

(R-87-2189)

RESOLUTION NUMBER R- 268487

ADOPTED ON JUN 2 1987

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF PROPERTY KNOWN AS LOTS 33 AND 34, IN BLOCK 12 OF SWAN'S ADDITION, FOR OPEN SPACE PURPOSES IN MID-CITY ADDITION BH (CITY HEIGHTS), LOCATED IN THE MID-CITY COMMUNITY PLAN, 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 MID-CITY BH (CITY HEIGHTS) OPEN SPACE PROGRAM; 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 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. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the acquisition of property known as Lots 33 and 34 in Block 12 of Swan's Addition, for open space canyon purposes in

C2106

Mid-City Addition BH (City Heights), located in the City of San Diego, County of San Diego, State of California, in the Mid-City Community Plan, as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee title to said property for open space canyon purposes, 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 Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b), 51063, Government Code, and Section 61.0601 et seq., San Diego Municipal Code, permit the acquisitions referenced herein.

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

PARCEL BH-6

Lots 33 and 34, inclusive, in Block 12 of Swan's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 947, filed in the Office of the County Recorder of San Diego County, May 1, 1905.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the acquisition of property known as Mid-City Addition BH (City Heights) for open space canyon purposes by The City of San Diego and the inhabitants thereof, for the preservation of said land in

its natural condition, for municipal purposes; that such use is a public use authorized by law (Section 220, 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 Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b), 51063, Government Code, and Section 61.0601 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 development of the Mid-City Addition BH (City Heights) for open space canyon purposes which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. That the offer required by Section 7267.2 of the Government Code has not been made to the owners of record because the owners cannot be located despite notice having been sent by first class mail to the name and address of the property owners of record as the name appears on the last equalized county assessment roll notice.

Section 7. 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 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 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 and  
obtaining immediate possession of said parcels for the use of  
said City.

APPROVED: John W. Witt, City Attorney

By   
Larry E. Renner  
Deputy City Attorney

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04/21/87  
A.C. 8700747  
Or.Dept: Prop.  
R-87-2189  
Form=r.opnspc

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

CERTIFICATE OF UNALLOTTED BALANCE      AC 8700747

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 \$ 20,000.00      Fund 79103

Purpose Authorizing expenditure of funds for condemnation to acquire lots 33 and 34 in Block 12 of Swan's Addition for Mid-City Open Space Addition BH

Date March 19, 1987

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			79103	101	4638	028242				\$20,000.00
TOTAL AMOUNT										\$20,000.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

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										

FUND OVERRIDE

R-268487

JUN 2 1987

AC 8700747

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Passed and adopted by the Council of The City of San Diego on JUN 2 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 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 Struiksm	<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 June A. Blackwell, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number <u>R-268487</u>	Adopted <u>JUN 2 1987</u>

RECEIVED  
CITY CLERK'S OFFICE  
1987 MAY 20 PM 1:39  
SAN DIEGO, CALIF.

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