

(R-92-789)

RESOLUTION NUMBER R- 279165

ADOPTED ON DEC 10 1991

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 PUBLIC PARK AND RIDE FACILITIES AND INCIDENTS THERETO IN PORTIONS OF REAL PROPERTY LOCATED IN CARMEL PENASQUITOS PLAZA 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 TITLE TO SAID PROPERTY FOR SAID PARK AND RIDE FACILITIES AND INCIDENTS THERETO 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 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 ACQUIRING IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in Section 1234.235, 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, operation and maintenance of public Park and Ride facilities and incidents thereto, in portions of Carmel Penasquitos Plaza, in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter, in order to provide for transit riders and ride sharers in this fast growing community.

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 construction, operation and maintenance of public park and ride facilities and incidents thereto, together with the right of ingress and egress over, under, along and across portions of Carmel Penasquitos Plaza, said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That 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; Section 39607, et seq., Health and Safety Code; Sections 146.5, 4090, 5101 and 5101.5, Streets and Highways Code; and 42 United States Code, Section 7401 et seq., permit the acquisitions referenced herein.

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

Parcel One

(Fee Owner: American Newland Associates

LOT 4 OF CARMEL PENASQUITOS PLAZA, IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7202, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 11, 1972.

Section 5. That the taking and acquiring by said City of fee title to the real property hereinabove described is deemed necessary for the construction, operation and maintenance of public park and ride facilities and incidents thereto, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such uses are public uses 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; Section 39607, et seq., Health and Safety Code; Sections 146.5, 4090, 5101 and 5101.5, Streets and Highways Code; and 42 United States Code, Section 7401, et seq., that for such public uses, 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 construction, operation and maintenance of public park and ride facilities and incidents thereto, which are planned and located in a manner most compatible with the

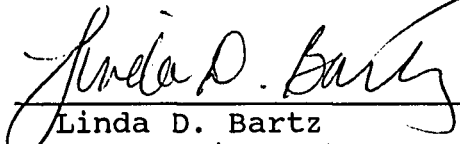
greatest public good and the least private injury.

Section 6. That the offer to acquire 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.

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 title interests as above described and obtaining immediate possession of said parcel for the use of said City.

APPROVED: John W. Witt, City Attorney

By

  
Linda D. Bartz  
Deputy City Attorney

NAW:tch:Lit.  
11/13/91  
Or.Dept:  
R-92-789  
Form=r.none

Passed and adopted by the Council of The City of San Diego on.....**DEC 10 1991**.....  
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"/>
George Stevens	<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"/>
Valerie Stallings	<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 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.....*Luisa Luzano*....., Deputy.

Office of the City Clerk, San Diego, California

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