

RESOLUTION NUMBER R- 271848

ADOPTED ON SEP 12 1988

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF PROPERTY FOR VERNAL POOL PRESERVATION AND CALLE CRISTOBAL RIGHT OF WAY; IN THE NORTH HALF OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND THE SOUTH 500 FEET OF THE WEST HALF OF LOT 4, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IN FRACTIONAL SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 14 SOUTH, RANGE 3 WEST; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE SIMPLE ABSOLUTE TO SAID PROPERTY FOR OPEN SPACE/VERNAL POOL PRESERVATION AND THE RIGHT OF WAY FOR THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A PUBLIC STREET KNOWN AS CALLE CRISTOBAL; THAT SAID PROPERTY IS DEEMED NECESSARY FOR COMPLETION OF SAID 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(S) OF SAID PROPERTY AND THEREAFTER 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 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 retention of property for open space/vernal pool preservation and the right of way for the construction, maintenance, and operation of a public street known as Calle Cristobal, in the north half of the west half of the Northeast quarter of the Northeast quarter of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, and the South 500 feet of the West Half of Lot 4, in fractional Southeast Quarter of Section 27, Township 14 South, Range 3 West, as more particularly described hereinafter, and that the City Council has found and determined the foregoing.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee simple absolute to said property for the retention of open space and the preservation of vernal pools located thereon and the right of way necessary for the construction, operation and maintenance of a public street known as Calle Cristobal, and that said real property lies 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; Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120, 1255.410, and 1240.680; Park and Playground Act of

1909, Government Code Sections 6950-6954, 37350.5, 38002, 38010, 40401(b), and 40404; San Diego Municipal Code Section 61.0601, et seq.; and Streets and Highway Code Sections 4090, 5101(d) and 5102; permit the acquisitions referenced herein.

Section 4. That the parcels of real property sought to be condemned are described as follows:

PARCEL A - BROWN TRUST

The North Half of the West Half of the Northeast Quarter of the Northeast Quarter of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian. In the City of San Diego, County of San Diego, State of California, according to the United States Government Survey approved May 20, 1884.

PARCEL B - PIPEFITTERS

The South 500 feet of the West Half of Lot 4, in the City of San Diego, County of San Diego, State of California, in fractional Southeast Quarter of Section 27, Township 14 South, Range 3 West, according to Official Plat thereof.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the preservation of said land in its natural condition for open space/vernal pool preservation and the right of way for the construction, maintenance, and operation of a public street known as Calle Cristobal for municipal purposes; that such use is a public use authorized by law (Section 220, Charter of The City of San Diego; Code of Civil Procedure Sections 1240.010, 1240.110,

1240.120, 1240.680 and 1255.410; Streets and Highway Code Sections 4090, 5101(d) and 5102; Park and Playground Act of 1909, Government Code Sections 6950-6954, 37350.5, 38002, 38010, 40401(b) and 40404; and San Diego Municipal Code Section 61.0601, et seq.); 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 property for open space purposes and for the right of way necessary for the construction, operation and maintenance of the public street known as Calle Cristobal which is planned and located in a manner most compatible with the greatest public good and the least private injury, and that the City Council has so found and determined all of the foregoing.

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 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 Susan Hinz  
Susan Hinz  
Deputy City Attorney

SH:dr:Lit

7/22/88

Or.Dept: Prop.

r-88-2526

Form=r.opnspc

Auditor's Certificate Nos. 8801132 & 8800457

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE AC 8801132

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 \$ 1,207,000.00 Fund 10570/18014

Purpose Authorizing expenditure of funds for Open Space Vernal Pool Preservation  
and Calle Cristobal Right-of-Way

Date June 20, 19 88

By: *Nancy McPhunay*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		10570			9544					\$ 457,000.00
2		18014	7496		4905	016945				750,000.00
TOTAL AMOUNT										\$1,207,000.00

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

*R-271848*

**SEP 12 1988**

**CORRECTION**

**THE FOREGOING**

**DOCUMENT IS**

**REPHOTOGRAPHED**

**TO INSURE**

**LEGIBILITY**



**CITY OF  
SAN DIEGO  
CITY CLERK**

**202 C STREET  
San Diego, CA 92101-3860**



The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8800457

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 \$ 457,000.00      Fund 10570

Purpose Authorizing expenditure of funds for acquisition of 8.72 acres for vernal pool preservation

Date November 6, 1987

By: \_\_\_\_\_  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			10570		4638	10570				\$457,000.00
TOTAL AMOUNT										\$457,000.00

FUND OVERRIDE

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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

R- 271848

SEP 12 1988



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1988 SEP 16 PM 1:38  
SAN DIEGO, CALIF.

*pd*

*CNK  
Orig Aud. Cert.  
rec'd copy from  
Auditors*

*10/11/88*

**The City of San Diego**  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE      AC 8801132

ORIGINATING DEPT. NO.: 070

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Amount \$ 1,207,000.00      Fund 10570/18014

Purpose Authorizing expenditure of funds for Open Space Vernal Pool Preservation  
and Calle Cristobal Right-of-Way

Date June 20, 19 88

By: *Nancy McPhunay*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

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2		18014	7496		4905	016945				750,000.00
TOTAL AMOUNT										\$1,207,000.00

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

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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

*R-271848*

**SEP 12 1988**

#202  
(A-C)

SEP 12 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

*June A. Blackwell*  
Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-271848 Adopted SEP 12 1988

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88 AUG 31 AM 10:34

CITY CLERK'S OFFICE  
SAN DIEGO, CA

SEP 1 1988