

RESOLUTION NUMBER R 284284
ADOPTED ON JUL 12 1994

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF PUBLIC STREETS AND INCIDENTS THERETO, TOGETHER WITH THE RIGHT-OF-WAY FOR THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG, AND ACROSS PORTIONS OF LOT 1 AND PORTIONS OF LOT 2 OF LA JOLLA PINES TECHNOLOGY CENTRE, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 12960, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 12, 1992, 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 PUBLIC STREETS AND INCIDENTS THERETO, TOGETHER WITH RIGHT-OF-WAY FOR THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG AND ACROSS SAID 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; THAT THE TAKING AND ACQUIRING OF SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS ARE DEEMED NECESSARY; THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; 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 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;

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 public streets and incidents and appurtenances thereto, together with the right-of-way for the right of ingress and egress over, under, along, and across portions of Lot 1 and portions of Lot 2 of La Jolla Pines Technology Centre, in the City of San Diego, County of San Diego, State of California, according to Map No. 12960, filed in the Office of the County Recorder of San Diego County, August 12, 1992, 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 in said property for the construction, improvement, operation and maintenance of public streets and incidents thereto, together with the right-of-way for the rights of ingress and egress over,

under, along and across portions of said real property as more particularly described hereinafter 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, of the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.420, 1240.610 and 1255.410 of the Code of Civil Procedure; Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code; and Sections 37350.5 and 40404 of the Government Code.

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

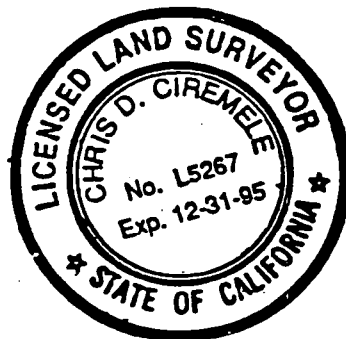
PARCEL "C" - NORTH TORREY PINES ROAD

Being a portion of Lot 2, La Jolla Pines Technology Centre, in the City of San Diego, County of San Diego, State of California, as shown on Map No. 12960 recorded August 12, 1992, in the Office of the County Recorder of said County, being more particularly described as follows:

Beginning at the Southwest corner of said Lot 2; thence along the Westerly line of said Lot 2 North 02°00'26" West (North 01°59'57" West record) 406.00 feet to the beginning of a tangent 1550.00 foot radius curve concave Westerly; thence Northerly along said curve through a central angle of 05°35'33" an arc distance of 151.29 feet to the Northwest corner of said Lot 2; thence leaving said Northwest corner South 08°23'18" East 124.18 feet to the beginning of a non-tangent 440.00 foot radius curve concave Southwesterly, to which a radial line bears North 74°04'23" East; thence Southerly along said curve through a central angle of 06°25'34" an arc distance of 49.35 feet; thence tangent to said curve South 09°30'03" East 71.00 feet to the beginning of a tangent 924.00 foot radius curve concave Northeasterly; thence Southerly along said curve through a central angle of 16°11'03" an arc distance of 261.00 feet to the beginning of a reverse 440.00 foot radius curve concave Southwesterly; thence Southerly along said 440.00 foot radius curve concave through a central angle of 07°07'24" an arc distance of 54.70 feet to the beginning of a non-tangent 929.00 foot radius curve concave Northeasterly to which a radial line to said 929.00 foot radius curve concave bears North 60°56'52" East; thence Southerly along said curve through a central angle of 00°53'43" an arc distance of 14.52 feet to the Southerly line of said Lot 2; thence along the Southerly line of said Lot 2 South 87°59'34" West (South 88°00'03" West record) 120.24 feet to the Point of Beginning.

Containing 0.518 acres.

Chris D. Ciremele
Chris D. Ciremele 04-05-94
L.S. 5267



R-284284

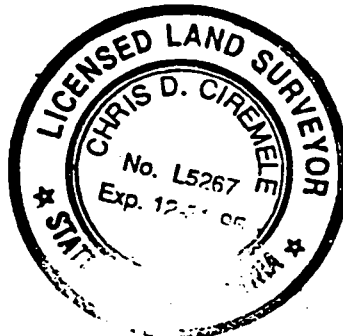
PARCEL "D" - GENESEE AVENUE

Being a portion of Lot 1, La Jolla Pines Technology Centre, in the City of San Diego, County of San Diego, State of California, as shown on Map No. 12960 recorded August 12, 1992, in the Office of the County Recorder of said County, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence along the Northerly line of said Lot 1 North 87°59'34" East (North 88°00'03" East record) 120.24 feet to the beginning of a non-tangent 929.00 foot radius curve concave Northeasterly, a radial line to said curve bears South 60°03'09" West; thence Southeasterly along said curve through a central angle of 23°12'33" an arc distance of 376.32 feet to the beginning of a compound 40.00 foot radius curve concave Northerly; thence Southeasterly, Westerly, Northeasterly, and Northerly along said curve through a central angle of 131°11'07" an arc distance of 91.58 feet to the Westerly Right-of-way of John Jay Hopkins Drive as dedicated per said Map No. 12960; thence non-tangent to said curve along said Westerly Right-of-way South 04°20'31" East (South 04°20'22" East record) 87.19 feet to the beginning of a tangent 20.00 foot radius curve concave Northwesterly; thence Southerly, Southwesterly, and Westerly along said curve through a central angle of 110°12'35" an arc distance of 38.47 feet; thence non-tangent to said curve along the Southerly line of said Lot 1 North 74°07'53" West 212.34 feet (North 74°07'56" West 212.45 feet record) to the beginning of a tangent 288.00 foot radius curve concave Northeasterly; thence Northwesterly along said curve, also being the Southwesterly line of said Lot 1 through a central angle of 67°20'57" an arc distance of 338.53 feet (67°20'48" 338.52 feet record) to a point on the Westerly line of said Lot 1; thence tangent to said curve along said Westerly line North 02°00'26" West 47.10 feet (North 01°59'57" West 47.06 feet record) to the Point of Beginning.

Containing 1.417 acres.

Chris D. Ciremele
Chris D. Ciremele 08-19-93
L.S. 5267



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 public streets and incidents and appurtenances thereto, together with right-of-way for the right of ingress or 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, 1240.420, 1240.610 and 1255.410 of the Code of Civil Procedure; Sections 37350.5 and 40404 of the 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 enable the City to reconstruct Genesee Avenue at the Torrey Pines Road intersection, widening the intersection to a 6-lane status as it is currently classified in the Community Plan; and that the acquisition will enable the City of San Diego to provide a safer, more efficient street system for the community in the area.

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

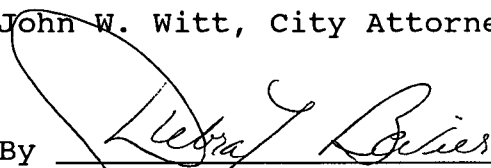
operation and maintenance of public streets and incidents and appurtenances thereto, and are planned and located in a manner most compatible with the greatest public good and the least private injury.

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 and existing improvements as hereinbefore described in fee simple for the use of the City of San Diego to take immediate possession thereof.

APPROVED:

John W. Witt, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:djr:Lit.
05/31/94
Or.Dept:Prop
R-94-1888
Aud.Cert:9401138
Form:r.stimprov

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9401138

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 \$ 2,000,000.00 Fund 30244 / 79001

Purpose Authorizing the expenditure of funds from CIP 52-471.0, North Torrey Pines Road at Genesee Avenue Intersection, for acquisition of property rights and related costs.

Date May 17, 1994

By: *Kim Sang Joo*
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	30244	30244	107	4279	524710		79001		\$2,000,000.00
TOTAL AMOUNT										\$2,000,000.00

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 284284

JUL 12 1994