

(R-94-731)

RESOLUTION NUMBER R- **283180**

ADOPTED ON DEC 07 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 ROSE CANYON 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 DEVELOPING NORTH CITY COMMUNITIES OF LOS PENASQUITOS, DEL MAR, MIRA MESA, MIRAMAR, UNIVERSITY CITY, CITY OF POWAY, AND THE COASTAL COMMUNITIES IN THE CITY OF SAN DIEGO; THAT SAID PUBLIC SEWER OR SEWERS WILL NECESSARILY REQUIRE THE ACQUISITION OF PERMANENT SEWER EASEMENTS, TEMPORARY CONSTRUCTION EASEMENTS AND TEMPORARY ACCESS EASEMENTS OVER, UNDER, ALONG AND ACROSS PORTIONS OF REAL PROPERTY LOCATED IN PUEBLO LOT 1307 OF THE PUEBLO LANDS, 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 Rose Canyon Trunk Sewer, a public sewer or sewers and all incidents and appurtenances thereto, to serve and maintain the sewer flow and capacity relief for the existing lines, and to enable the City to provide for ultimate sewage conveyance needs for the developing North City Communities of Los Penasquitos, Del Mar, Mira Mesa, Miramar, University City, City of Poway, and the coastal communities in the City of San Diego for the inhabitants thereof, in portions of property located in Pueblo Lot 1307 of the Pueblo Lands in the University Community area, 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, temporary construction easements and temporary access 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.

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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:

LEGAL DESCRIPTIONS
ROSALYN GOODWIN, et al

PARCEL 1 - PERMANENT SEWER EASEMENT

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 the East half of the Southeast quarter of the Northwest quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 15.00 feet wide, the Southwesterly line of which is coincident with the Northeasterly line of Parcel 4-B of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-254009 of Official Records.

The side lines of the above described strip begin on the Southeasterly line of Parcel 4-A of the above described recorded sewer easement and terminate on the West line of the 7.50 feet wide sewer easement granted to the City of San Diego per File/Page No. 90-528656 of Official Records.

Reserving unto the Grantor's 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 therefor 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. Grantor's 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 Grantor's deem necessary to allow any proposed development.

PARCEL 1A - TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within-granted sewer easements, described as follows:

That portion of the East half of the Southeast quarter of the Northwest quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 35.00 feet wide, the Southwesterly line of which is coincident with a line parallel with and 15.00 feet Northeasterly of, as measured at right angles thereto, the Northeasterly line

of Parcel 4-B of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-254009 of Official Records.

The side lines of the above described strip begin on the Southeasterly line, and the Northeasterly prolongation thereof, of Parcel 4-A of the above described recorded sewer easement and terminate on the West line of the 7.50 feet wide sewer easement granted to the City of San Diego per File/Page No. 90-528656 of Official Records.

The above described temporary construction easement shall cease to exist upon recording of the Notice of Completion of the construction of the sewer line project.

PARCEL 1B - TEMPORARY ACCESS EASEMENT

A temporary access easement for the right during construction of the sewer line project to have access to the construction project area over and along the following described area:

That portion of the East half of the Southeast quarter of the Northwest quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 30.00 feet wide, the Northeasterly line of which is coincident with the Southwesterly line of Parcel 4-B of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-254009 of Official Records.

The side lines of the above described strip begin on the West line of said East half of the Southeast quarter of the Northwest quarter and terminate on the East line of said East half of the Southeast quarter of the Northwest quarter.

The above described temporary access easement shall cease to exist upon recording of the Notice of Completion of the construction of the sewer line project.

LEGAL DESCRIPTIONS
J.A.H. LTD., A California Limited Partnership

PARCEL 2 - PERMANENT SEWER EASEMENT

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 the West half of the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 15.00 feet wide, the Westerly and Southwesterly line of which is coincident with the Easterly and Northeasterly line of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records.

The side lines of the above described strip begin on the West line of said West half of the Southwest quarter of the Northeast quarter and terminate on the Northerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records.

Reserving unto the Grantor's 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 therefor 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. Grantor's 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 Grantor's deem necessary to allow any proposed development.

PARCEL 2A - PERMANENT SEWER EASEMENT

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 the West half of the Southwest quarter of the Northeast quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

COMMENCING at the Southwest corner of said West half of the Southwest quarter of the Northeast quarter; thence North 0 degrees 47 minutes 32 seconds East along the West line of said West half of the Southwest quarter of the Northeast quarter 206.93 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records; thence South 61 degrees 45 minutes 16 seconds East along said center line 126.21 feet; thence North 59 degrees 32 minutes 32 seconds East 29.26 feet to the POINT OF BEGINNING of the parcel herein described; thence North 61 degrees 45 minutes 16 seconds West along a line parallel with and 25.00 feet Northeasterly of, as measured at right angles thereto, the centerline of the aforescribed 20.00 feet wide sewer easement and the Southeasterly prolongation thereof, 23.41 feet; thence North 59 degrees 32 minutes 32 seconds East 30.00 feet; thence South 30 degrees 27 minutes 28 seconds East 40.00 feet; thence South 59 degrees 32 minutes 32 seconds West 30.00 feet to a point on a line parallel with and 25.00 feet Easterly of, as measured at right angles thereto, the centerline of the aforescribed 20.00 feet wide sewer easement; thence North 0 degrees 50 minutes 20 seconds East along said parallel line, and the Northerly prolongation thereof, 23.41 feet to the POINT OF BEGINNING.

Reserving unto the Grantor's 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 therefor 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. Grantor's 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 Grantor's deem necessary to allow any proposed development.

PARCEL 2B - TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within-granted sewer easements, described as follows:

That portion of the West half of the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 35.00 feet wide, the Southwesterly line of which is coincident with a line parallel with and 25.00 feet Northeasterly of, as measured at right angles thereto, Line A described below and 25.00 feet wide, the Westerly line of which is coincident with a line parallel with and 25.00 feet Easterly of, as measured at right angles thereto, Line B described below:

COMMENCING at the Southwest corner of said West half of the Southwest quarter of the Northeast quarter; thence North 0 degrees 47 minutes 32 seconds East along the West line of said West half of the Southwest quarter of the Northeast quarter 206.93 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per

File/Page No. 71-123641 of Official Records and the POINT OF BEGINNING of Line A herein described;

LINE A: thence South 61 degrees 45 minutes 16 seconds East along said centerline 126.21 feet to the TERMINUS of Line A and the POINT OF BEGINNING of Line B herein described;

LINE B: thence South 0 degrees 50 minutes 20 seconds West continuing along said centerline 312.07 feet to a point on the Northerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of Line B herein described.

The side lines of the above described strip are to be extended to meet at the angle point and begin on the West line of said West half of the Southwest quarter of the Northeast quarter and terminate on the Northerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records.

EXCEPT any part thereof lying within PARCEL 2A described above.

The above described temporary construction easement shall cease to exist upon recording of the Notice of Completion of the construction of the sewer line project.

PARCEL 2C - TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within-granted sewer easements, described as follows:

That portion of the West half of the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 35.00 feet wide, the Northeasterly line of which is coincident with a line parallel with and 10.00 feet Southwesterly of, as measured at right angles thereto, Line A described below and 20.00 feet wide, the Easterly line of which is coincident with a line parallel with and 10.00 feet Westerly of, as measured at right angles thereto, Line B described below:

COMMENCING at the Southwest corner of said West half of the Southwest quarter of the Northeast quarter; thence North 0 degrees 47 minutes 32 seconds East along the West line of said West half of the Southwest quarter of the Northeast quarter 206.93 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records and the POINT OF BEGINNING of Line A herein described;

LINE A: thence South 61 degrees 45 minutes 16 seconds East along said centerline 126.21 feet to the TERMINUS of Line A and the POINT OF BEGINNING of Line B herein described;

LINE B: thence South 0 degrees 50 minutes 20 seconds West continuing along said centerline 312.07 feet to a point on the Northerly line of La Jolla Village Drive as granted to the City of San

Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of Line B herein described.

The side lines of the above described strip are to be shortened to meet at the angle point and begin on the West line of said West half of the Southwest quarter of the Northeast quarter and terminate on the Northerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records.

The above described temporary construction easement shall cease to exist upon recording of the Notice of Completion of the construction of the sewer line project.

PARCEL 2D - TEMPORARY ACCESS EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within-granted sewer easements, described as follows:

That portion of the West half of the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of the Pueblo Lot 1307, of the Pueblo Lands of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 30.00 feet wide lying 15.00 feet on each side of the following described centerline:

COMMENCING at the Southwest corner of said West half of the Southwest quarter of the Northeast quarter; thence North 0 degrees 47 minutes 32 seconds East along the West line of said West half of the Southwest quarter of the Northeast quarter 206.93 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records; thence South 61 degrees 45 minutes 16 seconds East along said centerline 126.21 feet; thence South 34 degrees 24 minutes 57 seconds East 86.62 feet to a point on the Easterly line of PARCEL 2B described above, said point being the POINT OF BEGINNING of the centerline herein described; thence South 34 degrees 24 minutes 57 seconds East 252.14 feet to a point on the Northerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of the centerline herein described.

The side lines of the above described strip begin on the Easterly line of PARCEL 2B described above and terminate on the aforescribed Northerly line of La Jolla Village Drive.

The above described temporary access easement shall cease to exist upon recording of the Notice of Completion of the construction of the sewer line project.

LEGAL DESCRIPTIONS
M.H.H., a California General Partnership

PARCEL 3 - PERMANENT SEWER EASEMENT

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 the Southeast quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 10.00 feet wide, the Easterly line of which is coincident with a line parallel with and 10.00 feet Westerly of, as measured at right angles thereto, Line A described below:

COMMENCING at the Southwest corner of said Pueblo Lot 1307; thence South 89 degrees 08 minutes 22 seconds East 1369.86 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records and the POINT OF BEGINNING of Line A herein described;

LINE A: thence North 20 degrees 36 minutes 34 seconds East along said centerline 186.05 feet to the TERMINUS of Line A and the POINT OF BEGINNING of Line B herein described;

LINE B: thence North 0 degrees 50 minutes 20 seconds East continuing along said centerline 852.68 feet to a point on the Southerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of Line B herein described.

The side lines of the above described strip begin on the South line of said Southeast quarter of Pueblo Lot 1307 and terminate on a line parallel with and 10.00 feet Westerly of, as measured at right angles thereto, Line B herein described.

Reserving unto the Grantor's 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 therefor 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. Grantor's 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 Grantor's deem necessary to allow any proposed development.

PARCEL 3A - PERMANENT SEWER EASEMENT

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 the Southeast quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 15.00 feet wide, the Westerly line of which is coincident with a line parallel with and 10.00 feet Easterly of, as measured at right angles thereto, Line B described below:

COMMENCING at the Southwest corner of said Pueblo Lot 1307; thence South 89 degrees 08 minutes 22 seconds East 1369.86 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records and the POINT OF BEGINNING of Line A herein described;

LINE A: thence North 20 degrees 36 minutes 34 seconds East along said centerline 186.05 feet to the TERMINUS of Line A and the POINT OF BEGINNING of Line B herein described;

LINE B: thence North 0 degrees 50 minutes 20 seconds East continuing along said centerline 852.68 feet to a point on the Southerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of Line B herein described.

The side lines of the above described strip begin on a line parallel with and 10.00 feet Easterly of, as measured at right angles thereto, Line A herein described and the Northerly prolongation thereof and terminate on the aforescribed Southerly line of La Jolla Village Drive.

Reserving unto the Grantor's 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 therefor 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. Grantor's 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 Grantor's deem necessary to allow any proposed development.

PARCEL 3B - TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within-granted sewer easements, described as follows:

That portion of the Southeast quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 25.00 feet wide, the Easterly line of which is coincident with a line parallel with and 20.00 feet Westerly of, as measured at right angles thereto, Line A described below and 20.00 feet wide, the Easterly line of which is coincident with a line parallel with and 10.00 feet Westerly of, as measured at right angles thereto, Line B described below:

COMMENCING at the Southwest corner of said Pueblo Lot 1307; thence South 89 degrees 08 minutes 22 seconds East 1369.86 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records and the POINT OF BEGINNING of Line A herein described;

LINE A: thence North 20 degrees 36 minutes 34 seconds East along said centerline 186.05 feet to the TERMINUS of Line A and the POINT OF BEGINNING of Line B herein described;

LINE B: thence North 0 degrees 50 minutes 20 seconds East continuing along said centerline 852.68 feet to a point on the Southerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of Line B herein described.

The side lines of the above described strip are to be extended or shortened to meet at the angle point and begin on the South line of said Southeast quarter of Pueblo Lot 1307 and terminate on the aforescribed Southerly line of La Jolla Village Drive.

The above described temporary construction easement shall cease to exist upon recording of the of Notice of Completion of the construction of the sewer line project.

PARCEL 3C - TEMPORARY CONSTRUCTION EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within granted sewer easements, described as follows:

That portion of the Southeast quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 25.00 feet wide, the Westerly line of which is coincident with a line parallel with and 10.00 feet Easterly of, as measured at right angles thereto, Line A described below and a line parallel with and 25.00 feet Easterly of, as measured at right angles thereto, Line B described below:

COMMENCING at the Southwest corner of said Pueblo Lot 1307; thence South 89 degrees 08 minutes 22 seconds East 1369.86 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records and the POINT OF BEGINNING of Line A herein described;

LINE A: thence North 20 degrees 36 minutes 34 seconds East along said centerline 186.05 feet to the TERMINUS of Line A and the POINT OF BEGINNING of Line B herein described;

LINE B: thence North 0 degrees 50 minutes 20 seconds East continuing along said centerline 852.68 feet to a point on the Southerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of Line B herein described.

The side lines of the above described strip are to be extended or shortened to meet at the angle point and begin on the South line of said Southeast quarter of Pueblo Lot 1307 and terminate on the aforescribed Southerly line of La Jolla Village Drive.

The above described temporary construction easement shall cease to exist upon recording of the of Notice of Completion of the construction of the sewer line project.

PARCEL 3D - TEMPORARY ACCESS EASEMENT

A temporary construction easement for the right, during construction of the sewer line project to use for purposes incidental to said construction, the land adjacent to the existing and within-granted sewer easements, described as follows:

That portion of the Southeast quarter of Pueblo Lot 1307, of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to Miscellaneous Map No. 36, filed in the office of the County Recorder of San Diego County, November 14, 1921, being more particularly described as follows:

A strip of land 20.00 feet wide lying 10.00 feet on each side of the following described centerline;

COMMENCING at the Southwest corner of said Pueblo Lot 1307; thence South 89 degrees 08 minutes 22 seconds East 1369.86 feet to a point on the centerline of the 20.00 feet wide sewer easement granted to the City of San Diego per File/Page No. 71-123641 of Official Records; thence North 20 degrees 36 minutes 34 seconds East along said centerline 186.05 feet; thence North 0 degrees 50 minutes 20 seconds East continuing along said centerline 117.92 feet; thence South 82 degrees 25 minutes 25 seconds East 50.35 feet to a point on the Easterly line of PARCEL 3C described above, said point being the POINT OF BEGINNING of the centerline herein described; thence continuing South 82 degrees 25 minutes 25 seconds East 151.10 feet to a point of curvature; thence Northeasterly along the arc of said curve, concave Northwesterly, having a Radius of 60.00 feet and a Central Angle of 90 degrees 38 minutes 31 seconds a distance of 94.92 feet to a point of tangency; thence North 6 degrees 56 minutes 04 seconds East 146.32 feet; thence North 10 degrees 23 minutes 20 seconds West 121.17 feet; thence North 2 degrees 29 minutes 22 seconds West 231.64 feet; thence North 5 degrees 54 minutes 22 seconds East 146.51 feet; thence North 21 degrees 04 minutes 06 seconds West 110.95 feet to a point on the Southerly line of La Jolla Village Drive as granted to the City of San Diego per File/Page No. 75-161524 of Official Records, said point being the TERMINUS of the centerline herein described.

The side lines of the above described strip are to be extended or shortened to meet at angle points and begin on the Easterly line of PARCEL 3C described above and terminate on the aforescribed Southerly line of La Jolla Village Drive.

The above described temporary access easement shall cease to exist upon recording of the of Notice of Completion of the construction of the sewer line project.


Section 5. That the taking and acquiring by said City of the permanent sewer easements, temporary construction easements, and temporary access 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 developing North City Communities of Los Penasquitos, Del Mar, Mira Mesa, Miramar, University City, City of Poway, and the coastal 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, temporary construction easements and temporary access 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 Rose Canyon 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-94-731
Aud.Cert:9301126
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CITY CLERKS OFFICE
SAN DIEGO, CA

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 9301126
 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 \$ 300,000.00 Fund 41506

Purpose Authorizing the expenditure of funds for Rose Canyon Trunk Sewer - Condemnation.

Date June 1, 1993

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	0		700	281	4639	171189				\$300,000.00
TOTAL AMOUNT										\$300,000.00

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 **283180**

DEC 07 1993

AC 9301126

S 500A

Passed and adopted by the Council of The City of San Diego on DEC 07 1993
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Harry Mathis	<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"/>
Christine Kehoe	<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"/>
Barbara Warden	<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"/>
Juan Vargas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Susan Golding	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 Number 283180 Adopted DEC 07 1993