

RESOLUTION NUMBER R-284734

ADOPTED ON OCTOBER 4, 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 THE HOME AVENUE TRUNK SEWER PROJECT, 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 MID-CITY COMMUNITY AREA IN THE CITY OF SAN DIEGO; THAT SAID PUBLIC SEWER OR SEWERS WILL NECESSARILY REQUIRE THE ACQUISITION OF A PERMANENT SEWER EASEMENT AND A TEMPORARY RIGHT OF ENTRY PERMIT OVER, UNDER, ALONG AND ACROSS PORTIONS OF LOT 17, BLOCK "F" OF OAK PARK, ACCORDING TO MAP THEREOF NO. 1732 FILED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF SAN DIEGO, IN THE CITY 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 Home Avenue Trunk Sewer project, 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 Mid-City Community Area in the City of San Diego for the inhabitants thereof, in a portion of Lot 17, Block "F" of Oak Park, according to map thereof No. 1732 filed in the office of the County Recorder of the County of San Diego, 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 a permanent sewer easement and a temporary right of entry permit 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:

**PARCEL "A"  
SEWER EASEMENT**

THAT PORTION OF LOT 17, BLOCK "F", OF OAK PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1732, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 22, 1922, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 17; THENCE ALONG THE NORTHERLY LINE THEREOF, NORTH 75°17' EAST, 20.00 FEET; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 14°43' EAST, 147.28 FEET; THENCE SOUTH 55°01'09" WEST, 21.32 FEET TO A POINT IN THE WESTERLY LINE OF SAID LOT 17; THENCE ALONG SAID WESTERLY LINE, NORTH 14°43' WEST, 154.66 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THAT CERTAIN EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO PER DOCUMENT RECORDED AUGUST 12, 1940 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN BOOK 1065, PAGE 9, OF OFFICIAL RECORDS.

SAID PARCEL OF LAND CONTAINS 2806.9 SQ.FT. MORE OR LESS

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

*Mary M. Acosta*  
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MARY M. ACOSTA, PLS 6664  
LICENSE EXPIRATION DATE: 06/30/96



W.O. NO. 170821  
DWG NO. 18290-B

R-284734

**PARCEL "B"**  
**TEMPORARY CONSTRUCTION AREA**

A STRIP OF LAND 20.00 FEET IN WIDTH LYING WITHIN THAT PORTION OF LOT 17, BLOCK "F", OF OAK PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 1732, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JUNE 22, 1922, SAID STRIP LYING 20.00 FEET NORTHEASTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 17; THENCE ALONG THE NORTHERLY LINE THEREOF, NORTH 75°17' EAST, 92.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERLY LINE, SOUTH 14°43' EAST, 106.82 FEET TO A POINT IN THE NORTHERLY LINE OF THAT CERTAIN EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO PER DOCUMENT RECORDED AUGUST 12, 1940 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN BOOK 1065, PAGE 9, OF OFFICIAL RECORDS, SAID POINT BEING THE POINT OF TERMINUS.

THE SIDELINES OF SAID 20.00 STRIP ARE TO BE EXTENDED OR SHORTENED TO TERMINATE ON THE NORTH IN THE NORTHERLY LINE OF SAID LOT 17, AND ON THE SOUTH IN SAID NORTHERLY LINE OF SAID EASEMENT IN FAVOR OF THE CITY OF SAN DIEGO.

SAID PARCEL OF LAND CONTAINS 2064.2 SQ.FT. MORE OR LESS

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

*Mary M. Acosta*

MARY M. ACOSTA, PLS 6664  
LICENSE EXPIRATION DATE: 06/30/96



W.O. NO. 170821  
DWG NO. 18290-B

Section 5. That the taking and acquiring by said City of the permanent sewer easement and temporary right of entry permit 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 Mid-City Community area, 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 easement and temporary right of entry permit; 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 Home Avenue Trunk Sewer project, 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.

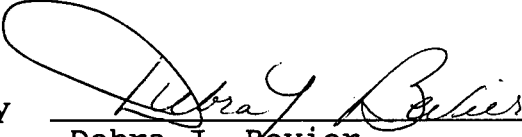
Section 7. That the City Attorney of The City of San Diego be, and he is hereby authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name and on behalf of The City of San Diego, against all owners and claimants to an

interest in the above-described real property, for the purpose of condemning and acquiring the easements 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

DJB/djk/djr/Lit  
08/24/94  
10/28/94 COR.COPY  
3/29/95 REV.1  
Or.Dept:Prop  
Aud.Cert:none  
R-95-0340  
Form=r.sewer