

RESOLUTION NUMBER R- 268904

ADOPTED ON JUL 21 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, TOGETHER WITH CHANNEL OR CHANNEL EASEMENTS, STORM DRAIN OR DRAINAGE EASEMENTS, SEWER OR SEWER EASEMENTS, A TEMPORARY WORKING AREA, AND ALL INCIDENTS THERETO, IN A PORTION OF LOT 1, PARK VILLAS SOUTH AND A PORTION OF PARCEL 1, PARCEL MAP 11933, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF SAID PROPERTY FOR SAID PUBLIC STREET, TOGETHER WITH CHANNEL OR CHANNEL EASEMENTS, A STORM DRAIN OR DRAINAGE EASEMENTS, SEWER OR SEWER EASEMENTS, A TEMPORARY WORKING AREA, AND ALL INCIDENTS THERETO; 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 INTERESTS UNDER EMINENT DOMAIN PROCEEDINGS; TAKING AND ACQUIRING SAID PROPERTY BY EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AN OFFER WAS MADE TO THE RECORD OWNER OR OWNERS PURSUANT TO 7267.5 OF THE GOVERNMENT CODE 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.

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in Section 1245.235, Calif. 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, Calif. 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 street, together with channel or channel easements, storm drain or drainage easements, sewer or sewer easements, a temporary working area and all incidents thereto, in a portion of Lot 1, Park Villas South and a portion of Parcel 1, Parcel Map 11933, 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 right-of-way easements in said property for the construction, operation and maintenance of a public street, together with channel or channel easements, a storm drain or drainage easements, sewer or sewer easements, a temporary working area and all incidents thereto, said real property lying within The City of San Diego, County of San Diego, State of California.

Section 3. The acquired property interests, hereinafter described, are to be used for the construction, operation and maintenance of a public street, together with channel or channel easements, a storm drain or drainage easements, sewer or sewer easements, a temporary working area and all incidents thereto, and are planned and located in a manner most compatible with the greatest public good and the least private injury.

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Section 4. It is necessary for municipal purposes that The City of San Diego and the inhabitants thereof acquire the respective property interests of real property hereinafter described under eminent domain proceedings. Specifically, the respective property interests are needed for the construction, operation and maintenance of a public street, together with channel or channel easements, a storm drain or drainage easements, sewer or sewer easements, a temporary working area and all incidents thereto.

Section 5. The taking and acquiring of the respective property interests of real property hereinafter described, under eminent domain proceedings by The City of San Diego, are deemed necessary for the First San Diego River Improvement Project by advancing the proposed river channelization, providing 100-year flood protection from Highway 163 easterly to Stadium Way, and upgrading existing flood protection to the 10-year flood level at Mission Center Road and Stadium Way.

Section 6. The proposed uses are public uses authorized by law: Article I, Section 19, The California Constitution; Article XIV, Section 220, The Charter of the City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610, and 1255.410, Calif. Code of Civil Procedure; Sections 4090, 5101(d) and 5102, Calif. Streets & Highways Code; and Sections 37350.5, 38730 and 40404, Calif. Government Code.

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

Parcel 1A - Right of Way and Channel Easement

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A channel easement and right of way for installation and maintenance of slopes, landscape, and irrigation across a portion of Lot 1 of Park Villas South, according to Map thereof No. 9605, filed in the office of the County Recorder of San Diego County, March 31, 1980; said easement being more particularly described as follows:

Commencing at the northeast corner of Pueblo Lot 1107 of the Pueblo lands of San Diego as shown on record of Survey Map No. 10437, filed in the office of the County Recorder of San Diego County; thence South $14^{\circ}50'48''$ East, (record South $15^{\circ}21'01''$ East), along the easterly line of said Pueblo Lot 1107 to and along the easterly line of said Lot 1 of Park Villas South a distance of 688.08 feet to a 2 inch iron pipe and disc marked "R.C.E. 13782"; thence South $14^{\circ}46'02''$ East, 38.04 feet to the southeasterly corner of said Lot 1 of Park Villas South and the TRUE POINT OF BEGINNING of the herein described easement, said point also being the beginning of a non-tangent curve concave northeasterly having a radius of 350.00 feet, to which point a radial line of said curve bears South $11^{\circ}54'00''$ West, (record South $11^{\circ}58'25''$ West); thence westerly along the southerly boundary of said Lot 1 the following courses and distances: Northwestery along and the arc of said curve through a central angle of $15^{\circ}53'31''$ a distance of 97.08 feet, (record angle = $15^{\circ}54'31''$, a distance of 97.18 feet); thence North $62^{\circ}12'29''$ West, 26.63 feet, (record North $62^{\circ}07'04''$ West, 25.38 feet) to the beginning of a tangent curve concave southerly having a radius of 130.00 feet; thence westerly along the arc of said curve through a central angle of $34^{\circ}22'24''$ a distance of 77.99 feet, (record angle = $34^{\circ}02'10''$, a distance of 79.49 feet); thence South $83^{\circ}25'07''$ West, (record South $82^{\circ}50'46''$ West), 242.36 feet, to the beginning of a tangent curve concave southerly having a radius of 370 feet; thence westerly along the arc of said curve through a central angle of $27^{\circ}49'16''$ a distance of 179.66 feet, (record angle = $28^{\circ}00'00''$, a distance of 180.82 feet); thence South $55^{\circ}35'51''$ West, 144.71 feet, (record South $54^{\circ}50'46''$ West, 143.19 feet), to the beginning of a tangent curve concave northerly having a radius of 350.00 feet; thence westerly along the arc of said curve through a central angle of $17^{\circ}49'27''$ a distance of 108.88 feet, (record angle = $18^{\circ}00'00''$, a distance of 109.96 feet); thence South $73^{\circ}25'18''$ West, 434.73 feet, (record South $72^{\circ}50'46''$ West, 434.56 feet), to the southwestery corner of said Lot 1; thence leaving said southerly boundary of Lot 1 North

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43°05'00" East, 17.38 feet; thence North 73°00'00" East, 150.88 feet; thence North 72°15'00" East, 141.30 feet; thence North 73°25'00" East, 156.30 feet; thence North 57°00'00" East, 285.90 feet; thence North 77°30'00" East, 126.20 feet; thence North 81°15'00" East, 213.10 feet; thence North 88°35'00" East, 133.50 feet; thence North 74°50'00" East, 60.55 feet to intersection with said easterly line of Lot 1 of Park Villas South; thence along said easterly line South 14°50'48" East, 61.23 feet; thence South 14°46'02" East, 38.04 feet to the TRUE POINT OF BEGINNING.

Parcel 1B - Storm Drain Easement

An easement and right of way for the installation and maintenance of storm drain facilities and other appurtenances thereto, through, under, over, along and across Lot 2 according to Map thereof No. 4244 filed in the County Recorder's office in the County of San Diego on June 30, 1959; said easement being more particularly described as follows;

Commencing at the intersection of extension of the common boundary between Pueblo Lot 1107 and Lot 2 of Map No. 4244 and the northerly right of way line of Camino De La Reina; thence along said common boundary North 14°46'02" West, 611.67 feet to the beginning of a non-tangent curve concave southerly having a radius of 350.00 feet; thence along the arc of said curve through a central angle of 0°58'29" a distance of 5.95 feet to the TRUE POINT OF BEGINNING; thence continuing along the same arc through a central angle of 5°17'47" a distance of 32.35 feet; thence leaving said curve North 6°25'00" West, 110.19 feet; thence North 83°35'14" East, 17.28 feet to an intersection with the easterly line of Lot 1 of Map No. 9605; thence along said lot line South 14°50'48" East, 86.74 feet; thence leaving said lot line South 6°25'00" East, 36.47 feet to the TRUE POINT OF BEGINNING.

Parcel 1C - Sewer Easement

A permanent easement and right of way to construct, reconstruct, maintain, operate and repair a sewer line, 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:

All that portion of Lot 1 of Park Villas South, according to Map thereof No. 9605 filed in the office of the County Recorder of San Diego, March 31, 1980, described as follows:

Commencing at the Northeast Corner of Pueblo Lot 1107 of the Pueblo Lands of San Diego, thence South 14°50'48" East a distance of 661.09 feet to the TRUE POINT OF BEGINNING: thence continuing South 14°46'02" East a distance of 15.10 feet; thence South 81°50'00" West, 73.96 feet to the beginning of a tangent 135.00 foot radius curve, concave northerly; thence westerly along the arc of said curve, through a central angle of 06°59'39", a distance of 16.48 feet; thence South 88°49'31" West, 81.27 feet; thence North 06°35'03" West, 25.00 feet; thence North 77°34'31" East, 40.65 feet; thence South 76°15'46" East, 16.00 feet to the beginning of a tangent 110.00 foot radius curve, concave Northeasterly; thence Easterly along the arc of said curve, through a central angle of 21°54'14", a distance of 42.05 feet, thence tangent to said curve North 81°50'00" East, 71.03 feet, thence South 14°50'48" West, a distance of 10.07 feet returning to the TRUE POINT OF BEGINNING.

Parcel 2A - Public Street

An easement for right-of-way for a public street and appurtenances thereto, through, under, over, along and across that portion of Parcel 1 of Parcel Map No. 11933, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the office of the County Recorder of San Diego County, January 29, 1982, being a division of a portion of Pueblo Lot 1109, according to map thereof made by James Pascoe in 1870, a certified copy of which is on file in the office of the County Recorder of San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36, said easement being more particularly described as follows:

Parcel 2A-1

Beginning at the most westerly corner of Pueblo Lot 1109 as described in deed recorded February 17, 1967; File/Page No. 22172, Series 8, Book 1967 O.R. in the office of the County Recorder of San Diego County; thence South 14°35'05" East, (record per deed, South 14°34'48" East), along the southwesterly line of said Pueblo Lot 1109, a distance of 1371.37 feet; thence North 75°16'42" East, a distance of 58.99 feet to a point of intersection with the easterly line of Stadium Way as described in aforementioned deed and the northerly line of said Parcel 1, said point being the TRUE POINT OF BEGINNING, said point also being on the arc of a 5051.00 foot radius curve concave

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westerly as shown on said parcel Map No. 11933, a radial line to said curve bears North 78°26'12" East; thence southerly along the arc of said curve through a central angle of 02°22'13" a distance of 208.95 feet to a point of tangency; thence South 9°11'35" East, a distance of 96.11 feet to the beginning of a nontangent curve, concave northerly having a radius of 10,138.5 feet, a radial line to said point bears South 21°14'42" East; thence easterly along the arc of said curve through a central angle of 00°03'28", a distance of 10.21 feet to a point on the arc of a 5061.00 foot radius curve concave westerly, said point herein designated as Point "A", a radial line to said point bears North 80°39'58" East; thence northerly along the the arc of said curve through a central angle of 3°26'10", a distance of 303.52 feet to a point on the northerly line of said Parcel 1; thence along said northerly line, South 75°16'42" West, a distance of 4.48 feet to the TRUE POINT OF BEGINNING.

Parcel 2A- 2

Beginning at said point "A", said point being on the arc of a 5061.00 foot radius curve concave westerly, a radial line to said point bears North 80°39'58" East; thence southerly along the arc of said curve through a central angle of 0°08'27", a distance of 12.44 feet to a point of tangency; thence South 09°11'35" East, a distance of 152.85 feet to the TRUE POINT OF BEGINNING of the herein described easement; thence continuing from said true point South 9°11'35" East a distance of 98.40 feet to a point on the westerly boundary of said Parcel Map No. 11933; thence North 14°35'05" West (Record per Parcel Map No. 11933, North 14°32'47" West) along said westerly boundary line a distance of 52.01 feet to a point on the easterly line of that parcel described in a deed to the City of San Diego recorded August 13, 1957, in Book 6705, Page 4 of Official Records; said point being on the arc of a 1349.00 foot radius curve concave easterly, a radial line to said point bears South 85°47'46" West (record per Parcel Map No. 11933, South 85°48'15" West); thence northerly along the arc of said curve through a central angle of 01°59'28" a distance of 46.88 feet to the TRUE POINT OF BEGINNING.

Parcel 2B - Storm Drain Easement

An easement for a right-of-way to construct, reconstruct, maintain, operate and repair storm

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drains and appurtenances thereto, together with the right of ingress and egress, between Point "A" and Point "B" as described herein, over, under, along and across that portion of Parcel 1 of Parcel Map No. 11933, in the City of San Diego, County of San Diego, State of California, according to map thereof filed in the office of the County Recorder of San Diego County, January 29, 1982, being a division of a portion of Pueblo Lot 1109, according to map thereof made by James Pascoe in 1870, a certified copy of which is on file in the office of the County Recorder of San Diego County, November 14, 1921 and is known as Miscellaneous Map No. 36, said easement being more particularly described as follows:

Beginning at the most westerly corner of Pueblo Lot 1109 as described in deed recorded February 17, 1967; File/Page No. 22172, Series 8, Book 1967 O.R. in the office of the County Recorder of San Diego County; thence South $14^{\circ}35'05''$ East, (record per deed, South $14^{\circ}34'48''$ East), along the southwesterly line of said Pueblo Lot 1109, a distance of 1371.37 feet; thence North $75^{\circ}16'42''$ East, a distance of 63.47 feet to a point of intersection with the northerly line of said Parcel 1 and a 5061.00 foot radius curve concave westerly, a radial line to said point bears North $77^{\circ}13'49''$ East; thence southerly along the arc of said curve through a central angle of $0^{\circ}44'56''$, a distance of 66.16 feet to the TRUE POINT OF BEGINNING, said point herein being designated as Point "A", a radial line to said point bears North $77^{\circ}58'44''$ East; thence from said true point North $83^{\circ}04'36''$ East, a distance of 80.00 feet; thence South $7^{\circ}15'28''$ East, a distance of 205.48 feet; thence South $80^{\circ}20'49''$ West, a distance of 67.00 feet to a point on said 5061.00 foot radius curve, said point herein designated as Point "B", a radial line to said point bears North $80^{\circ}20'49''$ East; thence northerly along said curve through a central angle of $2^{\circ}22'05''$ a distance of 209.17 feet to the TRUE POINT OF BEGINNING.

Parcel 2C - Temporary Working Area

A portion of Parcel 1 of Parcel Map No. 11933, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the County Recorder of San Diego County, January 29, 1982, being a division of a portion of Pueblo Lot 1109, according to Map thereof made by James Pascoe in 1870, a certified

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copy of which is on file in the Office of the County Recorder of San Diego County, November 14, 1921 and is known as miscellaneous Map No. 36, described as follows:

Beginning at the most westerly corner of Pueblo Lot 1109 as described in deed recorded February 17, 1967, File/Page No. 22172, Series 8, Book 1967, of Official Records in the Office of the County Recorder of San Diego County; thence South $14^{\circ}35'05''$ East, (record per deed, South $14^{\circ}34'48''$ East), along the southwesterly line of said Pueblo Lot 1109, a distance of 1371.37 feet; thence North $75^{\circ}16'42''$ East, a distance of 63.47 feet to a point of intersection with the northerly line of said Parcel 1 and a 5061.00 foot radius curve concave westerly, said point being the true point of beginning of the herein described temporary working area, a radial line to said curve bears North $77^{\circ}13'48''$ East; thence southerly along the arc of said curve through a central angle of $00^{\circ}44'56''$, a distance of 66.16 feet to a point herein designated as Point 'A', a radial line to said point bears North $77^{\circ}58'44''$ East; thence from said Point 'A' North $83^{\circ}04'36''$ East, a distance of 80.00 feet; thence South $07^{\circ}15'28''$ East, a distance of 205.48 feet; thence South $80^{\circ}20'49''$ West, a distance of 67.00 feet to a point on said 5061.00 foot radius curve, said point herein designated as Point 'B', a radial line to said point bears North $80^{\circ}20'49''$ East; thence from said Point 'B' southerly along said curve through a central angle of $00^{\circ}27'36''$, a distance of 40.62 feet to a point of tangency; thence South $09^{\circ}11'35''$ East, a distance of 255.11 feet to a point on the northerly line of Camino Del Rio North as shown on said Parcel Map No. 11933, said point also being on the arc of a 429.76 foot radius curve concave southerly, a radial line to said point bears North $08^{\circ}17'48''$ West; thence easterly along the arc of said curve through a central angle of $02^{\circ}02'54''$, a distance of 15.36 feet; thence leaving said northerly line North $09^{\circ}11'35''$ West, a distance of 90.77 feet; thence North $15^{\circ}46'42''$ East, a distance of 558.00 feet to a point on the northerly line of said Parcel 1; thence westerly along the northerly line of said Parcel 1 South $75^{\circ}16'42''$ West, a distance of 262.00 feet to the true point of beginning.

Section 8. An offer to purchase the property pursuant to an appraisal evaluation prepared by staff appraiser, Richard Miller,

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dated June 30, 1986, was made to the owner or owners of record and rejected.

Section 9. 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 property interests as above-described and obtaining immediate possession of said interests for the use of The City of San Diego.

APPROVED: John W. Witt, City Attorney

By 
Alan L. Geraci
Deputy City Attorney

ALG:jt/jkp:Lit
7/6/87
Or.Dept:Prop.
Aud.Cert:
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The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8701018

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 _____

Purpose Authorizing expenditure of funds for First San Diego River Improvement Project

Date June 24, 1987 By: *Lillian Reese*
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
* Contingent upon issuance of bonds for FSDRIP Assessment District *										
TOTAL AMOUNT										\$200,000.00

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										00549

FUND OVERRIDE

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JUL 21 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 type="checkbox"/>	<input checked="" 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 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 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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-268904 Adopted JUL 21 1987

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SAN DIEGO, CALIF.

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