

(R-90-1456)

RESOLUTION NUMBER R- 276707

ADOPTED ON OCT 15 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 A SLOPE EASEMENT AND RIGHT-OF-WAY FOR EARTH EMBANKMENT OR EXCAVATION THROUGH, OVER, UNDER, ALONG AND ACROSS PORTIONS OF PUEBLO LOT 1307 OF THE PUEBLO LANDS OF SAN DIEGO, 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 AN EASEMENT IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH A SLOPE EASEMENT AND RIGHT-OF-WAY FOR EARTH EMBANKMENT OR EXCAVATION; 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 OWNER OF RECORD OF THE PROPERTY AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID 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 EASEMENT 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

90 AUG 27 PM 3:06
CITY CLERK'S OFFICE
SAN DIEGO, CA

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 a slope easement and right-of-way for earth embankment or excavation, in a portion of Pueblo Lot 1307 of the Pueblo Lands of San Diego, 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 and 40404 of the Government Code and Section 4090 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 the slope easement;

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 a slope easement and right-of-way for earth embankment or excavation

through, over, under, along and across portions of Pueblo Lot 1307 of the Pueblo Lands of San Diego, 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 incidents thereto, through, over, under, along and across portions of Pueblo Lot 1307 of the Pueblo Lands of San Diego; 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 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:

(Helen Smith Property)

Slope Easement

All that portion of the East Half of the Northwest Quarter of the Northeast Quarter of Pueblo Lot 1307 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of said map was filed in the office of the

County Recorder of San Diego County,
November 14, 1921 and is known as
Miscellaneous Map No. 36, described as
follows:

BEGINNING at the Northeast corner of said East Half; thence along the East line of said East Half, South 00 DEG 49' 31" West a distance of 116.22 feet; thence leaving said East line, North 77 DEG 02' 16" West a distance of 44.25 feet; thence North 07 DEG 59' 54" West a distance of 74.39 feet; thence North 78 DEG 02' 56" West a distance of 51.09 feet; thence North 84 DEG 41' 03" West a distance of 77.07 feet; thence North 77 DEG 42' 04" West a distance of 41.82 feet; thence South 67 DEG 02' 03" West a distance of 39.98 feet; thence South 81 DEG 03' 13" West a distance of 28.12 feet; thence South 66 DEG 20' 45" West a distance of 47.47 feet to the West line of said East Half; thence along said West line, North 00 DEG 49' 31" East a distance of 50.15 feet to the North line of said Pueblo Lot 1307; thence along said North line, South 89 DEG 06' 36" East a distance of 330.12 feet to the POINT OF BEGINNING.

Contains 0.284 Acres (more or less).

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 incidents thereto, together with a slope easement 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 and 40404, Government Code and Section 4090 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 incidents thereto, together with the slope easement which are planned and located in a manner most compatible with the greatest public good and the least private injury.


Section 7. The project for which this acquisition is being sought is required for construction of east/west access to the northern portion of the Eastgate Technology Park. The required slope and the construction of the road is consistent with the General Plan and the University Community Plan. The road and slope will be constructed on an alignment and grade which is compatible with future street improvements. All of the slope easement to be acquired is needed to construct and maintain the road.

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. 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 as hereinbefore described in an easement, for the use of the City of

San Diego and 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
07/30/90
Or.Dept:Prop.
R-90-1456
Form:r.stimprov

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9100243

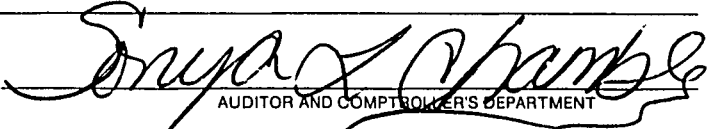
ORIGINATING DEPT. NO. 070

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 \$ 42,930.00 Fund 63020

Purpose Authorizing the expenditure of funds for the condemnation action to acquire Slope Easement for Nexus Centre Drive.

Date September 17, 19 90

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			6320	102	4279	650007				\$42,930.00
TOTAL AMOUNT										\$42,930.00

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-276707

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OCT 15 1990

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"/>
John Hartley	<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"/>
Linda Bernhardt	<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.

By *Linda Sugano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-276707** Adopted **OCT 15 1990**