

(R-88-1422)

RESOLUTION NUMBER R- 270419

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 GOLDFINCH CANYON FOR OPEN SPACE PURPOSES IN THE FLORENCE HEIGHTS AND ARNOLD & CHOATE'S ADDITION, A TOTAL OF 40 PARCELS, LOCATED IN THE UPTOWN 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 GOLDFINCH CANYON 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 Goldfinch Canyon for

open space purposes in the Florence Heights and Arnold & Choate's Addition, a total of 40 parcels, located in Goldfinch Canyon in the Uptown 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 10 - Morgan S. Rice

Lots 16, 17, 18 and 19 in Block 2 of Florence Heights 2, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 905, filed in the Office of the County Recorder of San Diego County, February 13, 1904.

Parcels 11, 12 & 13 - George J. Beebe, Kathleen G. Beebe, Ronald F. Crews, Sondra K. Crews

Lots 13 through 15 of Block 2 of Florence Heights Addition No. 2, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 905 filed in the Office of the County Recorder of San Diego County, February 13, 1904.

Parcel 15 - Thomas J. Perry

Lots 7 and 8 in Block 2 of Florence Heights Unit 2, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 905, filed in the Office of the County Recorder of San Diego County, February 13, 1904.

Parcel 17 - Parker

The South 20.00 feet of Lot 7, all of Lots 8, 9, 10, 11 and 12, Block 16 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 18 - Grondona

Lots 13 and 14 in Block 6 of Arnold and Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 19 - Grondona

Lots 5, 6, 9 and 10 in Block 7 of Arnold and Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 20 - Rotner

Lots 19 and 20 in Block 6 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 21 - Benton/Schneck

Lots 7 and 8, 11 and 12, Block 7 of Arnold and Choate's Addition, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 23 - Asmuth

Lot 10 in Block 15 of Arnold and Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 28, 1872.

Also that portion of the East 40 feet of Hawk Street adjoining above-described property on the West, as closed September 11, 1911, by Resolution 9209, of the Common Council of the City of San Diego.

Parcel 26 - W. Michael Forys and Margaret E. Forys

The South 10 feet of Lot 3 and all of Lots 4 and 5 in Block 15 of Arnold and Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Also, all that portion of the East 40 feet of Hawk Street adjoining above-described property on the West, as closed September 11, 1911 by Resolution 9209 of the Common Council of the City of San Diego.

Parcel 27 - Adele M. Forys

Adele M. Forys, as Trustee of the Revocable Intervivos Trust Declaration dated 15, 1983.

Lots 6 through 9, inclusive, in Block 15 of Arnold and Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County November 29, 1872.

Also, all that portion of the East 40 feet of Hawk Street, adjoining above-described property on the West, as closed September 11, 1911 by Resolution 9209 of the Common Council of the City of San Diego.

Parcel 28 - Frank A. Derango and Jean Derango

Lot 24 in Block 15 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder, November 29, 1872.

Parcel 29 - Regina A. Derango

Lot 23 in Block 15 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder, November 29, 1872.

Parcel 30 - Frank P. Derango

Lot 22 in Block 15 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder, November 29, 1872.

Parcel 31 - Philip J. Derango

Lot 21 in Block 15 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder, November 29, 1872.

Parcel 32 - Michael J. Derango

Lot 20 in Block 15 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder, November 29, 1872.

Parcel 33 - Michelle Derango

Lot 19 in Block 15 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder, November 29, 1872.

Parcel 34 - Frank Fink, et al

All of Block 8 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Excepting therefrom that portion lying within Tract 3 of Florence Heights Addition 2, according to Map thereof No. 905.

Parcel 39 - Lichty

Lots 4, 5, 6, 7 and 8, in Block 9 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 40 - Lichty

Lot 23 and Fractional Lot 24, in Block 9 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 44 - McCann

Lots 5 through 12, inclusive, in Block 11 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 41 - Armond R. Viora and Geneva R. Viora

Lots 9 and 10, in Block 9 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcels 48, 49, 51, 53, 54, 55, 57, & 59 - John H. Gewalt

Lots 1, 3, 5, 6, 7, 19, 21 and 23 of Block 35 of Arnold and Choate's Addition in the City of San Diego, County of San Diego, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 50 - J. Ellen Gough

Lot 2 of Block 35 of Arnold and Choate's Addition in the City of San Diego, County of San Diego, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 52 - Interteam Corporation

Lot 4 of Block 35 of Arnold and Choate's Addition in the City of San Diego, County of San Diego, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 56 - Houlton Investment Co.

Lot 20 of Block 35 of Arnold and Choate's Addition in the City of San Diego, County of San Diego, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 58 - Molly Ann Krill

Lot 22 of Block 35 of Arnold and Choate's Addition in the City of San Diego, County of San Diego, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 60 - Jeanne G. Gewalt

Lots 24 in Block 35 of Arnold and Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 63 - Hazel M. Wedgewood, Robert A. Wedgewood and Cordelia A. Ridenour

Lots 1 to 12, inclusive, in Block 50 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 334, filed in the Office of the County Recorder of San Diego County, November 29, 1872.

Parcel 64A - Charles J. Gang and Kathleen R. Gang

Lots 1 and 2, Block 29 of Arnold & Choate's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof

No. 334, filed in the Office of the County Recorder of San Diego County,
November 29, 1872.

Parcel 65 - Aguila, Ltd.

Lots 3 and 4, Block 29 of Arnold and Choate's Addition, in the City of San
Diego, County of San Diego, State of California, according to Map thereof
No. 334, filed in the Office of the County Recorder of San Diego County,
November 29, 1872.

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 Goldfinch Canyon 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 Goldfinch Canyon 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
1/12/88
Or.Dept: Property
R-88-1422
Form=r.none
Auditor's Certificate No.: 8800680

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CITY ATTORNEY
 JAN 21 1988
 5700 K ST
 SAN DIEGO, CA 92161

CERTIFICATE OF UNALLOTTED BALANCE AC_

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 \$ 696,725.00 Fund 79104

Purpose Authorizing expenditure of funds for the Goldfinch Canyon Open Space Project

Date January 21, 19 88

By: *Nancy McMuray*
 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	028269				\$696,725.00
TOTAL AMOUNT										\$696,725.00

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

#339

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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<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-270419 Adopted FEB 23 1988

RECEIVED
FEBRUARY 10 1963
SAN DIEGO, CALIF.