

RESOLUTION NUMBER R- 276199

ADOPTED ON JUL 24 1990

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 STORM DRAIN FACILITIES THROUGH, OVER, UNDER, ALONG AND ACROSS PORTIONS OF SECTION 31, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.M., 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 STREET AND DRAINAGE EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH DRAINAGE EASEMENTS; 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 7267.2, AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENTS 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 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 storm drain facilities and incidents thereto in portions of the Northeast Quarter of section 31, Township 14 South, Range 2 West, S.B.M., 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, and 1255.410 of the California Code of Civil Procedure; Section 220, The Charter of the City of San Diego; Sections 37350.5, 40404, and 40404(b) of the Government Code and Section 4090, 5101(d), and 5102 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 storm drain facilities 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 storm drain facilities and incidents thereto, through, over, under, along and across portions of the

Northeast Quarter of Section 31, Township 14 South, Range 2 West, S.B.M., 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 the easement in said property for the construction, operation and maintenance of a public street or streets and storm drain facilities and incidents thereto, through, over, under, along and across portions of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, S.B.M., 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, and 1255.410, Code of Civil Procedure; Section 4090, 5101(d), and 5102 of the Streets and Highways Code; and Sections 37350.5, 40404, and 40404(b) Government Code, inter alia, and Tentative Map 85-0500 as approved by Planning Commission Resolution No. 6665 on October 30, 1986, permit the acquisitions referenced herein.

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

Those portions of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof, described as follows:

PARCEL 1, STREET DEDICATION - WESTVIEW PARKWAY

Beginning at the Northeast corner of said Section 31; thence along the Northerly line of said Section 31 South $88^{\circ}16'05''$ West 505.75 feet; thence leaving said Northerly line South $07^{\circ}26'07''$ East 60.30 feet; thence North $88^{\circ}16'05''$ East 246.48 feet to the TRUE POINT OF BEGINNING; thence continuing North $88^{\circ}16'05''$ East 110.10 feet; thence South $31^{\circ}35'29''$ West 180.01 feet to the beginning of a tangent 1075.00 foot radius curve concave Southeasterly; thence Southwesterly along said curve through a central angle of $32^{\circ}32'19''$ an arc distance of 610.50 feet; thence tangent to said curve South $00^{\circ}56'50''$ East 75.02 feet; thence North $07^{\circ}26'07''$ West 435.17 feet to a point in a non-tangent 1125.00 foot radius curve concave Southeasterly, a radial line to said point bears North $72^{\circ}20'11''$ West; thence Northeasterly along said curve through a central angle of $12^{\circ}27'09''$ an arc distance of 244.50 feet; thence along a non-tangent line North $34^{\circ}02'31''$ East 131.60 feet; thence North $31^{\circ}35'29''$ East 49.60 feet to the TRUE POINT OF BEGINNING.

PARCEL 2, STREET DEDICATION - GALVIN AVENUE

Beginning at the Northeast corner of said Section 31; thence along the Northerly line of said Section 31 South $88^{\circ}16'05''$ West 505.75 feet; thence leaving said Northerly line South $07^{\circ}26'07''$ East 60.30 feet to the TRUE POINT OF BEGINNING; thence continuing South $07^{\circ}26'07''$ East 46.11 feet to a point in a non-tangent 475.00 foot radius curve concave Southwesterly, a radial line to said point bears North $20^{\circ}02'17''$ East; thence Southeasterly along said curve through a central angle of $11^{\circ}33'12''$ an arc distance of 95.78 feet; thence tangent to said curve South $58^{\circ}24'31''$ East 56.18 feet to the beginning of a tangent 20.00 foot radius curve concave Southwesterly; thence Southeasterly along said curve through a central angle of $88^{\circ}31'29''$ an arc distance of 30.90 feet; thence along a non-tangent line North $34^{\circ}02'31''$ East 131.60 feet to a point of cusp with a 20.00 foot radius curve concave Northerly, a radial line to said point bears South $58^{\circ}24'31''$ East; thence Westerly and Northwesterly along said curve through a central angle of $90^{\circ}00'00''$ an arc distance of 31.42 feet; thence tangent to said curve North $58^{\circ}24'31''$ West 60.80 feet to

the beginning of a tangent 521.67 foot radius curve concave Southwesterly; thence Northwesterly along said curve through a central angle of $02^{\circ}51'47''$ an arc distance of 26.07 feet; thence along a non-tangent line South $88^{\circ}16'05''$ West 118.60 feet to the TRUE POINT OF BEGINNING.

PARCEL 5 - DRAINAGE EASEMENT

Being a portion of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof, said portion more particularly described as follows:

Beginning at the Northeast corner of said Section 31; thence along the Northerly line of said Section 31 South 88°16'05" West 103.72 feet; thence leaving said Northerly line South 31°35'29" West 240.28 feet to the TRUE POINT OF BEGINNING; thence South 63°39'58" East 306.17 feet; thence South 07°26'07" East 338.25 feet; thence North 78°46'36" West 42.22 feet; thence North 07°26'07" West 303.37 feet; thence North 63°39'58" West 288.09 feet to a point on the arc of a nontangent 1075.00 foot radius curve concave Southeasterly, a radial line to said point bears North 59°55'59" West; thence Northeasterly along the arc of said curve through a central angle of 01°31'28" an arc distance of 28.60 feet; thence tangent to said curve North 31°35'29" East 11.53 feet to the TRUE POINT OF BEGINNING.

PARCEL 6 - DRAINAGE EASEMENT

Being a portion of the Northeast Quarter of Section 31, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof, said portion more particularly described as follows:

Beginning at the Northeast corner of said Section 31; thence along the Northerly line of said Section 31 South 88°16'05" West 103.72 feet; thence leaving said Northerly line South 31°35'29" West 251.82 feet to the beginning of a tangent 1075.00 foot radius curve concave Southeasterly; thence Southwesterly along said curve through a central angle of 07°11'05" an arc distance of 134.80 feet to the TRUE POINT OF BEGINNING; thence leaving said curve along a nontangent line South 65°31'06" East 6.41; thence South 15°00'00" East 138.73 feet; thence South 75°00'00" West 45.00 feet; thence North 15°00'00" West 90.90 feet to a point on the arc of a nontangent 1075.00 foot radius curve concave Southeasterly, a radial line to said point bears North 69°05'18" West; thence Northeasterly along said curve through a central angle of 03°29'42" an arc distance of 65.57 feet to the TRUE POINT OF BEGINNING.

Section 5. That the taking and acquiring by said City of the real property easement hereinabove described is deemed necessary for the construction, operation and maintenance of a public street or streets and storm drain facilities 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, and 1255.410, Code of Civil Procedure; Sections 37350.5, 40404, and 40404(b) Government Code and Sections 4090, 5101(d), and 5102, 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 easement is to be used for the construction, operation and maintenance of a public street or streets and storm drain facilities and incidents thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 7. Said property interests are to be used for off-site rights-of-way for street and storm drain facilities. The public street(s) are necessary to provide access to properties to be developed in the area and are shown in the Mira Mesa Community Plan, the Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment. The street alignment is consistent with the City's street design requirements and has

been established pursuant to previous City Council authorization. The drainage easements are required for public safety to convey storm flows consistent with City policies and have been located pursuant to the affected property owner's request in order to minimize the impact to their property. All of the proposed right-of-way and drainage easements are needed to construct and maintain the public street(s) and drainage improvements.


Section 8. 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 9. 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 in an easement, for the use of the City of San Diego to take immediate possession thereof pursuant to California Code of Civil Procedure Section 1255.410(c).

APPROVED: John W. Witt, City Attorney

By



Linda Bartz Kinsey
Deputy City Attorney

LBK:dr:hk:Lit
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Or.Dept:Prop.
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Passed and adopted by the Council of The City of San Diego on JUL 24 1990,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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-276199 Adopted JUL 24 1990

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