

#212

(R-88-1204)

RESOLUTION NUMBER R- 270061

ADOPTED ON JAN 4 1988

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 MISSION VALLEY HILLSIDE FOR OPEN SPACE PURPOSES IN VILLA LOTS 93, 94, 95, 96, 97, 361 AND 362 OF UNIVERSITY HEIGHTS AND LOTS 16 THROUGH 32, INCLUSIVE, IN BLOCK 4 OF FLETCHER'S ADDITION, LOCATED IN THE MISSION VALLEY COMMUNITY, 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 MISSION VALLEY HILLSIDE OPEN SPACE PROJECT; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 7267.5 HAS BEEN MADE TO THE RECORD OWNER; 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 Mission Valley Hillside for open space purposes in Villa Lots 93, 94, 95, 96, 97, 361 and 362 of University Heights and Lots 16 through 32, inclusive, in Block 4 of Fletcher's Addition located in the Mission Valley community, 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 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) and 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:

LEGAL DESCRIPTION

Parcel 1 (Esper)

Villa Lots 93 to 97 inclusive of University Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1011, filed in the Office of the County Recorder of said San Diego County, October 9, 1906.

Excepting that portion of said Villa Lot 93 lying Southwesterly of the following described line:

Commencing at a point on the Northeasterly line of Parcel 36-B described in Final Order of Condemnation recorded December 20, 1946 in Book 2280, page 357 of Official Records in said Recorder's Office which is distant South 58°57'11" East 578.73 feet from a 6-inch concrete monument (record 5-inch concrete monument) set for the Southeast corner of Pueblo Lot 1118, referred to in said Final Order of Condemnation; thence North 16°58'48" West 346.93 feet; thence North 24°44'05" West 398.68 feet; thence along a tangent curve to the left with a radius of 2,130.00 feet through an angle of 05°09'17" a distance of 191.63 feet; thence radial to said curve North 60°06'38" East 45.00 feet; thence North 29°53'22" West 40.00 feet; thence North 75°50'15" West 64.99 feet; thence from a tangent which bears North 32°10'53" West along a curve to the left with a radius of 2,130.00 feet through an angle of 02°53'22" a distance of 181.88 feet to a point on the Easterly line of said Pueblo Lot 1118, distant thereon 00°32'12" West 788.21 feet from said Southeast corner of said Pueblo Lot 1118.

Parcel 2 (Pfau)

Parcel 1:

Villa Lots 361 and 362 of University Heights in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1011, filed in the Office of the County Recorder of said San Diego County, October 9, 1906.

Excepting from said Villa Lot 362 that portion lying Westerly of the following described line:

Commencing at a point on the Northeasterly line of Parcel 36-B described in Final Order of Condemnation recorded December 20, 1946 in Book 2280, page 357 of Official Records in said Recorder's Office which is distant South 58°57'11" East, 578.75 feet from a 6-inch concrete monument (Record 5-inch concrete monument) set for the Southeast corner of Pueblo Lot 1118 referred to in said Final Order of Condemnation; thence North 16°58'48" West, 346.93 feet; thence North 24°44'05" West, 398.68 feet; thence along a tangent curve to the left with a radius of 2,130.00 feet, through an angle of 05°09'17", a distance of 191.63

feet; thence radial to said curve, North 60°06'38" East, 45.00 feet; thence North 29°53'22" West, 40.00 feet; thence North 75°50'15" West, 64.99 feet; thence from a tangent which bears North 32°10'53" West, along a curve to the left with a radius of 2,130.00 feet, through an angle of 04°53'22", a distance of 181.77 feet to a point on the Easterly line of said Pueblo Lot 1118, distant thereon North 00°32'12" West, 788.21 feet from said Southeast corner of said Pueblo Lot 1118.

Parcel 2:

All that portion of Lot 1 of Tract 1350, being a Subdivision of Villa Lots 357, 358, 359, 360, 364, and 365 of University Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1350, filed in the Office of the County Recorder of said San Diego County, August 2, 1911, and being more particularly described as follows:

Beginning at a point which is the intersection of the Southerly line of said Lot 1 and the Easterly line of 6th Street extension, said point also lying South 88°16'30" East, 4.20 feet from the Southwest corner of said Lot 1; thence along the Easterly line of said 6th Street Extension North 12°09'30" West, 98.75 feet to a point of curvature; thence Northwesterly along the arc of a curve, 214.14 feet; the radius of said curve being 1,040.00 feet and the chord of said arc bearing North 18°03'25" West, to the Northerly line of said Lot 1; thence along the Northerly line of said Lot 1, North 78°27'10" East, 102.11 feet to a point; thence Southeasterly along the arc of a curve, 212.78 feet, the radius of said curve being 1,140.00 feet and the chord of said arc bearing South 17°30'20" East; thence South 12°09'30" East, 123.47 feet to the Southerly line of said Lot 1; thence North 88°16'30" West, 103.01 feet along said Southerly line of said Lot to the point of beginning.

Excepting therefrom that portion lying Westerly of a line described as follows:

Commencing at a point on the Northeasterly line of Parcel 36-B described in Final Order of Condemnation recorded December 20, 1946 in Book 2280, page 357 of Official Records in said Recorder's Office which is distant South 58°57'11" East, 578.75 feet from a 6-inch concrete monument (Record 5-inch concrete monument) set for the Southeast corner of Pueblo Lot 1118, referred to in said Final Order of Condemnation; thence North 16°58'48" West, 346.93 feet; thence North 24°44'05" West, 398.68 feet; thence along a tangent curve to the left with a radius of 2,130.00 feet, through an angle of 05°09'17" a distance of 191.63 feet; thence radial to said curve North 60°06'38" East, 45.00 feet; thence North 29°53'22" West, 40.00 feet; thence North 75°50'15" West, 64.99 feet; thence from a tangent which bears North 32°10'53" West, along a curve to the left with a radius of 2,130.00 feet; through an angle of 04°53'22" a distance of 181.77 feet to a point on the Easterly line of

said Pueblo Lot 1118, distant thereon North 00°32'12" West, 788.21 feet from said Southeast corner of said Pueblo Lot 1118.

Parcel 3:

That portion of Lot 9 of Tract 1350, being a subdivision of Villa Lots 357, 358, 359, 360, 364 and 365 of University Heights, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 1350, filed in the Office of the County Recorder of San Diego County, August 2, 1911, which lies Easterly of the Easterly line of that parcel of land described in deed to the State of California recorded February 24, 1958 in Book 6962, page 501 of Official Records.

Parcel 3 (McHonnoie)

All of Lots 16 to 32 inclusive in Block 4 of Fleisher's Addition, according to Map 851, filed in the San Diego County Recorder's Office July 20, 1898. Excepting therefrom that portion of said lots granted to the State of California which lies with the State Highway 163 as condemned by instruments recorded December 20, 1946 in Book 2280, Page 357 and February 18, 1958 in Book 6956, Page 171.

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 Mission Valley Hillside for open space 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) and 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 addition of the Mission Valley Hillside for open space 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 been made to the owners of record.

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 Anita M. Noone  
Anita M. Noone  
Deputy City Attorney

AMN:hk:Lit  
11/30/87  
Or.Dept: Lit  
R-88-1204  
Form=r.none

Passed and adopted by the Council of The City of San Diego on JAN 4 1988,  
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"/>
Ron Roberts	<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"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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"/>
Bob Filner	<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 *June G. Blackwell*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-270061 Adopted JAN 4 1988