

RESOLUTION NUMBER R- 268324

ADOPTED ON MAY 12 1987

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 A PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG AND ACROSS THAT PORTION OF PARCELS 1 AND 2 OF PARCEL MAP 14492, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF PERMANENT EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS ON SAID PROPERTY FOR SAID PUBLIC SEWER OR SEWERS AND ALL APPURTENANCES THERETO TO SERVE DESIGNATED PORTIONS OF SORRENTO VALLEY AND NORTH CITY WITHIN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; IT IS THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; THE ACQUISITION OF SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS FOR SAID PUBLIC PURPOSE IS DEEMED NECESSARY; THE ACQUISITION OF SAID PROPERTY INTERESTS IS AUTHORIZED BY LAW; AN OFFER TO PURCHASE SAID PROPERTY INTERESTS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 7267.5 HAS BEEN MADE TO THE RECORD OWNER(S) AND REJECTED; 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 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. The public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto together with the right of ingress and egress over, under, along and across that portion of Parcels 1 and 2 of Parcel Map No. 14492, in The City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

Section 2. The public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, demand the acquisition and taking of permanent easements and temporary construction easements on said property for the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto to serve designated portion of Sorrento Valley and North City, said real property lying within The City of San Diego, County of San Diego, State of California.

Section 3. The hereinafter described property interests are to be used for the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto in a manner most compatible with the greatest public good and the least private injury.

Section 4. It is necessary that The City of San Diego and the inhabitants thereof acquire the respective property interest hereinafter described for the construction, operation and maintenance of a public sewer or sewers and all appurtenances thereto under eminent domain proceedings.

Section 5. The acquisition of each respective property interest hereinafter described under eminent domain proceedings by The City of San Diego is deemed necessary to increase the pumping capacity of Sewer Pump Station 64 in Sorrento Valley and to meet the agreed upon schedule of improvements between The City of San Diego and the Regional Water Quality Control Board.

Section 6. The planned uses are public uses authorized by law: Article I, Section 19 of the Constitution of California; Article XIV, Section 220 of the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.140, and 1255.410 of the California Code of Civil Procedure; Sections 37350.5, 38900, 39040 and 40404 of the California Government Code.

Section 7. The portions of real property and the respective interests to be condemned are described as follows:

PERMANENT - EASEMENT A

That portion of Parcels 1 and 2 of Parcel Map No. 14492, in the City of San Diego, County of San Diego, State of California, as filed in the Office of the County Recorder of said County, September 30, 1986, as File No. 86-436975 of Official Records, being a lot line adjustment of a portion of Lots C and D of Acre Lot 33 of Town of Sorrento according to maps thereof Nos. 362 and 483, filed in the Office of the County Recorder of said County, on September 30, 1887 and February 9, 1888 respectively.

A permanent easement for sewer purposes, along and across a strip of land thirty feet wide, lying fifteen feet on each side of the following described center line:

COMMENCING at the City of San Diego's Control Monument on the Center Line of the Right of Way of Roselle Street, said point being Engineer's Station 24+00, according to Parcel Map No. 5796, filed in the Office of the County Recorder of San Diego County, April 12,

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1977, as File No. 77-133407 of Official Records; thence South 42°19'45" West a distance of 84.56 feet, to a point of intersection in the arc of a 60.00 foot radius curve concave northerly, said point of intersection being on the southwesterly Right of Way line of Roselle Street, said point of intersection also being the TRUE POINT OF BEGINNING; a radial line through said TRUE POINT OF BEGINNING bears South 70°56'48" East beginning a nontangent 156.00 foot radius curve concave northwesterly; thence along said curve through a central angle of 96°59'14" an arc distance of 264.07 feet; thence along a tangent line North 63°57'34" West, 40.30 feet to the beginning of a tangent 346.00 foot radius curve concave southwesterly; thence along said tangent curve through a central angle of 28°10'43" an arc distance of 170.17 feet; thence along a tangent line South 87°15'43" West, 469.09 feet to a terminus point hereby defined as POINT "A".

The side lines of said 30 feet wide strip of land shall be prolonged or shortened so as to terminate in the southwesterly Right of Way line of Roselle Street.

TEMPORARY CONSTRUCTION EASEMENT A

That portion of Parcels 1 and 2 of Parcel Map No. 14492, in the City of San Diego, County of San Diego, State of California, as filed in the Office of the County Recorder of said County, September 30, 1986, as File No. 86-436975 of Official Records, being a lot line adjustment of a portion of Lots C and D of Acre Lot 33 of Town of Sorrento according to maps thereof Nos. 362 and 483, filed in the Office of the County Recorder of said County, on September 30, 1887 and February 9, 1888 respectively.

A temporary easement for sewer construction purposes, along and across a strip of land fifty feet wide, lying twenty five feet on each side of the following described center line:

COMMENCING at the City of San Diego's Control Monument on the Center Line of the Right of Way of Roselle Street, said point being Engineer's Station 24+00, according to Parcel Map No. 5796, filed in the Office of the

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County Recorder of San Diego County, April 12, 1977, as File No. 77-133407 of Official Records; thence South 42°19'45" West a distance of 84.56 feet, to a point of intersection in the arc of a 60.00 foot radius curve concave northerly, said point of intersection being on the southwesterly Right of Way line of Roselle Street, said point of intersection also being the TRUE POINT OF BEGINNING; a radial line through said TRUE POINT OF BEGINNING bears South 70°56'48" East beginning a nontangent 156.00 foot radius curve concave northwesterly; thence along said curve through a central angle of 96°59'14" an arc distance of 264.07 feet; thence along a tangent line North 63°57'34" West, 40.30 feet to the beginning of a tangent 346.00 foot radius curve concave southwesterly; thence along said tangent curve through a central angle of 28°10'43" an arc distance of 170.17 feet; thence along a tangent line South 87°15'43" West, 469.09 feet to a terminus point hereby defined as POINT "A".

The side lines of said 50 feet wide strip of land shall be prolonged or shortened so as to terminate in the southwesterly Right of Way line of Roselle Street.

PERMANENT - EASEMENT B

A permanent easement for sewer purposes, along and across a parcel of land more particularly described as follows:

COMMENCING at a POINT "A" previously defined in EASEMENT A above, said point also being the TRUE POINT OF BEGINNING of this EASEMENT B; thence South 02°08'17" East a distance of 15.00 feet to a point at the southwesterly corner of EASEMENT A above; a radial line through said point bears South 02°08'17" East beginning a 189.00 foot radius curve concave southeasterly; thence along said curve through a central angle of 56°48'37" an arc distance of 187.39 feet; thence along a tangent line South 31°03'06" West, 66.08 feet to a point on the westerly line of Parcel 2 (Reference Parcel Map No. 14492), said point also being North 14°48'11" West, 352.06 feet from the southwesterly corner of Parcel 2; thence along the southwesterly line of Parcel 2, North 14°48'11" West, 18.39 feet to a point of intersection with the southeasterly line of a

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25 foot wide sewer easement, filed in the Office of the County Recorder of San Diego County, May 21, 1975 as File No. 75-124474 (Exhibit 4) of Official Records; thence along the southeasterly line of said sewer easement, North 30°54'49" East, 182.42 feet; thence leaving said southeasterly line of sewer easement, North 87°51'43" East, 98.88 feet to a point at the northwesterly corner of EASEMENT A above; thence South 02°08'17" East, 15.00 feet, returning to the TRUE POINT OF BEGINNING.

TEMPORARY CONSTRUCTION EASEMENT B

A temporary easement for sewer construction purposes, along and across a parcel of land more particularly described as follows: COMMENCING at a POINT "A" previously defined in TEMPORARY EASEMENT A above, said point also being the TRUE POINT OF BEGINNING of this TEMPORARY EASEMENT B; thence South 02°08'17" East a distance of 25.00 feet to a point at the southwesterly corner of TEMPORARY EASEMENT A above; a radial line through said point bears South 02°08'17" East beginning a 179.00 foot radius curve concave southeasterly; thence along said curve through a central angle of 56°48'37" an arc distance of 177.48 feet; thence along a tangent line South 31°03'06" West, 75.79 feet to a point on the westerly line of Parcel 2 (Reference Parcel Map No. 14492), said point also being North 14°48'11" West, 338.12 feet from the southwesterly corner of Parcel 2; thence along the southwesterly line of Parcel 2, North 14°48'11" West, 32.33 feet to a point of intersection with the southeasterly line of a 25 foot wide sewer easement, filed in the Office of the County Recorder of San Diego County, May 21, 1975 as File No. 75-124474 (Exhibit 4) of Official Records; thence along the southeasterly line of said sewer easement, North 30°54'49" East, 194.35 feet; thence leaving said southeasterly line of sewer easement, North 87°51'43" East, 92.38 feet to a point at the northwesterly corner of TEMPORARY EASEMENT A above, thence South 02°08'17" East, 25.00 feet, returning to the TRUE POINT OF BEGINNING.

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Section 8. An offer to purchase each respective property interest pursuant to Section 7267.2 of the California Government Code was made after an appraisal of said property interests by William Reynolds, an independent fee appraiser, dated March 7, 1987,<sup>AND</sup> was rejected by the owner or owners of record.

Section 9. 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 The City of San Diego.

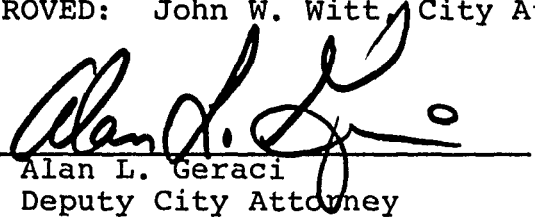
BE IT FURTHER RESOLVED, by the Council of The City of San Diego that funds are available from Sewer Revenue Fund Unallocated Reserve 41506, CIP 46-118.0, Pump Station 64 Force

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Main II, as provided by the certificate of the City Auditor and Comptroller, No. 870085, and that a total expenditure not to exceed \$200,000 be and is hereby authorized for said public purpose.

APPROVED: John W. Witt, City Attorney

By



Alan L. Geraci  
Deputy City Attorney

ALG:jt:Lit  
04/23/87  
Or.Dept:Property  
Aud.Cert:8700851  
R-87-2201

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The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8700851

ORIGINATING DEPT. NO.: 070

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 200,000.00      Fund 41506

Purpose Authorizing expenditure of funds for condemnation to construct sewer pump Station 64 Force Main II

Date April 21, 19 87

By: Lillian Magaña  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			700	106	4638	170221				\$200,000.00
TOTAL AMOUNT										\$200,000.00

**CERTIFICATION OF UNENCUMBERED BALANCE**      FUND OVERRIDE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said moneys now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ \_\_\_\_\_

Vendor \_\_\_\_\_

Purpose \_\_\_\_\_

Date \_\_\_\_\_, 19 \_\_\_\_\_

By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

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MAY 12 1987

AC 8700851

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RECEIVED  
CITY CLERK'S OFFICE  
1987 APR 29 PM 4: 34  
SAN DIEGO, CALIF.

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#331

Passed and adopted by the Council of The City of San Diego on MAY 12 1987,  
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
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 *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

Resolution R-268324      Adopted MAY 12 1987  
 Number .....  
 CC-1276 (Rev. 12-86)

RECEIVED  
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1987 APR 29 PM 4: 34

SAN DIEGO, CALIF.

01407