

(R-92-175)

RESOLUTION NUMBER R- 278490

ADOPTED ON AUG 05 1991

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF THE MIRA MESA/I-805 INTERCHANGE PROJECT, A PUBLIC STREET OR STREETS AND INCIDENTS AND APPURTENANCES THERETO, INCLUDING STREET RIGHT-OF-WAY, AND A SLOPE EASEMENT FOR EARTH EMBANKMENT OR EXCAVATION THROUGH, OVER, UNDER, ALONG AND ACROSS PORTIONS OF LOT 6, SECTION 5, TOWNSHIP 15 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO THE STREET RIGHT-OF-WAY, AN EASEMENT, AND ABUTTER'S RIGHTS OF ACCESS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS AND APPURTENANCES THERETO; THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; 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; DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY 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 INTERESTS THEREIN; 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 construction, improvement, operation and maintenance of a public street or streets and incidents and appurtenances thereto, including fee title to street right-of-way, a slope easement, and abutter's rights of access for earth embankment or excavation through, over, under, along and across portions of Lot 6, Section 5, Township 15 South, Range 3 West, San Bernardino Meridian, 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 thereof, demand the acquisition and taking of fee title to street right-of-way, a slope easement, and abutter's rights of access in said property for the construction, improvement, operation and maintenance of a public street or streets and incidents and appurtenances thereto, through, over, under, along and across portions of Lot 6, Section 5, Township 15 South, Range 3 West, San Bernardino Meridian; said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That The City of San Diego has the power of

eminent domain pursuant to, inter alia, Section 220, the 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.

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

Fee Simple Absolute Title to Street Right-of-way
Mira Mesa Boulevard

Those portions of Lot 6, Section 5, Township 15 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to official plat thereof, said portion being more particularly described as follows:

PARCEL "A"

BEGINNING at the Northerly corner of that tract of land described as Parcel 2 of Final Order of Condemnation to said City of San Diego, recorded October 19, 1984, File/Page No. 84-395687 of the Official Records of said County; thence along the Southwesterly line of said Lot 6, North $26^{\circ}14'41''$ West 16.52 feet; thence departing said Southwesterly line North $49^{\circ}22'03''$ East 84.64 feet to a tangent 1279.00 foot radius curve concave Southeasterly; thence Northeasterly along the arc of said curve through a central angle of $2^{\circ}06'35''$ 47.10 feet to a non-tangent line; thence along said non-tangent line South $02^{\circ}40'19''$ West 21.37 feet to the Northerly corner of a tract of land described as Parcel 1 of Final Order of Condemnation, recorded May 19, 1986, File/Page No. 86-197221 of the Official Records of said County of San Diego, said corner being a point on a non-tangent 1263.00 foot radius curve concave Southeasterly, a radial line to said point bears North $39^{\circ}09'40''$ West; thence Southwesterly along the Northwesterly line of said Parcel 1, along the arc of said curve

through a central angle of 01°28'17" 32.43 feet; thence continuing along the Northwesternly line of said Parcel 1 South 49°22'03" West 88.75 feet to the POINT OF BEGINNING.

Fee Simple Absolute Title to Street Right-of-way
Mira Mesa Boulevard

PARCEL "G"

BEGINNING at the Southwest corner of that tract of land described as Parcel 1 of deed recorded May 19, 1986, File/Page No. 86-197221, in the Office of the County Recorder at said County; thence along the Southerly line of said Parcel No. 1 North 49°22'03" East 37.88 feet to the Easterly line of said Lot 6; thence along said Easterly line, South 02°40'19" West 17.83 feet; thence departing said Easterly line, South 48°22'54" West 29.11 feet to the Westerly line of said Lot 6; thence along said Westerly line, North 26°14'41" West 13.92 feet to the POINT OF BEGINNING.

Slope Easement

PARCEL "C"

That portion of Lot 6, Section 5, Township 15 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof, said portion being more particularly described as follows:

BEGINNING at the Northerly corner of that tract of land described as Parcel 2 of Final Order of Condemnation to said City of San Diego, recorded October 19, 1984, File/Page No. 84-395687 of the Official Records of said County; thence along the Southwesterly line of said Lot 6, North 26°14'41" West 98.65 feet to the TRUE POINT OF BEGINNING; thence continuing along said Southwesterly line, North 26°14'41" West 82.62 feet; thence North 50°16'34" East 22.44 feet thence North 64°59'51" East 46.66 feet; thence North 82°48'04" East 26.12 feet to the Westerly line of slope easement Parcel 1A of Final Order of Condemnation recorded May 19, 1986,

File/Page No. 86-197221, Official Records of said County; thence along said Parcel 1A, the following two (2) courses:

- 1) South 02°04'13" West 67.04 feet;
- 2) South 46°17'42" West 64.32 feet to the TRUE POINT OF BEGINNING.

Relinquishment of Abutter's Rights of Access
Mira Mesa Boulevard

PARCEL A-1

Beginning at the South corner of Parcel 4 of Parcel Map No. 15572 filed in the Office of the Recorder of San Diego County, said point being the beginning of a non-tangent 1279.00 foot radius curve concave Southeasterly, a radial line through which bears North 38°31'22" West; thence Southwesterly along the arc of said curve through a central angle of 02°06'35" a distance of 47.10 feet; thence tangent to said curve South 49°22'03" West 84.64 feet to the Easterly line of Lot 34 of Sorrento Lands and Townsite according to Map thereof No. 483 filed in the Office of the Recorder of San Diego County, said point being the Point of Terminus.

Relinquishment of Abutter's Rights of Access
Mira Mesa Boulevard

PARCEL G-1

Beginning at the Northwest corner of Parcel 6 of Parcel Map No. 15907, filed in the Office of the Recorder of San Diego County, thence along the Westerly line of said Parcel 6, South 02°40'19" West 1.34 feet to the TRUE POINT OF BEGINNING; thence South 48°22'54" West 29.11 feet to the Easterly line of Lot 34 of Sorrento Lands and Townsite according to Map thereof No. 483 filed in the Office of the County Recorder of San Diego County, said point being the Point of Terminus.

Section 5. That the taking and acquiring by The City of San Diego of fee title, and a slope easement, and abutter's rights to the real property hereinabove described is deemed necessary for

the construction, improvement, operation and maintenance of a public street or streets and all incidents and appurtenances thereto, to serve 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 Sections 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 all of said real property and interests therein is to be used for the construction, improvement, operation and maintenance of a public street or streets and incidents and appurtenances thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 7. The MIRA MESA/I-805 INTERCHANGE project for which these acquisitions are being sought is required for the widening of Mira Mesa Boulevard, which is a portion of the overall circulation element for the entire interchange configuration, will alleviate periods of delay and congestion during commuting hours and will provide for future traffic demands of West Mira Mesa Community. All the property being acquired is within the limits of the proposed project and is needed to construct the roadway facility.

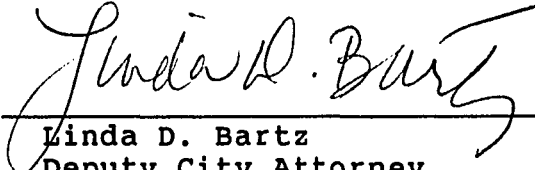
Section 8. That an offer to acquire the property, pursuant

to Government Code Section 7267.2, at the appraised fair market value has been made to the owners of record of the property to be acquired.

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 a fee title, a slope and abutter's rights interest 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 D. Bartz
Deputy City Attorney

LDB:wk:Lit
07/23/91
Or.Dept:Prop.
R-92-175
Form:r.stimprov

-1206 (4)
(a-b)

AUG 05 1991

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

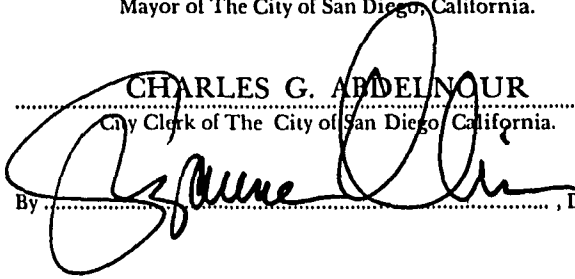
Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John 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"/>
Tom Behr	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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  , Deputy.

Office of the City Clerk, San Diego, California

Resolution **R-278190** AUG 05 1991
Number Adopted.....

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COMMUNICATIONS
SAN DIEGO, CA



10/1/81