

(R-94-732)

RESOLUTION NUMBER R- 283027

ADOPTED ON NOV 16 1993

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 THE VALENCIA PARK TRUNK SEWER, A PUBLIC SEWER OR SEWERS, AND ALL INCIDENTS AND APPURTENANCES THERETO TO PROVIDE ADDITIONAL SEWER CAPACITY AND RELIEF FOR THE EXISTING LINES, AND TO ENABLE THE CITY TO PROVIDE FOR ULTIMATE SEWAGE CONVEYANCE NEEDS FOR THE BARRIO LOGAN AND SOUTHCREST COMMUNITIES IN THE CITY OF SAN DIEGO; THAT SAID PUBLIC SEWER OR SEWERS WILL NECESSARILY REQUIRE THE ACQUISITION OF PERMANENT SEWER EASEMENTS OVER, UNDER, ALONG AND ACROSS PORTIONS OF REAL PROPERTY LOCATED IN PUEBLO LOT NO. 1168 AND LOT 69 OF EX-MISSION LANDS OF SAN DIEGO, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITIONS; 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 OWNERS OF RECORD OF THE PROPERTY; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENTS 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 EASEMENTS 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,

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 the Valencia Park Trunk Sewer, a public sewer or sewers and all incidents and appurtenances thereto, to serve and maintain the sewer flow capacity relief for the existing lines, and to enable the City to provide for ultimate sewage conveyance needs for the communities of Barrio Logan and Southcrest in the City of San Diego for the inhabitants thereof, in portions of property located in Pueblo Lot No. 1168 and Lot 69 of Ex-Mission 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 said City, and the inhabitants thereof, demand the acquisition and taking of permanent sewer easements in said property for the construction, operation and maintenance of a public sewer or sewers and incidents and appurtenances thereto, together with the right of ingress and egress over, under, along and across portions of 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; and Sections 37350.5, 38900, 39040 and 40404 of the Government Code permit the acquisitions referenced herein.

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

VALENCIA PARK TRUNK SEWER

Park Village Ltd.:

PERMANENT SEWER EASEMENT--PARCEL "A"

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a sewer line including any or all incidents and appurtenances thereto, together with the right of ingress and egress, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California described as follows:

That portion of Lot 69 of the Map of a portion of EX-MISSION LANDS OF SAN DIEGO (commonly known as Horton's Purchase), in the City of National City, County of San Diego, State of California, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878, described in deed to Park Village, Limited, recorded April 6, 1984 as File/Page No. 84-127299, O.R. more particularly described as follows:

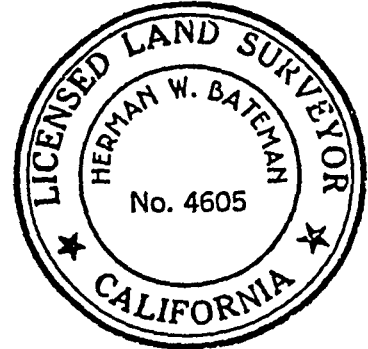
Beginning at the Northeast corner of said Lot 69; thence South 00°49'59" West (Record South 00°03'28" West per Map No. 9692) along the East line of said Lot 69 a distance of 217.80 feet to the centerline of Delta Street as shown on Map of DELTA STREET CONDOMINIUMS, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 9692, filed in the Office of the County Recorder of San Diego County, on June 26, 1980; thence continuing along said East line South 00°49'59" West (Record South 00°03'28" West per Map No. 9692) 763.57 feet to the Northeast corner of SCHEUERMAN HEIGHTS, in the City of National City, County of San Diego, State of California, according to Map thereof No. 2227, filed in the Office of the County Recorder of San Diego County, on June 6, 1938; thence North 89°14'21" West along the North line of said Map No. 2227 and the Westerly prolongation of said North line 797.30 feet; thence North 04°35'02" East 20.04 feet to the North line of Eta Street as described in deed to the City of National City, recorded November 18, 1971 as File No. 269345 of Official Records, and the TRUE POINT OF BEGINNING; thence North 89°14'21" West along the North line of said Eta Street 20.04 feet; thence leaving said Northerly line North 04°35'02" East 20.16 feet; thence North 40°25'54" East 266.94 feet; thence North 28°17'19" East 162.52 feet; thence North 38°04'14" East 284.44 feet to the South line of property deeded to Roberto R. Galang and Josefina D. Galang as described in deed recorded November 25, 1987 as File/Page No. 87-656556 of Official Records, said point being South 00°49'59" West (Record South 00°03'28" West per Map No. 9692) along the East line of said Lot 69 a distance of 149.95 feet and North 88°54'16" West 397.51 feet from the intersection of the East line of

said Lot 69 with the centerline of Delta Street as shown on said Map No. 9692; thence South 88°54'16" East along said South line 25.03 feet; thence South 38°04'14" West 297.79 feet; thence South 28°17'19" West 162.94 feet; thence South 40°25'54" West 262.59 feet; thence South 04°35'02" West 12.35 feet to the TRUE POINT OF BEGINNING.

Herman W. Bateman
Herman W. Bateman, L.S. 4605
License Expires September 30, 1994

8-20-92
Date

Dwg. No. 26547-D
W.O. No. 172071



Reserving unto the Grantors/Condemnees herein, their heirs and assigns, the continued use and reasonable development of the subject property, including the erecting of buildings, masonry walls, masonry fences, and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately-owned pipelines; subject to the review of the plans therefore by the City of San Diego to insure that the sewer line for which the easement is herein granted is not subjected to loads exceeding the load bearing capabilities of such sewer line as constructed, or that the sewer line is not otherwise endangered, and that reasonable access to manholes, incidents, and appurtenances, if any, for maintenance, operation, and repair, is provided. Grantors/Condemnees may at their sole cost and expense and subject to approval of the City, relocate the sewer line within the easement, or take such other measures to protect the sewer line or increase its load bearing capability as Grantors/Condemnees deem necessary to allow any proposed development.

R- 283027

Southern Pacific:

PERMANENT SEWER EASEMENT--PARCEL "C"

The permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a sewer line including any or all incidents and appurtenances thereto, together with the right of ingress and egress, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California described as follows:

A portion of San Diego and Arizona Eastern Railway Company previous 100 foot right-of-way as shown on Record of Survey Map No. 1014, recorded in the Office of the County Recorder of San Diego County on June 23, 1942, being a portion of Block 114, in the Subdivision of Pueblo Lot No. 1168, according to the partition Map of said Pueblo Lot 1168 in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 160, filed in the Office of the County Recorder of San Diego County on May 8, 1882, described as follows:

A 25.00 foot strip of land 12.50 feet on each side of the following described centerline:

Beginning at a point on the Northeasterly boundary line of said Naval Station, South 50°10'45" East 30.00 feet from the Southeasterly corner of Block 211 of said HOEL'S SUBDIVISION; thence South 39°51'02" West 792.59 feet; thence South 50°15'33" West 86.01 feet to the beginning of a tangent curve concaved Southeasterly and having a radius of 900.00 feet; thence along said curve, through a central angle of 10°24'31" a distance of 163.50 feet; thence South 39°51'02" West 446.60 feet; thence South 68°42'04" West 75.10 feet; thence South 39°50'18" West 32.00 feet to the Northeasterly line of the Southern Pacific Transportation Company's property as described in Deed from San Diego and Arizona Eastern Railway Company to Southern Pacific Transportation Company, Recorded June 27, 1977 as File Page No. 77-241239, as shown on said Record of Survey Map No. 1014 for the TRUE POINT OF BEGINNING; thence continuing South 39°50'18" West 100.00 feet to the Southwesterly line of said Southern Pacific Transportation Company's property for a POINT OF ENDING, the sidelines of said strip of land shall be prolonged or shortened

to meet at angle points and terminate in the Northeasterly line and the Southwesterly line of the Southern Pacific Transportation Company's property, EXCEPT that portion owned by San Diego and Arizona Eastern Railway Company, being a strip of land 34.00 feet in width, lying 17.00 feet on each side of the center line of said 100.00 foot right-of-way.



Herman W. Bateman

Herman W. Bateman, L.S. 4605
License Expires September 20, 1994

DWG. No. 28506-D
W.O. No. 172071

Reserving unto the Grantors/Condemnees herein, their heirs and assigns, the continued use and reasonable development of the subject property, including the erecting of buildings, masonry walls, masonry fences, and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of privately-owned pipelines; subject to the review of the plans therefore by the City of San Diego to insure that the sewer line for which the easement is herein granted is not subjected to loads exceeding the load bearing capabilities of such sewer line as constructed, or that the sewer line is not otherwise endangered, and that reasonable access to manholes, incidents, and appurtenances, if any, for maintenance, operation, and repair, is provided. Grantors/Condemnees may at their sole cost and expense and subject to approval of the City, relocate the sewer line within the easement, or take such other measures to protect the sewer line or increase its load bearing capability as Grantors/Condemnees deem necessary to allow any proposed development.

Section 5. That the taking and acquiring by said City of the permanent sewer easements hereinabove described is deemed necessary for the construction, operation and maintenance of a public sewer or sewers and all incidents and appurtenances thereto to provide capacity relief for the existing lines, and to enable the City to provide for ultimate sewage conveyance needs for the Barrio Logan and Southcrest communities in the City of San Diego for the inhabitants thereof, for municipal purposes; 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; and Sections 37350.5, 38900, 39040 and 40404, Government Code); that for such public use, it is necessary that The City of San Diego condemn and acquire said permanent sewer easements; that said real property is to be used for the construction, operation and maintenance of a public sewer or sewers and all incidents and appurtenances thereto, for the Valencia Park Trunk Sewer, which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. 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.

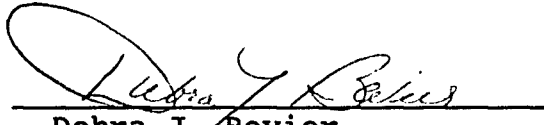
Section 7. That the City Attorney of The City of San Diego be, and he is hereby authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name and on behalf of The

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 property and easement interests as above described and obtaining immediate possession of said parcels for the use of said City.

APPROVED:

JOHN W. WITT, City Attorney

By



Debra J. Bevier
Deputy City Attorney

NW:LDB:mb:djr:Lit.
10/29/93
Or.Dept:Prop
R-94-732
Aud.Cert:9301175
Form:r.stimprov

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

CERTIFICATE OF UNALLOTTED BALANCE

AC 9301175

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 \$ 75,000.00 Fund 41506

Purpose Authorizing the expenditure of funds for Valencia Park Trunk Sewer land acquisition.

Date June 14, 1993

By: 

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
01	0		700	386	4638	172079				\$75,000.00
TOTAL AMOUNT										\$75,000.00

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



NOV 16 1993

A 207
(11 0)A

NOV 16 1993

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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

SUSAN GOLDING
Mayor of The City of San Diego, California.

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

By *Mary Cepeda*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-283027* NOV 16 1993
Number..... Adopted.....

RECEIVED

93 NOV -3 PM 1:22

CITY CLERKS OFFICE
SAN DIEGO, CA