated increased water demands.

Section 2. That the public interest convenience and necessity of the City of San Diego, and the inhabitants thereof require the acquisition of a portion of Lot 4 of the Otay Ranch Subdivision, Map 862, hereinafter fully described, for the expansion of the existing facility known as Lower Otay Filtration Plant and all appurtenances thereto; the subject real property lying within the City of San Diego.

Section 3. That said property interests are to be used for the expansion of the existing facility known as Lower Otay Filtration Plant and appurtenances thereto in order to better serve designated portions of South San Diego, Paradise Hills, San Ysidro and Otay Mesa in a manner that will be most compatible with the greatest public good and least private injury since: the subject project is proposed to be located adjacent to the existing facility and will be at an elevation required to be hydraulically consonant with existing filters; the subject property is vacant; and,

the project will include a graded berm to minimize any visual effects created by the addition of sedimentary basins.

Section 4. That for the expansion of the facility known as Lower Otay Filtration Plant and appurtenances thereto, it is necessary that the City of San Diego acquire full property interests under eminent domain proceedings.

Section 5. That the Constitution of California, Article I, Section 19; the Charter of the City of San Diego Article XIV, Section 220; the Code of Civil Procedure Section 1240.010, 1240.110, and 1240.120; Government Code Sections 37350.5 and 40404 authorize the acquisition by eminent domain referenced herein.

Section 6. That the parcel of real property and the interests sought to be condemned are described as follows:

Parcel 1: Acquisition of Fee Simple Absolute

That portion of Lot 4, of the Otay Ranch subdivision in the County of San Diego, State of California, according to map thereof of said subdivision, No. 862, filed in the office of the County Recorder of San Diego County February 7, 1900; a rectangular strip of land 280 feet in width and 845 feet in length lying northerly of and adjacent to that 8.49 acre tract of land described in Exhibit "A" of the Agreement recorded in Deed Book 570, Page 119, filed in the office of the County Recorder of San Diego County June 24, 1912.

Section 7. That an offer to acquire said property of \$109,700 based upon an appraisal by a City of San Diego staff appraiser on December 18, 1985, was made pursuant to Government Code Section 7267.2 and thereafter rejected.

Section 8. 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 claimants to an interest in the above-described real property for the purpose of obtaining immediate possession, condemning and reacquiring full 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.  
12/22/86  
Or.Dept:  
Aud.Cert: 87 00470  
R-87-1277  
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JAN 13 1987

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 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"/> |
| Celia Ballesteros      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| Mayor Maureen O'Connor | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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: *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

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