

(R-92-1590)

RESOLUTION NUMBER R- 279782

ADOPTED ON APR 20 1992

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO AND INHABITANTS THEREOF REQUIRE THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF A PEDESTRIAN BRIDGE AT BLACK MOUNTAIN ROAD AND GALVIN AVENUE, A PUBLIC PROJECT, AND ALL INCIDENTS AND APPURTENANCES THERETO, INCLUDING PUBLIC RIGHT-OF-WAY AND EASEMENT INTERESTS THROUGH, OVER, ALONG AND ACROSS A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 2, WEST, SAN BERNARDINO MERIDIAN AND A PORTION OF LOT 2 OF MESA DEL SOL UNIT NO. 5, ACCORDING TO MAP THEREOF NO. 12737, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 5, 1990, BOTH PARCELS BEING IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF SAID RIGHT-OF-WAY AND EASEMENT INTERESTS IN SAID PROPERTY FOR SAID PUBLIC PROJECT AND INCIDENTS AND APPURTENANCES THERETO; THAT THE 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 PROPERTIES; 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 pedestrian bridge at Black Mountain Road and Galvin Avenue, a public project, and all incidents and appurtenance thereto, including public right-of-way, and easement interests through, over, under, along and across an approximate 0.130 acre vacant parcel of land which is part of an approximate 1.980 acre property known as a portion of the Southwest Quarter of the Southeast Quarter of Section 30, Township 14 South, Range 2 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter, and an approximate 0.081 acre vacant parcel of land which is part of an approximate 9.354 acre property known as a portion of Lot 2 of Mesa Del Sol Unit No. 5, according to Map thereof No. 12737, as filed in the office of the County Recorder of San Diego County November 5, 1990, as more particularly described hereinafter, and that the City Council has so found and determined all of the foregoing.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of said right-of-way and easement interests in said properties for said public project and incidents and appurtenances thereto.

Section 3. That 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, 5101 and 5023.1, Streets and Highways Code, permit the acquisitions referenced herein.

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

L.D.S. CHURCH PARCEL

LEGAL DESCRIPTION

BEING A PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF LOT 103 OF MESA DEL SOL UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 12735, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 5, 1990, SAID POINT BEING ON THE SOUTHERLY BOUNDARY LINE OF SAID MAP NO. 12735; THENCE ALONG SAID SOUTHERLY BOUNDARY LINE, NORTH 88°15'43" EAST, A DISTANCE OF 4.17 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF BLACK MOUNTAIN ROAD AS DEDICATED PER DEED RECORDED DECEMBER 29, 1975 AS F/P NO. 75-367429, O.R. THENCE ALONG SAID LINE, SOUTH 01°38'09" EAST, A DISTANCE OF 227.33 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID WESTERLY LINE, NORTH 89°46'40" WEST, A DISTANCE OF 69.54 FEET; THENCE SOUTH 0°13'20" WEST, A DISTANCE OF 80.00 FEET; THENCE SOUTH

89°46'40" EAST, A DISTANCE OF 72.13 FEET TO SAID WESTERLY LINE OF BLACK MOUNTAIN ROAD; THENCE ALONG SAID LINE, NORTH 01°38'09" WEST, A DISTANCE OF 80.04 FEET TO THE TRUE POINT OF BEGINNING.

SHAPELL INDUSTRIES PARCEL

LEGAL DESCRIPTION

BEING A PORTION OF LOT 2 OF MESA DEL SOL UNIT NO. 5, ACCORDING TO MAP THEREOF NO. 12737, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 5, 1990, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHERLY TERMINUS OF A 20.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, AT THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT ALSO BEING ON THE EASTERLY LINE OF BLACK MOUNTAIN ROAD AS SHOWN ON SAID MAP NO. 12737; THENCE ALONG SAID LINE, NORTH 00°13'20" EAST, A DISTANCE OF 51.57 FEET; THENCE LEAVING SAID LINE, NORTH 88°15'43" EAST, A DISTANCE OF 50.00 FEET; THENCE SOUTH 00°13'20" WEST, A DISTANCE OF 72.27 FEET TO A POINT ON THE NORTHERLY LINE OF GALVIN AVENUE AS SHOWN ON SAID MAP NO. 12737; THENCE ALONG SAID LINE, SOUTH 88°15'43" WEST, A DISTANCE OF 29.30 FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 01°44'17" EAST; THENCE WESTERLY AND NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°57'37", A DISTANCE OF 32.10 FEET TO THE POINT OF BEGINNING.

Section 5. That the taking and acquiring by said City, of the public right-of-way and easement interests, hereinabove described, is necessary for the construction, improvement, operation and maintenance of a pedestrian bridge, and all incidents and appurtenances thereto; and that such uses are public uses authorized by law (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, 5101 and 5023.1, Streets and Highways Code); that for such public use, it is necessary that the City of San Diego condemn and acquire said public right-of-way and easement interests under eminent domain proceedings; that all of the property being acquired is within the limits of the proposed public project and is needed to construct the facility; that the use of said real property and the public project is planned and located in a manner most compatible with the greatest public good and the least private injury, and that the City Council has so found and determined all of the foregoing.

Section 6. The City Council hereby makes the following findings in support of the foregoing: This proposed pedestrian bridge is a necessary transportation element for students crossing Black Mountain Road at Galvin Avenue to attend Hage Elementary School in the community of Mira Mesa, and will provide the most direct crossing of Black Mountain Road for students going to and from school, and is located to minimize the impact on private property, with the minimum amount of right-of-way, while conforming to established design criteria and standards for this type of public project.

Section 7. That offers to acquire easement rights in the two parcels of property, pursuant to Government Code Section 7267.2, at the appraised fair market value, have been made to the owners of record of the two properties.

Section 8. 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, against all owners and claimants to any interest in the above-described real property, for the purpose of condemning and acquiring easement rights in the properties as above described for the use of the City of San Diego and to take immediate possession of said parcels pursuant to California Code of Civil Procedure Section 1255.410.

APPROVED: John W. Witt, City Attorney

By

  
Debra J. Bevier  
Deputy City Attorney

DJB:dv:Lit.  
04/07/92  
Or.Dept:Prop  
Aud.Cert:  
R-92-1590  
Form=r.title

The City of San Diego  
**CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9200735  
 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 \$ 104,000.00 Fund 30244 / 79006

Purpose Authorizing expenditure of funds for acquisition of property rights and related condemnation costs for Pedestrian Bridge -- Black Mountain Road at Galvin Avenue

Date March 16, 1992 By: Cecilia San Pedro  
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
1		30244	30244	107	4279	530510		79006		\$104,000.00
TOTAL AMOUNT										\$104,000.00

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 money 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 \_\_\_\_\_ 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* 279782 APR 20 1992<sup>AC</sup> 9200735

(R - C)  
(1)

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"/>
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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *Mary Cepeda* Deputy.

RECEIVED  
92 APR -9 AM 11:43  
CITY CLERKS OFFICE  
SAN DIEGO, CA

Office of the City Clerk, San Diego, California

Resolution Number *279782* Adopted *APR 20 1992*



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

APR 20 1992

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"/>
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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Cepeda* Deputy.

RECEIVED  
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SAN DIEGO, CA

Office of the City Clerk, San Diego, California

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