

RESOLUTION NUMBER R- 272730

ADOPTED ON JAN 23 1989

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 THE NORTH CITY WEST COMMUNITY PARK IN PORTIONS OF LOT 1 OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN 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 SIMPLE ABSOLUTE TO SAID PROPERTY FOR SAID NORTH CITY WEST COMMUNITY PARK PROJECT; THAT SAID PROPERTY IS DEEMED NECESSARY FOR COMPLETION OF THE NORTH CITY WEST COMMUNITY PARK 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 OWNERS OF SAID PROPERTY AND THE OFFER 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 acquisition of property known as The North City West Community Park, in portions of Lot 1 of the Northwest Quarter of the Northwest Quarter, Section 19 Township 14 South, Range 3 West, San Bernardino Meridan, 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 development of a park and recreation center known as the North City West Community Park, 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; Sections 1240.010, 1240.110, 1240.120, and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b), 39732, 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:

Kunzman Parcel  
64044-10  
DESCRIPTION

DESCRIPTION

That portion of Lot 1, (Northwest Quarter of the Northwest Quarter) of Section 19, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, State of California, according to Official Plat thereof, described as:

COMMENCING at the Northeast corner of the Northwest Quarter of the Northwest Quarter of said Section 19; thence along the Easterly line of the Northwest Quarter of the Northwest Quarter of said Section 19, South  $00^{\circ} 24' 15''$  East, (Record South  $00^{\circ} 09' 00''$  East), 625.73 feet, more or less, to the Northeast corner of land described in deed to Patricia M. Fischer, recorded February 14, 1956, in Book 5974, Page 47 of Official Records; thence along the North line of said Fischer's land, North  $89^{\circ} 27' 37''$  West, (Record North  $89^{\circ} 27' 00''$  West), 828.00 feet, more or less, to a point on the Easterly line of that certain County Road known as Road Survey No. 567, as shown on Record of Survey Map No. 3779; thence Northeasterly along said Easterly line of said County Road, 200.00 feet to a point on the North line of said County Road, 200.00 feet to a point in the North line of the land described in deed to the Open Bible Community Chapel, a corporation, recorded February 19, 1957, in Book 5452, Page 100 of Official Records, said point being the TRUE POINT OF BEGINNING; thence along the North line of said Open Bible Community Chapel's land, South  $89^{\circ} 27' 37''$  East, (Record South  $89^{\circ} 27' 00''$ ), 603.83 feet to the Northeast corner of said land; thence along the East line of said land, South  $00^{\circ} 32' 23''$  West, 165.70 feet, (Record 165.31 feet), to the said North line of Fischer's land; thence along the said North line, South  $89^{\circ} 27' 37''$  East, 107.98 feet to a point in the Easterly line of the Northwest Quarter of the Northwest Quarter of said Section 19; thence North  $00^{\circ} 24' 15''$  West, (Record North  $00^{\circ} 09' 00''$  West), along the Easterly line of the Northwest Quarter of the Northwest Quarter of said Section 19, a distance of 489.51 feet; thence North  $89^{\circ} 27' 37''$  West, parallel with the Northerly line of the Northwest Quarter of the Northwest Quarter of said Section 19, a distance of 522.90 feet to a point on the Easterly line of said Road Survey No. 567; thence Southwesterly along the said Easterly line of said Road Survey No. 567, 371.35 feet to the TRUE POINT OF BEGINNING.

ALSO the Easterly Half of said County Road known as Road Survey No. 567 lying ~~Westerly of and adjoining the Westerly line of the above described property.~~

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the development of the North City West Community Park for the preservation of said land in its natural condition, and the development of a community park and recreation center 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, 1240.680, and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 40401(b) and 39732, 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 the North City West Community Park 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:djr:Lit  
11/03/88  
Or.Dept:Property  
R-89-335  
Form=r.opnspc  
Aud.Cert:8800855 Revised

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

CERTIFICATE OF UNALLOTTED BALANCE AC 8800855 REVISED

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 \$ 7,750,000.00 Fund 30244

Purpose Authorizing expenditure of funds to acquire two parcels of land for the completion of the North City West Community Park

Date April 6, 19 88

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

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			30244	105	4279	296250				\$7,750,000.00
TOTAL AMOUNT										\$7,750,000.00

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-272730*

JAN 23 1989

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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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-272730* Adopted JAN 23 1989

RECEIVED

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CITY CLERKS OFFICE  
SAN DIEGO, CA



OFFICE OF THE CITY CLERK  
CITY OF SAN DIEGO

RECEIVED

UNRECORDED

GENERAL INVESTIGATION  
CORRECTIONS  
INDUSTRIAL  
LABOR RELATIONS  
SOCIETY  
HUMAN RIGHTS  
CIVIL RIGHTS  
JURY  
VOTING

207a  
10 03