

(R-88-1424)

RESOLUTION NUMBER R- 270418

ADOPTED ON FEB 23 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 SLOPES FOR OPEN SPACE PURPOSES IN LOTS 46 AND 47 OF THE PARTITION OF RANCHO EX-MISSION OF SAN DIEGO ACCORDING TO SUPERIOR COURT CASE 348, A PORTION OF LOT 89 OF NORMAL HEIGHTS ACCORDING TO MAP 985, AND A PORTION OF LOT "M" OF MOUNTAIN VIEW MANOR ACCORDING TO MAP 1879, 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 SLOPES OPEN SPACE PROGRAM; 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 Slopes for open space purposes in Lots 46 and 47 of the Partition of Rancho Ex-Mission of San Diego according to Superior Court Case 348, a portion of Lot 89 of Normal Heights according to Map No. 985, and a portion of Lot "M" of Mountain View Manor according to Map 1879 located in Mission Valley Slopes in the Mission Valley Community 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 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 - Wells Fargo Trust

Villa Lot 89 of Normal Heights, in the City of San Diego, according to the Map thereof No. 985 filed May 9, 1906, with the recorder of San Diego County, excepting that portion of Lot 89 in Indian Hill, City of San Diego, according to the Map thereof No. 1974 filed in the Office of the County Recorder of San Diego County, December 21, 1926, and further excepting that portion of said Villa Lot 89, according to the Map thereof No. 985, lying Northerly and Northeasterly of the following described line:

Commencing at the Northeasterly corner of said Villa Lot 89; thence along the Easterly and Southeasterly lines thereof, South 00°09' East 227.00 feet and South 45° West, 707.10 feet to the TRUE POINT OF BEGINNING; thence Westerly in a straight line to the most Easterly corner of Lot 8 of Indian Hill, according to Map thereof No. 1974 filed in the Office of the County Recorder of San Diego County, December 21, 1926; thence along the Northeasterly line of said Lot 8 of Indian Hill, North 30°00'40" West, 220.00 feet to the intersection with the Northwesterly line of said Villa Lot 89.

Parcel 2 - Vance Trust

That portion of Lot 47 of the Partition of Rancho Ex Mission of San Diego, in the County of San Diego, State of California, according to the Partition Map in the case of Juan filed in the Case of Juan M. Luco, et al, versus the Commercial Bank of San Diego, et al, Case 348 of the Superior Court of said County, described as follows:

Beginning at the Northeasterly corner of Lot 292 of Kensington Heights Unit 3, according to Map thereof No. 1948, filed in the Office of the county Recorder of said San Diego County September 28, 1926, said point being the most Westerly corner of Lot 293 of said subdivision; thence due North 380 feet, more or less, to a point on the Southerly line of land described in deed to Richard D. Davis, et al, by deed dated August 1, 1928 and recorded August 28, 1928 in Book 1516, Page 263 of Deeds, records of said County; thence South 83°14'30" West along said Southerly line to an angle point thereon; thence continuing along said Southerly line South 89°51' West 22 feet to the Southwest corner of said Davis' land; thence Southeasterly to the most Northerly corner of Lot 290 of said Kensington Heights Unit 3; thence North 27°45' East along the Northwesterly line of Lots 291 and 292 of said Kensington Heights Unit 3, a distance of 212 feet to an angle point hereon; thence South 88°59' East along the Northerly line of said Lot 292 a distance of 60 feet to the Point of Beginning.

Excepting therefrom that portion thereof that lies Northerly of the following described line; beginning at the Northeast corner of said Lot 47; thence Southerly along Easterly line of said Lot to a point which is the most Northeasterly corner of a parcel of land conveyed by Evalyn J. Mason, et al, to Union Trust Company of San Diego by Deed dated July 11, 1925 and recorded September 19, 1925 in Book 1128, Page 138 of Deeds; thence South 84°08' West 1,184.26 feet; thence North 89°14' West 679.58 feet.

R-

Parcel 4 - Morales

Parcel A:

That portion of Lot 46 of the Partition of the Rancho Ex-Mission of San Diego, according to Partition Map thereof on File in the Office of the County Clerk of San Diego County in Superior Court Case 348 entitled "Juan M. Luco, et al vs. the Commercial Bank of San Diego, et al, described as follows:

Beginning at a point on the Northerly line of Lot "M" of Mountain View Manor according to the Map thereof No. 1879, filed in the Office of the county Recorder of San Diego County; distant along said Northerly line South 88°54'29" East, 86.57 feet from the Northwest corner of said Lot "M"; thence (1) along said Northerly line South 88°54'29" East, 145.25 feet; thence (2) leaving said Northerly line North 41°10'55" West, 217.05 feet to the Westerly line of land conveyed to the State of California be deed recorded February 26, 1974 as File/Page 74-046837 of Official Records of said County; thence (3) along said Westerly line South 0°49'15" West, 160.61 feet to the Point of Beginning.

Parcel B:

That portion of Lot "M" of Mountain View Manor, according to the Map thereof No 1879, filed in the Office of the County Recorder of San Diego County, February 2, 1926, described as follows:

Beginning at the Westerly extremity of the most Northerly line of said Lot "M"; thence along the west line of said Lot, South 0°09'00" East 225.54 feet to an angle point in said line; thence South 89°46'05" East 234.78 feet more or less to the Northeast corner of land conveyed to Albert V. Thomas, et ux, by deed recorded May 6, 1944 in Book 1676, Page 223 of Official Records; thence South 89°45'49" East 235.11 feet more or less to the East line of said Lot "M" thence along said East line North 0°14'00" East 225.54 feet to the Northeast corner of said lot; thence along the North line of said lot North 89°46'00" West 471.4 feet to the Point of Beginning.

Excepting therefrom that portion thereof described in deed to the State of California, recorded October 30, 1958 as File/Page 181116 of Official Records as follows:

Beginning at a 3/4-inch iron pin set for the Northeast corner of said Lot "M"; thence along the Easterly line thereof South 0°35'41" West 50.08 feet; thence leaving said Easterly line North 58°39'47" West 97.89 feet to the Northerly line of said Lot "M"; thence thereon South 89°26'01" East 84.14 feet to the Point of beginning.

Also excepting therefrom that portion lying Northeasterly of the following described line:

Beginning at the Northwest corner of said State land; thence along the Northerly line of said land South 88°54'29" East, (Rec. South 89°46'00" East), 231.82 feet; thence leaving said line South 70°20'21" East, 251.67 feet to the Easterly line of said State land.

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 Slopes 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 Slopes for open space purposes which is planned and located in a manner most compatible with the greatest public good and the least private injury.

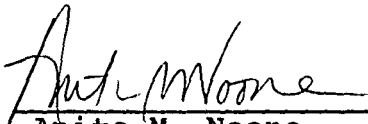
Section 6. That the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

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
Deputy City Attorney

AMN:hk:Lit
1/11/88
Or.Dept: Property
R-88-1424
Form=r.none
Auditor's Certificate No. 8800525

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8800525

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 \$ 140,000.00 Fund 79104

Purpose Authorizing expenditure of funds for condemnation of properties in the Mission Valley Slopes area for open space.

Date December 1, 1987

By: Lillian Pease
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			79104	101	4638	79104				\$140,000.00
TOTAL AMOUNT										\$140,000.00

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

FEB 23 1988

[Signature]
270418

338

FEB 23 1988

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

Office of the City Clerk, San Diego, California

Resolution Number *R 270418* Adopted *FEB 23 1988*

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CITY CLERK'S OFFICE
1999 FEB 10 PM 5:06
SAN DIEGO, CALIF.