

(R-92-345)

RESOLUTION NUMBER R-278894
ADOPTED ON OCT 22 1991

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 LOS PENASQUITOS CANYON PRESERVE FOR OPEN SPACE PURPOSES IN DEL MAR MESA, LOCATED IN THE NORTHERN AREA OF THE LOS PENASQUITOS CANYON PRESERVE NEAR RANCHO PENASQUITOS 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 TITLE TO SAID PROPERTY FOR SAID LOS PENASQUITOS CANYON PRESERVE OPEN SPACE PROJECT; THAT SAID PROPERTY IS DEEMED NECESSARY FOR THE RETENTION OF OPEN SPACE AND EXTENSION OF THE LOS PENASQUITOS CANYON PRESERVE 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 7267.2 HAS BEEN MADE TO THE RECORD OWNERS OF SAID PROPERTY; 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 Los Penasquitos Canyon Preserve for open space purposes in Del Mar Mesa located in the Northern area of the Los Penasquitos Canyon Preserve near Rancho Penasquitos, as more particularly described hereinafter.

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 title to said property for the retention of open space and extension of Los Penasquitos Canyon Preserve; said real property lies 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, 1240.610, 1240.680 and 1255.410 Code of Civil Procedure; Parks and Playground Act of 1909 (Govt. Code § 38000 et se.); Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b), and 51063 Government Code; and, Section 61.0601, 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 follows:

LEGAL DESCRIPTION

Parcel 21 (Franscell)

Lot 3 of Fractional Section 23, Township 14 South, Range 3 West, San Bernardino Meridian, in the County of San Diego, State of California, according to the Official Plat thereof.

Excepting therefrom that portion lying Northeasterly and Easterly of the following described line:

Commencing at a two inch iron pipe and disc accepted as being the Northeast corner of said Section 23; thence (1) along the Southeasterly line of said Section 23, South 57°10'04" West, 3405.31 feet to the TRUE POINT OF BEGINNING; thence (2) leaving said Southeasterly line North 30°22'57" West, 566.30 feet; thence (3) North 02° 27'15" West, 134.07 feet to the Northerly line of said Lot 3.

ALSO EXCEPTING THEREFROM that portion described as follows:

Commencing at an old hub in Rock Mound accepted as marking the Northwest corner of said Section 23; then (1) South 27°11'11" East, 1076.94 feet to the TRUE POINT OF BEGINNING; thence (2) North 58°20'06" East, 196.21 feet; thence (3) South 44° 53'05" East, 351.43 feet; thence (4) South 77° 27'16" East, 372.90 feet; thence (5) South 39° 52'19" East 343.69 feet; thence (6) South 60° 01'25" West, 112.47 feet; then (7) along a tangent curve to the right, with a radius of 1000 feet, through an angle of 14°46'40", a distance of 257.92 feet; thence (8) North 40°52'02" West, 249.90 feet; thence (9) North 27°27'55" West, 226.56 feet; thence (10) North 75°25'33" West, 381.64 feet; thence (11) North 20°01'52" West, 204.36 feet to the TRUE POINT OF BEGINNING.

Parcel 11 (Slate)

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter of Section 22, Township 14, South, Range 3 West, San Bernardino Base and Meridian, in the City of San Diego, County of San

Diego, State of California, according to the
United States Government Survey approved
May 20, 1884.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the extension/retention of the Los Penasquitos Canyon Preserve for open space purposes by The City of San Diego and the inhabitants thereof, 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, 1240.610, 1240.680 and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909 Govt. Code § 38000 et seq.; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b) and, 51063, Government Code; and, Section 61.0601, 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 open space purposes which is planned and located in a manner most compatible with the greatest public good and the least private injury.

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 fee simple absolute title and obtaining immediate possession of said parcels for the use of said City.

APPROVED: John W. Witt, City Attorney

By Peggy J. McCarberg
Peggy J. McCarberg
Deputy City Attorney

PJM:sdv:Lit.
09/16/91
Or.Dept:Risk Mgmt
Aud.Cert: 9200122
R-92-345
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OCT 22 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 *Blenda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-278894* Adopted *OCT 22 1991*
Number Adopted.....

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