(R-89-1838)

RESOLUTION NUMBER R- 273486

ADOPTED ON MAY 16 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 RANCHO MISSION 2 CANYON OPEN SPACE PROJECT FOR OPEN SPACE PARK PURPOSES IN PORTIONS OF LOT "E" OF PARTITION OF A PORTION OF LOT 70, RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO SUPERIOR COURT CIVIL CASE 15191; PORTIONS OF THE WEST HALF OF LOT "F" OF PARTITION OF A PORTION OF LOT 70, RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO SUPERIOR COURT CIVIL CASE 15191; PORTIONS OF LOTS "E" AND "F" OF PARTITION OF A PORTION OF LOT 70, RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO SUPERIOR COURT CIVIL CASE 15191, LOCATED IN THE NAVAJO 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 SIMPLE ABSOLUTE TO SAID PROPERTY FOR SAID RANCHO MISSION 2 CANYON OPEN SPACE PROJECT; THAT SAID PROPERTY IS DEEMED NECESSARY FOR COMPLETION OF THE RANCHO MISSION 2 CANYON OPEN SPACE 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 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 Rancho Mission 2 Canyon Open Space Project for open space park purposes in portions of Lot "E" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Superior Court Civil Case 15191; portions of the West Half of Lot "F" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Superior Court Civil Case 15191; portions of Lots "E" and "F" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Superior Court Civil Case 15191, located in the City of San Diego, in the Navajo community, 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 park space and the development and completion of Rancho Mission 2 Canyon Open Space Project, 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, 1240.680 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 61.2000, 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 Parcels 1 through 7 as follows:

PARCEL 1

LEGAL DESCRIPTION

That portion of Lot "E" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map thereof made in an action entitled "San Diego Realty Company, a Corporation, vs. Maria Y. Olvera de Toro et al" - Superior Court Civil Case 15191 - on file in the Office of the County Clerk of said County described as follows:

Beginning at the Southeasterly corner of said Lot "E", being also the Southwesterly corner of said Lot "F"; thence along the Southerly line of said Lot "E", North 88°42'38" West 430.54 feet; thence North 10°20'20" West 149.49 feet; thence North 47°17'26" East 88.46 feet; thence North 33°57'33" East 38.15 feet to a point hereinafter referred to as Point "A"; thence continuing North 33°57'33" East 80.00 feet to a point hereinafter referred to as Point "B"; thence North 39°36'08" East 180.41 feet; thence North 20°43'32" West 39.56 feet; thence North 75°22'45" West 142.62 feet; thence North 59°08'21" West 95.52 feet, to the TRUE POINT OF BEGINNING: thence North 37°44'48" West 39.20 feet, and South 77°49'43" West 55.00 feet; thence South 12°10'17" East 60.63 feet; thence North 80°26'45" East 23.30 feet; thence South 49°11'06" East 16.00 feet to a point which bears South 32°45'25" West 55.24 feet from the Point of Beginning; thence North 32°45'25" East 55.24 feet to the Point of Beginning.

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PARCEL 2

LEGAL DESCRIPTION

That portion of Lot "E" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map thereof made in an action entitled "San Diego Realty Company, a Corporation, vs. Maria Y. Olvera de Toro et al" - Superior Court Civil Case 15191 - on file in the Office of the County Clerk of said County described as follows:

Beginning at the Southeasterly corner of said Lot "E", being also the Southwesterly corner of said Lot "F"; thence along the Southerly line of said Lot "E", North 88°42'38" West 430.54 feet; thence North 10°20'20" West 149.49 feet; thence North 47°17'26" East 88.46 feet; thence North 33°57'33" East 38.15 feet to the TRUE POINT OF BEGINNING; thence North 33°57'33" East 80.00 feet; thence North 77°45'13" West 124.82 feet; thence South 45°37'30" West 35.00 feet; thence South 0°46'08" West 31.00 feet to a point which bears North 70°00'57" West 109.31 feet from the Point of Beginning; thence South 70°00'57" East 109.31 feet to the Point of Beginning.

EXCEPTING THEREFROM, that portion described as follows:

Beginning at the most Westerly corner of Lot 193 according to Map 7224 filed in the Office of the County Recorder of said County, said corner being on the common boundary line between said Lot 193 and said portion of Lot "E" as shown on said map; thence leaving said common boundary line and along the Northwesterly prolongation of the Southwesterly line of said Lot 193, (1) North 65°04'17" West, 5.43 feet; thence (2) North 35°43'50" East, 62.44 feet; thence (3) South 58°32'18" East, 6.00 feet to a point on said common boundary line; thence along said common boundary line (4) South 33°57'33" West, 51.00 feet; thence (5) South 47°17'26" West, 11.12 feet to the Point of Beginning.

ALSO EXCEPTING THEREFROM, that portion described as follows:

Beginning at the most Westerly corner of Lot 192 according to Map 7224 filed in the Office of the County Recorder of said County, said corner being on the common boundary line between said Lot 192 and said portion of Lot "E" as shown on said map; thence leaving said common boundary line, (1) North 25°12'15" East, 62.25 feet; thence (2) South 51°57'11" East, 9.50 feet to a point on said common boundary line; thence along said common boundary line (3) South 33°57'33" West, 60.85 feet to the Point of Beginning.

PARCEL 3

LEGAL DESCRIPTION

That portion of the West Half of Lot "F" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map thereof made in an action entitled "San Diego Realty Company, a Corporation, vs. Maria Y. Olvera de Toro et al" - Superior Court Civil Case 15191 - on file in the Office of the County Clerk of said County described as follows:

Beginning at the most Westerly corner of Lot 40 of the Knolls of Del Cerro Unit 2 according to Map thereof No. 6918 filed April 29, 1971 in the Office of the County Recorder of said County; thence along the boundary thereof South 13°49'38" East 38.72 feet; thence North 78°29'47" West 57.31 feet; thence North 55°48'57" West 296.79 feet; thence West a distance of 365.19 feet; thence North 11°43'27" West 129.41 feet; thence North 78°16'33" East 30.00 feet to a point in the Easterly boundary of Hill n' Dale Unit No. 2, according to Map thereof No. 6522 filed in the Office of the County Recorder, distant thereon South 11°43'27" East 15.00 feet from the Southeasterly corner of Lot 62 of said Hill n' Dale Unit No. 2; thence continuing North 78°16'33" East 30.00 feet; thence South 11°43'27" East 80.59 feet; thence East a distance of 334.81 feet; thence South 55°48'57" East 303.21 feet; thence South 78°29'47" East 42.30 feet to a point in the boundary of said Map 6918; thence South 40°01'33" West 28.45 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion thereof lying within Hill n' Dale Unit No. 2 according to the Map thereof No. 6522.

ALSO EXCEPTING THEREFROM that portion described in deed, to the City of San Diego, recorded June 2, 1976 Instrument 76-167133.

PARCEL 4

LEGAL DESCRIPTION

That portion of the West Half of Lot "F" of Partition of a Portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map thereof made in an action entitled "San Diego Realty Company, a corporation, vs. Maria Y. Olvera de Toro et al" - Superior Court Civil Case 15191 on file in the Office of the County Clerk of said County, described as follows:

Beginning at the Southeast corner of Lot 239 of the Knolls of Del Cerro Unit No. 3, according to Map thereof No. 7224 filed February 29, 1972 in the Office of the County Recorder of said County; thence along the boundary of said Map, South 20°21'30" West 30.02 feet; thence leaving said boundary South 67°23'37" East 509.72 feet; thence North 38°09'26" West 46.12 feet; thence North 8°06'59" East 38.71 feet; thence North 67°23'37" West 427.55 feet to a point in said boundary; thence along said boundary South 1°29'51" West 32.16 feet to the Point of Beginning.

Also excepting therefrom, that portion, if any, lying within The Knolls of Del Cerro Unit No. 4, according to the Map thereof No. 7175 filed in said Recorder's Office on January 17, 1972.

PARCEL 5

LEGAL DESCRIPTION

That portion of the West Half of Lot "F" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map thereof made in an action entitled "San Diego Realty Company, a Corporation, vs. Maria Y. Olvera de Toro et al" - Superior Court Civil Case 15191 - on file in the Office of the County Clerk of said County described as follows:

> Commencing at the Northeast corner of said West Half of Lot "F"; thence along the East line of said West Half of Lot "F" South 1°31'23" West 325.40 feet; thence South 49°00'38" West 369.95 feet; thence South 59°29'13" West 305.28 feet; thence South 68°00'43" West 341.87 feet; thence South 86°38'01" West 170.29 feet; thence North 70°15'44" West 144.66 feet to the TRUE POINT OF BEGINNING; thence continuing North 70°15'44" West 60.68 feet; thence South 28°20'56" West 790.97 feet; thence South 75°17'36" East 30.87 feet; thence South 62°13'00" East 30.00 feet to a point which bears South 28°20'56" West from the Point of Beginning; thence North 28°20'56" East 792.48 feet to the Point of Beginning.

EXCEPTING THEREFROM that portion lying within Knollwood Park according to the Map thereof No. 7417 filed September 5, 1972 in the Office of the County Recorder of said County.

ALSO EXCEPTING THEREFROM that portion if any, lying within the Knolls of Del Cerro Unit No. 2 according to the Map thereof No. 6918 filed April 29, 1971 in the Office of said County Recorder.

PARCEL 6

LEGAL DESCRIPTION

That portion of the West Half of Lot "F" of Partition of a portion of Lot 70, Rancho Mission of San Diego, in the City of San Diego, County of San Diego, State of California, according to Referee's Partition Map thereof made in an action entitled "San Diego Realty Company, a corporation, vs. Maria Y. Olvera de Toro et al" - Superior Court Civil Case 15191 - on file in the Office of the County Clerk of said County, described as follows:

Commencing at the Southeast corner of Lot 36 of The Knolls of Del Cerro Unit No. 2, according to Map thereof No. 6918 filed April 29, 1971 in the Office of the County Recorder of said County; thence along the Southerly boundary thereof South 70°21'58" West 48.55 feet to the TRUE POINT OF BEGINNING; thence continuing South 70°21'58" West 10.63 feet; thence South 24°10'12" East 83.00 feet; thence North 65°49'48" East 10.60 feet; thence North 24°10'12" West 82.16 feet to the TRUE POINT OF BEGINNING.

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PARCEL 7

THAT PORTION OF LOTS "E" AND "F" OF PARTITION OF A PORTION OF LOT 70, RANCHO MISSION OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO REFEREE'S PARTITION MAP THEREOF MADE IN AN ACTION ENTITLED "SAN DIEGO REALTY COMPANY, A CORPORATION, VS. MARIA Y. OLVERA DE TORO ET AL" (SUPERIOR COURT CIVIL CASE NO. 15191) ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF LOT 135 OF SAN CARLOS WEST UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 5351 FILED IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG THE BOUNDARY LINE OF SAID MAP NO. 5351 NORTH 78°31'11" WEST, RECORD NORTH 78°00' WEST 108.27 FEET; THENCE SOUTH 33°19'06" WEST, RECORD SOUTH 33°50'17" WEST 154.92 FEET; THENCE LEAVING SAID BOUNDARY SOUTH 65°00' WEST 168 FEET; THENCE SOUTH 25°00' EAST 80.00 FEET; THENCE NORTH 65°00' EAST 180.00 FEET; THENCE NORTH 55°32'28" EAST 169.06 FEET; THENCE SOUTH 84°53'44" EAST 208.13 FEET; THENCE SOUTH 23°56'16" WEST 180.49 FEET; THENCE SOUTH 3°58'38" EAST 158.73 FEET TO THE NORTHERLY LINE OF THE LAND DESCRIBED UNDER PARCEL 1 IN DEED TO SAN CARLOS ASSOCIATES, RECORDED OCTOBER 30, 1970 AS DOCUMENT NO. 198659 OF OFFICIAL RECORDS; THENCE ALONG SAID NORTHERLY LINE NORTH 70°30'50" EAST 70.00 FEET TO AN ANGLE POINT, BEING A POINT IN THE ARC OF A 530 FOOT RADIUS CURVE CONCAVE EASTERLY, A RADIAL LINE OF SAID CURVE BEARS SOUTH 88°25'25" WEST TO SAID POINT; THENCE NORTHERLY ALONG SAID CURVE 265.73 FEET THROUGH AN ANGLE OF 28°43'35"; THENCE TANGENT TO SAID CURVE NORTH 27°09' EAST 170.87 FEET TO A TANGENT 300 FOOT RADIUS CURVE CONCAVE WESTERLY; THENCE NORTHERLY ALONG SAID CURVE 338.39 FEET THROUGH AN ANGLE OF 64°37'41"; THENCE TANGENT TO SAID CURVE NORTH 37°28'41" WEST 40.64 FEET TO A TANGENT 458 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE 29.35 FEET THROUGH AN ANGLE OF 3°40'19"; THENCE TANGENT TO SAID CURVE NORTH 41°09'01" WEST 37.84 FEET TO AN ANGLE POINT IN THE BOUNDARY LINE OF MARGERUM AVENUE AS SHOWN ON HILL 'N DALE UNIT NO. 2, ACCORDING TO MAP NO. 6522, FILED IN THE OFFICE OF SAID COUNTY RECORDER; THENCE NORTH 41°09'01" WEST 18.83 FEET TO THE MOST EASTERLY CORNER OF LOT 10 OF SAID MAP NO. 6522; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID LOT 10, SOUTH 48°50'59" WEST 40.00 FEET; THENCE LEAVING SAID LINE SOUTH 29°39'34" EAST 229.25 FEET; THENCE SOUTH 16°37'15" EAST 69.92 FEET; THENCE SOUTH 5°42'38" WEST 70.35 FEET; THENCE SOUTH 46°18'07" WEST 124.48 FEET; THENCE NORTH 84°53'44" WEST 237.89 FEET TO THE POINT OF BEGINNING.

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Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the development of the Rancho Mission 2 Canyon Open Space Project 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, 1240.680, 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 61.2000, 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 addition of the Rancho Mission 2 Canyon Open Space Project for open space park purposes 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 TC Burger
Thomas C. Burger
Deputy City Attorney

TCB:jt:Lit.
03/28/89
Or.Dept:Prop.
R-89-1838
Aud.Cert:8900649
Form=r.none

R 273486

The City of San Diego

CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 8900649

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 $ 18,600 Fund 79103

Purpose Authorizing the expenditure of funds to acquire seven minor parcels - Rancho Mission 2.

Date January 30, 1989 By: Kimberly A. Rice
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1		79103	79103	101	4640	028288				$18,600.00
									TOTAL AMOUNT	$18,600.00

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	

AC-361 (REV 3-86)

FUND OVERRIDE ☐

MAY 16 1989 R-273486 AC 8900649

Passed and adopted by the Council of The City of San Diego on MAY 16 1989, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	☑	☐	☐	☐
Ron Roberts	☑	☐	☐	☐
Gloria McColl	☑	☐	☐	☐
H. Wes Pratt	☑	☐	☐	☐
Ed Struiksma	☑	☐	☐	☐
J. Bruce Henderson	☐	☐	☑	☐
Judy McCarty	☑	☐	☐	☐
Bob Filner	☑	☐	☐	☐
Mayor Maureen O'Connor	☐	☐	☑	☐

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 Bovard, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-273486 Adopted MAY 16 1989

CC-1276 (Rev. 12-87)