

RESOLUTION NUMBER R- 268427

ADOPTED ON MAY 26 1987

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 MISSION TRAILS REGIONAL PARK OPEN SPACE PROJECT, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF A FEE SIMPLE ABSOLUTE TO THE MISSION TRAILS REGIONAL PARK OPEN SPACE PROJECT; THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND LEAST PRIVATE INJURY; IT IS THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; TAKING AND ACQUIRING SAID PROPERTY INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; THE ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AN OFFER TO ACQUIRE SAID PROPERTY INTERESTS AT THE APPRAISED MARKET VALUE HAS BEEN MADE TO THE RECORD OWNER(S) OF THE SUBJECT PROPERTY AND THEREAFTER 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 AND ACQUIRING 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, as declared by the City Council on April 29, 1985, (R-263065), of The City of San Diego and the inhabitants thereof, require the retention of open space and the development and completion of The Mission Trails Regional Park Open Space Project, as more particularly described hereinafter, and that the City Council has again so found and determined.

Section 2. The public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, demand the acquisition and taking of fee simple absolute to said property interests for the retention of open space and the development and completion of The Mission Trails Regional Park Open Space Project: 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 by The City of San Diego is a more necessary public use, said real property lying within The City of San Diego, County of San Diego, State of California.

Section 3. The subject real property is to be used for the development and completion of The Mission Trails Regional Park Open Space Project which is planned and located in a manner most compatible with the greatest public good and the least private injury since the project is planned according to the adopted Master Development Plan for Mission Trails Regional Park and since there are no residents to be relocated.

Section 4. It is necessary that The City of San Diego, for said public use, to acquire title in fee simple absolute, in the property hereinafter described, for the retention of open space

and the development and completion of The Mission Trails Regional Park Open Space Project.

Section 5. It is necessary that The City of San Diego take and acquire said property interests to the real property hereinafter described, under eminent domain proceedings, for the retention of open space and the development and completion of The Mission Trails Regional Park Open Space Project.

Section 6. The taking and use are public ones and authorized by: The Constitution of California, Article I, Section 19; The Charter of The City of San Diego, Article XIV, Section 220; Code of Civil Procedure Sections 1240.10, 1240.110, 1240.120, 1240.610, 1240.680, and 1255.410; Parks and Playgrounds Act of 1909, Section 6950-6954; Government Code Sections 37350.5, 38002, 38010, 39732, 40401(b), and 51063; San Diego Municipal Code Section 61.2000-61.2071.

Section 7. The parcels of real property sought to be condemned in The Mission Trails Regional Park Open Space Project are described as follows:

Parcel 5:

That portion of Lot 3 of the resubdivision of a part of Fanita Rancho, in The County of San Diego, according to the Map thereof No. 1703, filed in the Office of The County Recorder of San Diego County, February 28, 1918, described as follows:

Commencing at the intersection of Spring Canyon Road and Soledad Freeway as shown on City Engineer of The City of San Diego's Drawing No. 12463-1-D; thence along the centerline of said Soledad Freeway South 83°00'22" West 240.01 feet to the beginning of a tangent 3235.00 foot radius curve concave Northerly; thence Westerly along the arc of said curve through a central angle of 7°39'43" a distance of 432.61 feet; thence North 0°40'05" East 1456.02 feet to the centerline of road Easement No.

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27 as shown on said City Engineer's Drawing No. 12463-1-D; thence along said centerline South 86°45'16" East, 512.14 feet to the centerline of said Spring Canyon Road; thence along said centerline South 5°52'57" East 1381.13 feet to the point of commencement containing 19 acres, more or less.

Parcel 8:

That portion of Lots 3 and 4 of the resubdivision of part of Fanita Rancho, in The City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1703, filed in The Office of the County Recorder of San Diego County, February 28, 1918, described as follows:

Commencing at the Southwesterly corner of said Lot 4; thence along the Southerly line of said Lot 4, South 89°01'18" East, 461.94 feet to the centerline of Soledad Freeway as described under Parcel 9 in that certain easement deed to The City of San Diego, recorded March 22, 1963 as File/Page No. 50209 and the TRUE POINT OF BEGINNING; thence retracing along said Southerly line North 89°01'18" West, 461.94 feet to the Southwesterly corner of said Lot 4; thence along the Southerly line of said Lot 3, North 89°01'29" West, 722.01 feet to the center line of proposed Soledad Freeway as referred to in deed to John C. Matthiesen, et al, recorded September 21, 1966 as File/Page No. 152979, being a point on the arc of a 1400.00 foot radius curve, the center of which bears South 50°50'22" West from said point; thence along said proposed center line, Northwesterly along the arc of said curve through a central angle of 57°50'00" a distance of 1413.14 feet to the center line of said Soledad Freeway first hereinabove referred to; thence along said center line as follows: North 83°00'22" East (Record - North 83°00'00" East) 752.73 feet to the beginning of a tangent 1982.06 foot radius curve therein; concave Southwesterly; and Southeasterly along the arc of said curve through a central angle of 54°04'00" a distance of 1870.35 feet to the TRUE POINT OF BEGINNING.

Section 8: An offer to acquire said property interests, based upon an appraised report prepared by an appraiser authorized to make such an appraisal report, was made pursuant to Government Code section 7267.2 to the record owner(s) of the

hereinabove described real property and thereafter rejected by operation of law.

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 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

AJG:tg:Lit.
04/01/87
Or.Dept:Property
R-87-2024

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MAY 26 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 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Barbara Baxter* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-268427 Adopted MAY 26 1987

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1987 MAY -6 PM 12:40
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