

RESOLUTION NUMBER R- 285000

ADOPTED ON NOV 29 1994

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF PROPERTY KNOWN AS PENASQUITOS CANYON PRESERVE PROJECT FOR OPEN SPACE PURPOSES, LOCATED IN DEL MAR MESA, 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 SIMPLE ABSOLUTE TO SAID PROPERTY FOR SAID OPEN SPACE PROJECT; THAT SAID PROPERTY IS DEEMED NECESSARY AS AN EXTENSION OF THE LOS PENASQUITOS CANYON PRESERVE AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE RECORD OWNER OF SAID PROPERTY AND THE OFFER REJECTED; 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; 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 acquisition of property known as Penasquitos Canyon Preserve #8 for open space purposes, as more particularly described hereinafter, and that the City Council has found and determined the foregoing.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee simple absolute to said property for the retention of open space and extension of the Los Penasquitos Canyon Preserve, said real property lies 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; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, and 40401(b), Government Code; and, Section 61.0601, et seq., San Diego Municipal Code, permit the acquisitions referenced herein.

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

## DESCRIPTION

THE NORTH HALF OF LOT 4 (THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER) IN SECTION 23, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

EXCEPTING THAT PORTION OF THE NORTH HALF OF LOT 4 (SOUTHWEST QUARTER OF THE NORTHWEST QUARTER) IN SECTION 23, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, INCLUDED WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND:

COMMENCING AT AN OLD HUB IN ROCK MOUND ACCEPTED AS MARKING THE NORTHWEST CORNER OF SAID SECTION 23; THENCE (1) SOUTH 27° 17' 11" EAST, 1076.94 FEET TO THE TRUE POINT OF BEGINNING; THENCE (2) NORTH 58° 20' 06" EAST, 196.21 FEET; THENCE (3) SOUTH 44° 53' 05" EAST, 351.43 FEET; THENCE (4) SOUTH 77° 27' 16" EAST, 372.90 FEET; THENCE (5) SOUTH 39° 52' 19" EAST, 343.69 FEET; THENCE (6) SOUTH 60° 01' 25" WEST, 112.47 FEET; THENCE (7) ALONG A TANGENT CURVE TO THE RIGHT, WITH A RADIUS OF 1000 FEET, THROUGH AN ANGLE OF 14° 46' 40", A DISTANCE OF 257.92 FEET; THENCE (8) NORTH 40° 52' 02" WEST, 213.88 FEET; THENCE (9) NORTH 27° 27' 55" WEST, 226.56 FEET; THENCE (10) NORTH 75° 25' 33" WEST, 361.64 FEET; THENCE (11) NORTH 20° 01' 52" WEST, 204.36 FEET TO THE TRUE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTION ARE ON THE CALIFORNIA COORDINATE SYSTEM, ZONE 6. MULTIPLY ALL DISTANCES USED IN THE ABOVE DESCRIPTION BY 1.000325 TO OBTAIN GROUND LEVEL DISTANCES.

Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the extension of the Los Penasquitos Canyon Preserve, for the preservation of said land in its natural condition, for municipal purposes; that such use is a public use authorized by law (Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.680, and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, and 40401(b), Government Code; and, Section 61.0601, et seq., San Diego Municipal Code); that for such public use, it is necessary that The City of San Diego condemn and acquire said real property; that said real property is to be used for the addition of the Los Penasquitos Canyon Preserve for open space purposes which is planned and located in a manner most compatible with the greatest public good and the least private injury, and that the City Council has so found and determined all of the foregoing.

Section 6. That the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

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 fee 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

DJB:djr:Lit  
10/03/94  
Or.Dept:Park & Rec.  
Aud.Cert:9300577  
R-95-580  
Form=r.opnspc

CERTIFICATE OF UNALLOTTED BALANCE AC 9300577

ORIGINATING DEPT. NO.: 441

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 \$ 675,000.00 Fund 79104

Purpose Authorizing the expenditure of funds for the acquisition of 18.72 acres of open space for Las Penasquitos Canyon Preserve - North #8.

Date December 10, 1992 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	79104	79104	101	4638	028306				\$675,000.00
TOTAL AMOUNT										\$675,000.00

**CERTIFICATION OF UNENCUMBERED BALANCE**

FUND OVERRIDE

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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