

(R-89-1876)

RESOLUTION NUMBER R- 273276

ADOPTED ON APR 18 1989

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO AND A STORM DRAIN OR DRAINS AND INCIDENTS THERETO IN A PORTION OF PARCELS 1 AND 2 OF PARCEL MAP NO. 13432 FILED ON AUGUST 17, 1984, WITH THE SAN DIEGO COUNTY RECORDER, 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 EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO AND A STORM DRAIN OR DRAINS AND INCIDENTS THERETO; AND THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AND DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY, PURSUANT TO GOVERNMENT CODE SECTION 7267.5, AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNER OF RECORD OF THE PROPERTY AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY AND EASEMENT UNDER EMINENT DOMAIN PROCEEDINGS; 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 EASEMENTS 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; and

WHEREAS, the City of San Diego desires to acquire the property hereinafter described for the construction, operation, and maintenance of a public street or streets and incidents thereto together with earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains and incidents thereto in a portion of Parcels 1 and 2 of Parcel Map No. 13432 filed on August 17, 1984 with the San Diego County Recorder, all in the City of San Diego, County of San Diego, State of California as more particularly described hereinafter; and

WHEREAS, the City of San Diego has the power of eminent domain pursuant to, inter alia, Sections 1240.010, 1240.110, 1240.120, 1240.420, 1240.610 and 1255.410 of the California Code of Civil Procedure; Section 220, The Charter of the City of San Diego; Sections 37350.5 and 40404 of the Government Code and Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code; and

WHEREAS, it is in the public interest and necessity to acquire the subject real property as hereinafter described for the purpose of the construction, operation and maintenance of a public street or streets and incidents thereto together with earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains and incidents thereto;

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF SAN DIEGO, AS FOLLOWS:

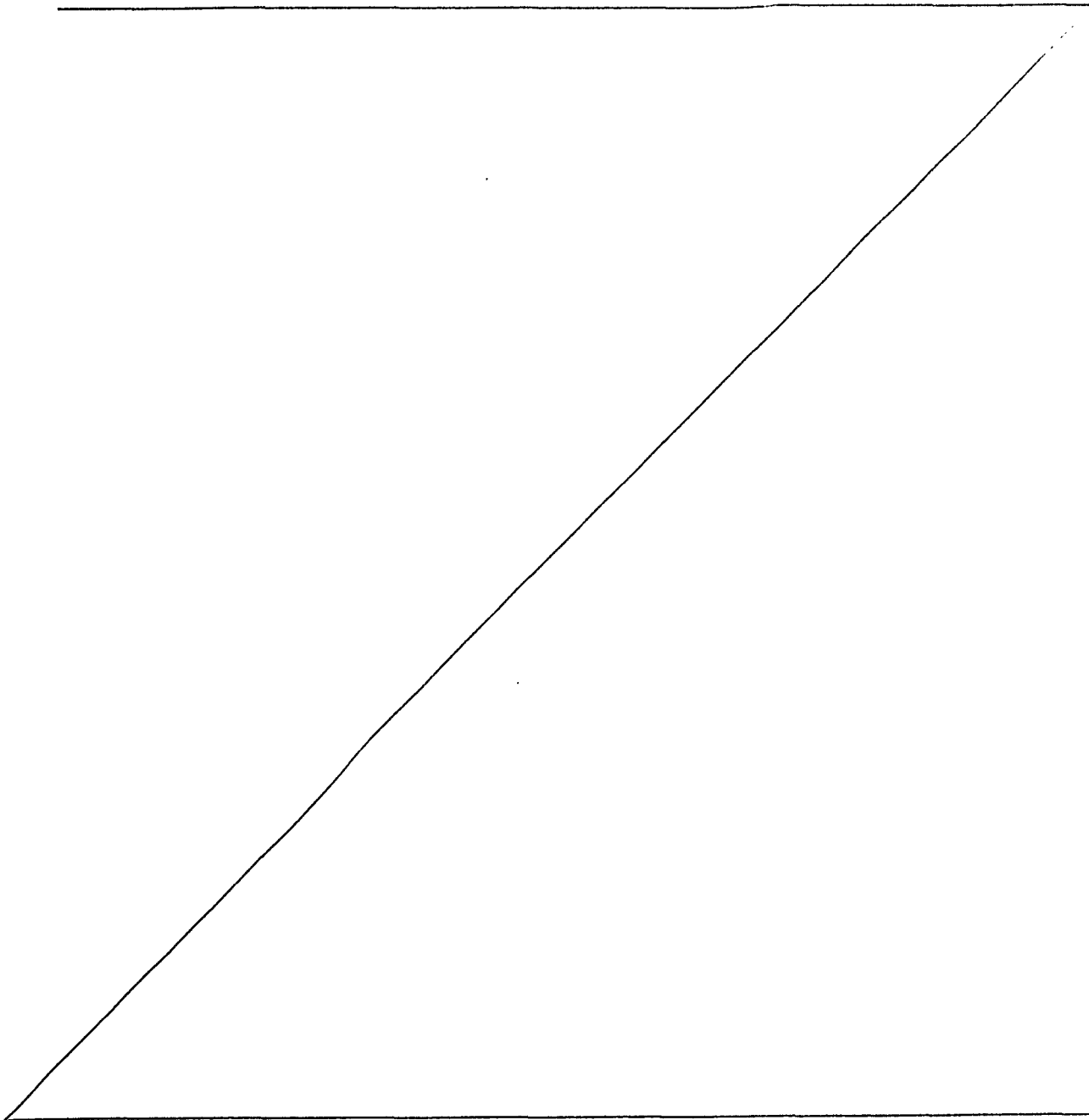
Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains and incidents thereto in that portion of Parcels 1 and 2 of Parcel Map No. 13432 filed on August 17, 1984 with the County Recorder, all 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 the City of San Diego, and the inhabitants of the City of San Diego, demand the acquisition and taking of easements in said property for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto, and a storm drain or drains and incidents thereto; 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, 1240.420, 1240.610 and 1255.410, Code of Civil Procedure; Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code; and Sections

37350.5 and 40404, Government Code, inter alia, permit the acquisitions referenced herein.

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



LEGAL DESCRIPTION

All that portion of Parcel 1 and 2 of Parcel Map No. 13432 filed in the Office of the County Recorder of San Diego County on August 17, 1984, more particularly described as follows:

Parcel 3B - Slope Easement

A permanent easement and right-of-way for earth excavation or embankment, slope or slopes, through, over, upon, along and across all that real property described as follows:

Commencing at said Southwest corner of Parcel 1, Parcel Map 13432; thence along the Westerly line of said Parcel 1, North 14°31'34" West (record North 14°28'06" West), 98.25 feet to the TRUE POINT OF BEGINNING, being a point on the arc of a 951.00-foot radius curve concave Northwesterly, a radial to said point bears South 14°31'51" East; thence leaving said Westerly line and North-easterly along the arc of said curve through a central angle of 13°11'00", a distance of 218.82 feet; thence tangent to said curve North 62°17'08" East, 317.37 feet; thence South 72°18'49" West, 72.67 feet; thence South 63°41'58" West, 100.08 feet; thence South 61°24'32" West, 131.63 feet; thence South 64°17'05" West, 111.03 feet; thence South 71°59'30" West, 106.94 feet; thence South 89°56'08" West, 12.61 feet to a point on said Westerly line of Parcel 1, Parcel Map 13432; thence along said Westerly line, South 14°31'34" East 16.23 feet returning to the TRUE POINT OF BEGINNING.

Job 519740(D)/Dwg. 23662-1-D/GLENN/jw(109-5)/12-1-88


Section 5. That the taking and acquiring by said City of the real property and easements hereinabove described is deemed necessary for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains and incidents thereto by the City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law (inter alia, Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.420, 1240.610 and 1255.410, Code of Civil Procedure; Sections 37350.5 and 40404, Government Code and Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code); that for such public use, it is necessary that The City of San Diego condemn and acquire said real property.

Section 6. That said real property and easement is to be used for the construction, operation and maintenance of a public street or streets and incidents thereto, together with earth excavations or embankments, slope or slopes and incidents thereto and a storm drain or drains which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 7. That an offer to acquire the property, pursuant to Government Code Section 7267.2, at the appraised fair market value has been made to the owners of record of the property.

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 certain real property and existing improvements as hereinbefore described as easements, for the use of the City of San Diego to take immediate possession thereof.

APPROVED: John W. Witt, City Attorney

By   
SUSAN HINZ  
Deputy City Attorney

SH:dr:Lit  
03/29/89  
Or.Dept:Prop  
R-89-1876  
Form=r.stimprov

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

CERTIFICATE OF UNALLOTTED BALANCE      AC 8900326

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 \$ 1,222,000.00      Fund 63020

Purpose Authorizing the expenditure of funds for Camino del Rio North - Realignment

Date October 6, 19 88

By: *Tracy Mc Murray*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		63020	6320	102	4279	650004				\$1,222,000.00
TOTAL AMOUNT										\$1,222,000.00

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										

APR 18 1989

R-273276

FUND OVERRIDE

AC 8900326



APR 18 1989

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

Office of the City Clerk, San Diego, California

Resolution Number R 273276 Adopted APR 18 1989

POST OFFICE  
SAN DIEGO, CALIF. 92101  
COMMERCIAL AMIO: 44

POST OFFICE  
SAN DIEGO, CA

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