

(R-94-1122)

RESOLUTION NUMBER R- 283474

ADOPTED ON MAR 01 1994

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 A PUBLIC STREET OR STREETS AND INCIDENTS AND APPURTENANCES THERETO, TOGETHER WITH PERMANENT EASEMENTS AND RIGHT-OF-WAY TO CONSTRUCT, RECONSTRUCT, MAINTAIN AND REPAIR EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES, INCLUDING ALL INCIDENTS THERETO, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG, AND ACROSS, PORTIONS OF PARCEL 1 OF PARCEL MAP NO. 8984 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO AUGUST 1, 1979, TOGETHER WITH PORTIONS OF LOT 2 IN BLOCK 1 OF RIDGEVIEW UNIT NO. 1, ACCORDING TO MAP THEREOF NO. 2816 FILED OCTOBER 5, 1951, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY TOGETHER WITH PORTIONS OF LOT 9 IN BLOCK 4 OF RIDGEVIEW UNIT NO. 1 ACCORDING TO MAP THEREOF NO. 2816 FILED OCTOBER 5, 1951 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO AND/OR EASEMENTS IN SAID PROPERTY FOR SAID PUBLIC STREET OR STREETS AND INCIDENTS AND APPURTENANCES THERETO, TOGETHER WITH EARTH EXCAVATIONS OR EMBANKMENTS, SLOPE OR SLOPES AND INCIDENTS THERETO, TOGETHER WITH THE RIGHT-OF-WAY FOR THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG, AND ACROSS SAID REAL PROPERTY; THAT THE PROPOSED 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 PROPERTY AND REJECTED; 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
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

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 public street or streets and incidents and appurtenances thereto, together with permanent easements and right-of-way to construct, reconstruct, maintain and repair earth excavations or embankments, slope or slopes, including all incidents thereto, together with the right of ingress and egress over, under, along, and across portions of parcel 1 of Parcel Map No. 8984 filed in the Office of the County Recorder of San Diego August 1, 1979, together with portions of Lot 2 in Block 1 of Ridgeview Unit No. 1, according to map thereof No. 2816 filed October 5, 1951, in the Office of the County Recorder of San Diego County, together with portions of Lot 9 in Block 4 of Ridgeview Unit No. 1 according to map thereof No. 2816 filed October 5, 1951, in the

Office of the County Recorder of San Diego County, 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 the City of San Diego, and the inhabitants of the City of San Diego, demand the acquisition and taking of fee title and/or easements in said property for the construction, improvement, operation and maintenance of a public street or streets and incidents and appurtenances thereto, together with permanent easements and right-of-way for earth excavation or embankments, slope or slopes, and all incidents 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 The City of San Diego has the power of eminent domain pursuant to, 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 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code; and Sections 37350.5 and 40404, Government Code.

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

THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 8984 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED AUGUST 1, 1979 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STREET DEDICATION IN FEE - FAIRMOUNT AVENUE (PARCEL "2A")

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID PARCEL 1; SAID POINT BEING ON A 770.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 69°13'41" WEST; THENCE LEAVING SAID 770.00 FOOT RADIUS CURVE ALONG THE NORTHERLY LINE OF SAID PARCEL 1 SOUTH 89°03'03" EAST (RECORD PER PARCEL MAP NO. 8984 SOUTH 89°33'40" EAST) 24.53 FEET TO A POINT ON A 608.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 63°26'25" WEST; THENCE SOUTHEASTERLY ALONG SAID 608.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 13°19'38" AN ARC LENGTH OF 141.42 FEET TO A POINT ON A 200.60 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT ON SAID 200.60 FOOT RADIUS CURVE BEARS SOUTH 26°33'31" WEST; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1 ON SAID 200.60 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 41°34'20" AN ARC LENGTH OF 145.55 FEET TO THE BEGINNING OF A 770.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE NORTHWESTERLY ON SAID 770.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 1°05'50" AN ARC LENGTH OF 14.75 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.061 ACRES.

SLOPE EASEMENT - (PARCEL "2B")

THE PERMANENT EASEMENT AND RIGHT-OF-WAY TO CONSTRUCT, RECONSTRUCT, MAINTAIN AND REPAIR AN EARTH EXCAVATION OR EMBANKMENT, SLOPE OR SLOPES 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 DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID PARCEL 1, SAID POINT BEING ON A 200.60 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 9°10'03" WEST; THENCE ALONG THE EASTERLY LINE OF SAID PARCEL 1 NORTH 10°13'01" WEST (RECORD PER PARCEL MAP NO. 8984, NORTH 10°41'22" WEST) 23.84 FEET; THENCE LEAVING SAID EASTERLY LINE NORTH 79°45'34" WEST 39.00 FEET; THENCE NORTH 50°16'13" WEST 48.00 FEET; THENCE NORTH 65°31'23" WEST 17.00 FEET TO A POINT ON A 608.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 55°57'18" WEST; THENCE SOUTHEASTERLY ALONG SAID 608.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 5°50'31" AN ARC LENGTH OF 61.99 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID PARCEL 1, SAID POINT BEING ON A 200.60 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 26°33'31" WEST; THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL 1 ON SAID 200.60 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 17°23'28" AN ARC LENGTH OF 60.89 FEET TO THE POINT OF BEGINNING.

SLOPE EASEMENT - (PARCEL "2B")

RESERVING UNTO THE GRANTOR HEREIN, HEIRS AND ASSIGNS THE CONTINUED USE OF THE ABOVE DESCRIBED PARCEL OF LAND SUBJECT TO THE FOLLOWING CONDITIONS: 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 PIPE LINES SHALL BE PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM THE CITY OF SAN DIEGO.

SAID PARCEL CONTAINING 0.040 ACRES.


KENT L. STURGEON, RCE/22449


5/20/97

W.O. NO. 118699
DWG. NO. 26064-1-D

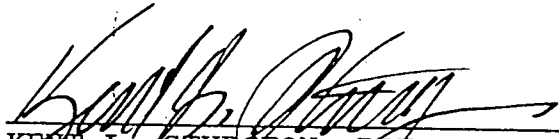


THAT PORTION OF LOT 2 IN BLOCK 1 OF RIDGE VIEW UNIT NO. 1 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2816, FILED OCTOBER 5, 1951, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STREET DEDICATION IN FEE - FAIRMOUNT AVENUE (PARCEL "4")

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2, SAID POINT LYING ON A 770.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 72°03'17" WEST; THENCE LEAVING SAID 770.00 FOOT RADIUS CURVE ALONG THE SOUTHERLY LINE OF SAID LOT 2 NORTH 72°54'27" EAST (RECORD PER MAP NO. 2816, NORTH 72°23'50" EAST) 18.98 FEET TO A POINT ON A 608.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 67°46'09" WEST; THENCE LEAVING SAID SOUTHERLY LINE NORTHWESTERLY ALONG SAID 608.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 5°39'29" AN ARC LENGTH OF 60.04 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 2, A RADIAL LINE TO SAID POINT BEARS SOUTH 73°25'38" WEST; THENCE LEAVING SAID 608.00 FOOT RADIUS CURVE ALONG THE NORTH LINE OF SAID LOT 2 SOUTH 72°53'17" WEST (RECORD PER MAP NO. 2816, SOUTH 72°22'40" WEST) 15.12 FEET TO THE NORTHWEST CORNER OF SAID LOT 2, SAID POINT BEING ON A 770.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH 76°31'09" WEST; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID LOT 2 ON SAID 770.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 4°27'52" AN ARC LENGTH OF 60.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.023 ACRES.


KENT L. STURGEON, RCE 22449

5/20/92

W.O. NO. 118699
DWG. NO. 26064-1-D



R- 283474

THAT PORTION OF LOT 9 IN BLOCK 4 OF RIDGE VIEW UNIT NO. 1 IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 2816, FILED OCTOBER 5, 1951, IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

STREET DEDICATION IN FEE - FAIRMOUNT AVENUE (PARCEL "15A")

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE ALONG THE WEST LINE OF SAID LOT 9, NORTH 8°56'43" WEST (RECORD PER MAP NO. 2816, 9°27'20" WEST) 36.05 FEET TO THE BEGINNING OF A TANGENT 330.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY; THENCE CONTINUING ALONG SAID WESTERLY LINE NORTHWESTERLY ON SAID 330.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 3°28'21" AN ARC LENGTH OF 20.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 9; A RADIAL LINE TO SAID POINT BEARS NORTH 77°34'56" EAST; THENCE LEAVING SAID WEST LINE ALONG THE NORTH LINE OF SAID LOT 9, NORTH 85°02'00" EAST (RECORD PER MAP NO. 2816, NORTH 84°29'53" EAST) 0.66 FEET TO A POINT ON A 542.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 69°00'07" EAST; THENCE LEAVING SAID NORTHERLY LINE SOUTHEASTERLY ALONG SAID 542.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 6°03'46" AN ARC LENGTH OF 57.35 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 9, A RADIAL LINE TO SAID POINT BEARS NORTH 75°03'53" EAST; THENCE ALONG SAID SOUTH LINE SOUTH 85°00'30" WEST (RECORD PER MAP NO. 2816, SOUTH 84°29'53" WEST) 9.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 0.007 ACRES.

SLOPE EASEMENT - (PARCEL "15B")

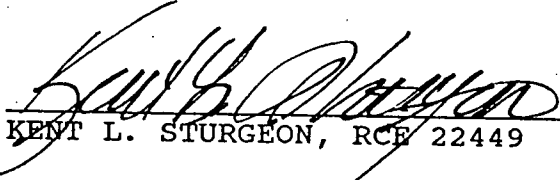
THE PERMANENT EASEMENT AND RIGHT-OF-WAY TO CONSTRUCT, RECONSTRUCT, MAINTAIN AND REPAIR AN EARTH EXCAVATION OR EMBANKMENT, SLOPE OR SLOPES INCLUDING ANY OR ALL INCIDENTS AND APPURTENANCES THERETO, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS, OVER, UNDER, UPON, ALONG AND ACROSS ALL THAT REAL PROPERTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 9; THENCE ALONG THE SOUTHERLY LINE OF SAID LOT 9 NORTH 85°00'30" EAST (RECORD PER MAP NO. 2816, NORTH 84°29'53" EAST) 9.06 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHERLY LINE NORTH 85°00'30" EAST 30.43; THENCE LEAVING SAID SOUTHERLY LINE NORTH 4°38'59" WEST 55.85 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 9; THENCE ALONG SAID NORTHERLY LINE SOUTH 85°02'00" WEST (RECORD PER MAP NO. 2816, SOUTH 84°29'53" WEST) 43.64 FEET TO A POINT ON A 542.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS NORTH 69°00'07" EAST; THENCE SOUTHEASTERLY ALONG SAID 542.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 6°03'46" AN ARC LENGTH OF 57.35 FEET TO THE TRUE POINT OF BEGINNING.

SLOPE EASEMENT - (PARCEL "15B")

RESERVING UNTO THE GRANTOR HEREIN, HEIRS AND ASSIGNS THE CONTINUED USE OF THE ABOVE DESCRIBED PARCEL OF LAND SUBJECT TO THE FOLLOWING CONDITIONS: 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 PIPE LINES SHALL BE PROHIBITED EXCEPT BY WRITTEN PERMISSION FROM THE CITY OF SAN DIEGO.

SAID PARCEL CONTAINING 0.047 ACRES.


KENT L. STURGEON, RCE 22449


5/20/92

W.O. NO. 118699
DWG. NO. 26064-2-D



R- 283474

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, improvement, operation and maintenance of a public street or streets and all incidents and appurtenances thereto, together with excavations or embankments, slope or slopes and incidents thereto, and right-of-way for the right of ingress and egress over, under, along, and across said real property, to serve the City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use 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 and Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code); that for such public use, it is necessary that The City of San Diego condemn and acquire said real property.

Section 6. That the proposed project for which this acquisition is being sought is to improve Fairmount Avenue between Home Avenue and Federal Boulevard; that the existing street alignment of this section of roadway contains steep grades which do not meet established criteria for collector street geometrics; and that the the acquisition will enable the City to provide a safer, more efficient street system for the community in the aera.

Section 7. That all of said real property and interests therein is to be used for the construction, improvement,

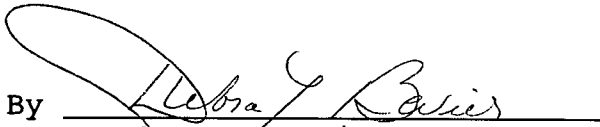
operation and maintenance of a public street or streets and incidents and appurtenances thereto, and are planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 8. 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 to be acquired.

Section 9. 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 certain real property as hereinbefore described in fee simple, and/or as easements, for the use of the City of San Diego to take immediate possession thereof pursuant to California Code of Civil Procedure section 1255.410.

APPROVED: John W. Witt, City Attorney

By


Debra J. Bevier
Deputy City Attorney

DJB:djr:Lit.
02/07/94
Or.Dept:Prop
Aud.Cert:
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