

RESOLUTION NUMBER R- **284732**
ADOPTED ON OCT 04 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 A PUBLIC STREET OR STREETS AND INCIDENTS THERETO, TOGETHER WITH THE RIGHT-OF-WAY FOR THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG, AND ACROSS PORTIONS OF LOTS 11, 12, 35 AND 36 IN BLOCK 50 OF PARK VILLAS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 438, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 14, 1887, INCLUDING THAT PORTION OF THE ALLEY IN SAID BLOCK 50 VACATED BY RESOLUTION NO. 195744 BY THE COUNCIL OF THE CITY OF SAN DIEGO, A COPY OF WHICH WAS RECORDED JANUARY 16, 1969 AS FILE NO. 9484 OF OFFICIAL RECORDS; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO SAID PROPERTY FOR SAID PUBLIC STREET OR 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 AND EASEMENT 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 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;

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 the right-of-way for the right of ingress and egress over, under, along, and across portions of Lots 11, 12, 35 and 36 in Block 50 of PARK VILLAS, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 438, filed in the Office of the County Recorder of San Diego County, October 14, 1887, including that portion of the alley in said Block 50 vacated by Resolution No. 195744 by the Council of the City of San Diego, a copy of which was recorded January 16, 1969 as File No. 9484 of Official Records, 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 easements in said property for the construction, improvement, operation and maintenance of a public street or 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:

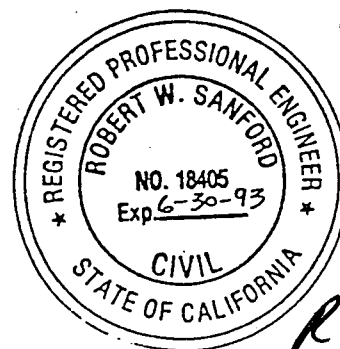
PARCEL "A":

All that portion of Lots 11, 12, 35 and 36 in Block 50 of PARK VILLAS, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 438, filed in the Office of the County Recorder of San Diego County, October 14, 1887, including that portion of the alley in said Block 50 vacated by Resolution No. 195744 by the Council of the City of San Diego, a copy of which was recorded January 16, 1969 as File No. 9484 of Official Records, being described as follows:

COMMENCING at the Southwest corner of Lot 16 of said Block 50; thence along the Westerly line of Lots 16, 15, 14, 13 and 12 of said Block 50, North $00^{\circ} 00' 00''$ East, 103.00 feet to the TRUE POINT OF BEGINNING; thence continuing along said Westerly line, North $00^{\circ} 00' 00''$ East, 3.00 feet to the beginning of a tangent curve, concave Southeasterly and having a radius of 20.00 feet; thence leaving said Westerly line and along said curve Northeasterly, 31.34 feet through a central angle of $89^{\circ} 47' 26''$ to the Southerly line of University Avenue; thence along said Southerly line, North $89^{\circ} 47' 26''$ East, 161.54 feet to the beginning of a tangent 20.00 foot radius curve, concave to the Southwest; thence leaving said Southerly line, Southeasterly, along said curve, through a central angle of $74^{\circ} 02' 30''$, a distance of 25.85 feet to the Westerly line of Boundary Street as dedicated per deed recorded July 16, 1986 as File No. 86-293415 of Official Records; thence along said Westerly line, South $16^{\circ} 10' 04''$ East, 3.12 feet to a point of cusp with a tangent 20.00 foot radius curve, concave to the Southwest; thence leaving said Westerly line, Northwesterly, along said curve, through a central angle of $74^{\circ} 02' 30''$, a distance of 25.85 feet; thence South $89^{\circ} 47' 26''$ West, 162.41 feet to the beginning of a tangent curve, concave Southeasterly and having a radius of 20.00 feet; thence along said curve Southwesterly, 31.34 feet through a central angle of $89^{\circ} 47' 26''$ to the TRUE POINT OF BEGINNING.


Robert W. Sanford R.C.E. 18405

W.O. 119688
CITY DWG. NO. 26788-1-D



R 284732

Section 5. That the taking and acquiring by said City of the real property and easements hereinabove described is deemed necessary for the construction, improvement, operation and maintenance of a public street or 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 widen University Avenue on the south side between Bancroft and Boundary Streets to provide a dedicated right-turn lane for vehicles heading for I-805 South which will free up the previously congested second lane of University Avenue eastbound; to provide an additional right-turn lane just east of I-805 on the south side

on University Avenue to remove congestion and improve traffic flow on eastbound University Avenue so vehicles headed for the I-805 northbound ramp can use the new lane instead of the number two lane of University Avenue; 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 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 and existing improvements as

hereinbefore described in fee simple in said property for the use
of the City of San Diego to take immediate possession thereof.

APPROVED:

John W. Witt, City Attorney

By 
Debra Bevier
Deputy City Attorney

DJB:djk:djr:Lit.
08/24/94
Or.Dept:Prop
R-95-342
Aud.Cert:9401252
Form:r.stimprov

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9401252

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 30244 / 30300

Purpose Authorizing the expenditure of funds for acquisition of property rights in CIP 52-462.0, University Ave./Lincoln Ave. Two-way Couplet System.

Date June 17, 1994 By: *Kim Sang Yju*
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	524620		30300		\$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

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OCT 04 1994