

(R-87-1073)

RESOLUTION NUMBER R- **268553**

ADOPTED ON JUN 09 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 STREET AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPE EASEMENTS, STORM DRAIN OR DRAINAGE EASEMENTS AND INCIDENTS THERETO, AND AN ACCESS EASEMENT AND INCIDENTS THERETO, IN A PORTION OF THOSE CERTAIN LANDS DESIGNATED AS DEPOT GROUNDS AS SHOWN ON MAP OF TOWN OF SORRENTO, MAP 362, AND A PORTION OF LOT 3, TORREY KNOLLS PARK, 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 SAID PROPERTY INTERESTS FOR SAID CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUBLIC STREET AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPE EASEMENTS, STORM DRAIN OR DRAINAGE EASEMENTS AND INCIDENTS THERETO, AND AN ACCESS EASEMENT AND INCIDENTS THERETO; AND THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND EASEMENTS UNDER EMINENT DOMAIN PROCEEDINGS; AND THAT TAKING AND ACQUIRING SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; AND THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AND DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY AT THE APPRAISED VALUE PURSUANT TO GOVERNMENT CODE SECTION 7267.5 HAS BEEN MADE TO THE RECORD OWNER 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 EASEMENTS AND ACQUIRING IMMEDIATE POSSESSION THERETO.

00216

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 construction, operation and maintenance of a public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, in a portion of those certain lands designated as depot grounds as shown on map of town of Sorrento, Map 362, and a portion of Lot 3, Torrey Knolls Park, in the City of San Diego, County of San Diego, State of California, 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 simple title to and easements in said property for the construction, operation and maintenance of a public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, a storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That said property and easement interests are to be used for the construction, operation and maintenance of a public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, a storm drain or drainage easements and incidents thereto and an access easement and incidents thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 4. That for the construction, operation and maintenance of a public street and incidents thereto, together with earth excavations or embankments, slope or slope easements, a storm drain or drainage easements and incidents thereto, and an access easement and incidents thereto, it is necessary that The City of San Diego and the inhabitants thereof acquire the respective property interests under eminent domain proceedings.

Section 5. That the taking and acquiring of respective property interests of the real property hereinafter described, under eminent domain proceedings, by The City of San Diego, are deemed necessary for improvment and widening of Sorrento Valley Road west of Interstate 5, thereby providing users with increased access to abutting businesses and roads and providing for the future traffic volume of the area.

Section 6. That such uses are public uses authorized by law: Article I, Section 19 of the Constitution of California; Article XIV, 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; Sections 4090, 5101(d) and 5102, Streets & Highways Code; and Sections 37350.5 and 40404, Government Code.

Section 7. That the parcels of real property and the interests sought to be condemned are described as follows:

Parcel 1

All that portion of Lot 3, Torrey Knolls Park, according to Map thereof 7991 filed in the Office of the County Recorder of San Diego County being more particularly described as follows:

Parcel 1A - Right-of-Way

Beginning at the Northwesterly corner of said Lot 3, said point being a point on the Easterly line of Sorrento Valley Road as said street is located and established on January 8, 1986, said point also being a point on the arc of a 816.50-foot radius curve concave Easterly; thence Southeasterly along the arc of said curve and said Easterly line of Sorrento Valley Road through a central angle of 06°44'45", a distance of 96.13 feet to a point on the Southerly line of said Lot 3, said point being a point on the arc of a 660.00-foot radius curve concave Southerly, a radial to said point bears North 71°55'16" East; thence Easterly along the arc of said curve and said Southerly line of Lot 3 through a central angle of 02°25'42", a distance of 27.97 feet to a point on the arc of a 1154.00-foot radius curve concave Easterly, a radial to said point bears North 64°08'32" East; thence Northwesterly along the arc of said curve through a central angle of 05°12'11", a distance of 104.80 feet to a point on the Northerly line of said Lot 3, said point herein set out as Point "A" for purposes of this description; thence South 87°35'38" West along said Northerly line, 10.86 feet returning to the Point of Beginning.

Parcel 1B - Easements

The permanent easement and right-of-way for an earth excavation or embankment, slope or slopes and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at Point "A" as set out in Parcel 1A above, said point being a point on the Northerly line of said Lot 3; thence North 87°35'38" East along said Northerly line, 10.53 feet to a point on the arc of a 1144.00-foot radius curve concave Easterly, a radial to said point bears South 69°10'48" West; thence Southeasterly along the arc

of said curve through a central angle of 05°22'11", a distance of 107.21 feet to a point on said Southerly line of Lot 3, being also a point on the arc of a 660.00-foot radius curve concave Southerly; thence Westerly along the arc of said curve and said Southerly line of Lot 3 through a central angle of 01°02'34", a distance of 12.01 feet to a point on the Easterly line of said Parcel 1A described above, said point also being a point on the arc of a 1154.00-foot radius curve concave Easterly, a radius to said point bears North 64°08'32" East; thence Northwesterly along the arc of said curve and said Easterly line of Parcel 1A through a central angle of 05°12'11", a distance of 104.80 feet returning to the Point of Beginning.

Parcel 2

That portion of that certain tract of land designated as "Depot Grounds" as shown on Town of Sorrento, in the City of San Diego, County of San Diego, State of California, according to Map thereof 362 filed in the Office of the County Recorder of San Diego County September 30, 1887, and Map 483 filed in the Office of the County Recorder of San Diego County February 9, 1888 being more particularly described as follows:

Parcel 2A - Right of Way

Commencing at the most Westerly corner of Lot 10 of Via Sorrento Valley Industrial Park Unit 4, according to Map thereof 6618, filed in the Office of said County Recorder April 7, 1970; thence along the Southwesterly prolongation of the Northwesterly line of said Lot 10, South 51°26'08" West (Record South 51°26'45" West) 46.00 feet to the Northeasterly line of that 60.00-foot road (now known as Sorrento Valley Road) as described in deed to the City of San Diego, recorded July 20, 1909, in Book 462, Page 466 of Deeds, records of San Diego County; thence along said Northeasterly line North 38°33'52" West 685.94 feet to an angle point in the boundary of that portion of California State Highway XI-SD-5 (Interstate 805) as described in Parcel 2-A in that certain Final Order of Condemnation made under Superior Court Case 279419, a copy of said Final Order being recorded August 11, 1965 as File 144494 and being the TRUE POINT OF BEGINNING, thence along the boundary of said Parcel 2-A, North 83°44'33" East (Record North 83°43'31" East), 36.59 feet; thence continuing along said boundary North 05°29'13" West, 18.13 feet; thence leaving said boundary, North 40°10'17"

West, 39.88 feet to the beginning of a tangent 1,790.00-foot radius curve concave Northeasterly; thence Northwesterly along the arc of said curve through a central angle of 01°36'25", a distance of 50.20 feet; thence tangent to said curve North 38°33'52" West, 180.00 feet to the beginning of a tangent 2,754.00-foot radius curve concave Northeasterly; thence Northeasterly along the arc of said curve through a central angle of 04°12'17", a distance of 200.92 feet, said point herein set out as Point "A" for purposes of this description; thence continuing Northwesterly along the arc of said 2,754.00-foot radius curve through a central angle of 00°01'29" a distance of 1.19 feet; thence tangent to said curve North 34°21'35" West, 167.34 feet to the beginning of a tangent 2,846.00-foot-radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 00°37'55", a distance of 31.38 feet; a radial to said point bears North 55°00'31" East; thence North 39°28'16" West (Record North 39°29'18" West), 206.90 feet to the beginning of a tangent 435.00-foot radius curve concave Southwesterly; thence Northwesterly along the arc of said curve through a central angle of 28°54'42" a distance of 219.50 feet to the Northeasterly line of said 60.00-foot road hereinabove referred to; thence along said Northeasterly line South 38°34'54" East, 1,082.11 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2B - Easement

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a drain or drains including any or all appurtenances thereto, together with the right of ingress and egress, over, under along and across all that real property described as follows:

Beginning at Point "A" as set out in Parcel 2A above; thence North 40°38'25" East, 24.47 feet to a point on the arc of a 615.00-foot radius curve concave Northeasterly, a radial to said point bears South 42°12'44" West; thence Northwesterly along the arc of said curve through a central angle of 00°55'56", a distance of 10.01 feet, a radial to said point bears South 43°08'40" West; thence South 40°38'25" West 22.15 feet to a point on the Northeasterly line of said Parcel 2A above; thence South 34°21'35" East along said Northeasterly line of Parcel 2A, 9.17 feet to the beginning of a tangent 2,754.00-foot radius curve concave Northeasterly, a radial to said point bears South

55°38'25" West, thence Southeasterly along the arc of said curve and continuing along said Northeasterly line of Parcel 2A, through a central angle of 00°01'29" a distance of 1.19 feet returning to the Point of Beginning.

Section 8. That an offer to purchase said property interests pursuant to Section 7267.2 of the Government Code has been made after an appraisal of said properties by William Reynolds, Independent Fee Appraiser, dated October 1, 1985, and that this offer was rejected by the owner or owners of record.

Section 9. That the City Attorney of The City of San Diego be, and he is 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 and easements as above-described and obtaining immediate possession of said parcels for the use of said City.

APPROVED: John W. Witt, City Attorney

By 
Alan L. Geraci
Deputy City Attorney

ALG:jt:Lit
03/02/87
Or.Dept:Property
Aud.Cert:~~869045~~ 8700923
R-87-1073

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8700923

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 \$ 831,055.00 Fund 30244

Purpose Authorizing expenditure of funds for Sorrento Valley Road Condemnation

Date May 26, 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			30244	107	4638	520994				\$831,055.00
TOTAL AMOUNT										\$831,055.00

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										

R- 268553

JUN 09 1987

00223 FUND OVERRIDE

AC 8700923

JUN 09 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-268553** Adopted **JUN 09 1987**
 Number Adopted

RECEIVED
CITY CLERK'S OFFICE
1987 MAY 27 PM 4:44
SAN DIEGO, CALIF.

00225