

RESOLUTION NUMBER R- 285179

ADOPTED ON JAN 10 1995

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 LA JOLLA SHORES PIPELINE PHASE II PROJECT, A PUBLIC WATER PIPELINE, AND ALL INCIDENTS AND APPURTENANCES THERETO TO PROVIDE A MORE EFFICIENT WATER DISTRIBUTION SYSTEM, AND TO ENABLE THE CITY TO PROVIDE FOR WATER NEEDS FOR THE LA JOLLA COMMUNITY AREA AND TO PROVIDE A NEEDED REDUNDANT SOURCE OF SUPPLY FROM THE NORTH FOR SOLEDAD MOUNTAIN AND ITS SURROUNDING AREA IN THE CITY OF SAN DIEGO; THAT SAID PUBLIC WATER PIPELINE WILL NECESSARILY REQUIRE THE ACQUISITION OF A PERMANENT WATER EASEMENT, OVER, UNDER, ALONG AND ACROSS PORTIONS OF REAL PROPERTY LOCATED IN A PORTION OF LOT 33 IN BLOCK 45 OF LA JOLLA PARK MAP 352, ALL IN THE CITY OF SAN DIEGO, COUNTY 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 EASEMENT 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 EASEMENT 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 La Jolla Shores Pipeline Phase II project, a public water pipeline and all incidents and appurtenances thereto, to serve and maintain the water flow to enhance the water distribution system in La Jolla, to enable the City to provide for ultimate water needs for the La Jolla Community area and to provide a much needed redundant source of supply from the North for Soledad Mountain and its surrounding area, in the City of San Diego for the inhabitants thereof, in portions of property located in a portion of Lot 33 in Block 45 of La Jolla Park Map 352, 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 said City, and the inhabitants thereof, demand the acquisition and taking of a permanent water easement, in said property for the construction, operation and maintenance of a public water pipeline 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 Sections 1 and 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 and 38730 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:

WATER EASEMENT

THAT PORTION OF COWRIE STREET ( FORMERLY CAVE STREET ) AS CLOSED AND VACATED TO PUBLIC USE PER CITY OF SAN DIEGO COUNCIL RESOLUTION NO. 25823 ADOPTED SEPTEMBER 13, 1920 AND CORRECTED BY RESOLUTION NO. 27857 ADOPTED JUNE 19, 1922 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST EASTERLY CORNER OF LOT 33 IN BLOCK 45 OF LA JOLLA PARK MAP NO. 352 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MARCH 22, 1887, SAID CORNER ALSO BEING A POINT ON THE SOUTHWESTERLY LINE OF SAID COWRIE STREET AS CLOSED AND VACATED BY SAID RESOLUTIONS; THENCE ALONG SAID SOUTHWESTERLY LINE SOUTH 47° 56'56" EAST 11.34 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE SOUTH 47°56'56" EAST 28.46 FEET; THENCE LEAVING SAID SOUTHWESTERLY LINE NORTH 42°03'04" EAST 5.95 FEET; THENCE NORTH 16°16'55" WEST 64.87 FEET TO THE NORTHEASTERLY LINE OF THE SOUTHWESTERLY 40.00 FEET OF SAID COWRIE STREET AS CLOSED AND VACATED BY SAID RESOLUTIONS; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 47°56'56" WEST 9.82 FEET TO A POINT ON THE SOUTHERLY LINE OF TORREY PINES ROAD ( FORMERLY STATE STREET ) AS SHOWN ON SAID MAP NO. 352, SAID POINT ALSO BEING ON A 80.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID CURVE BEARS SOUTH 04°52'36" EAST; THENCE WESTERLY ALONG SAID CURVE 15.54 FEET THROUGH A CENTRAL ANGLE OF 11°07'59"; THENCE LEAVING SAID SOUTHERLY LINE SOUTH 16°16'55" EAST 56.66 FEET TO THE TRUE POINT OF BEGINNING.

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



LEROY C. HENNES, DEPUTY CITY ENGINEER  
L.S. NO. 4804



W.O. NO. 181351  
DWG. NO. 18174-B

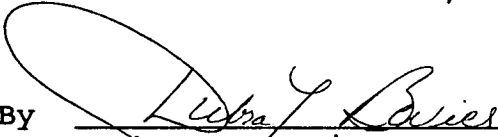
Section 5. That the taking and acquiring by said City of the permanent water easement hereinabove described is deemed necessary for the construction, operation and maintenance of a public water pipeline and all incidents and appurtenances thereto to provide capacity relief for the existing lines, and to enable the City to provide for ultimate water needs for the La Jolla 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 (Sections 1 and 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 and 38730, Government Code); that for such public use, it is necessary that The City of San Diego condemn and acquire said permanent water easement; that said real property is to be used for the construction, operation and maintenance of a public water pipeline and all incidents and appurtenances thereto, for the La Jolla Shores Pipeline, Phase II 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 property and easement as above described and obtaining immediate possession of said parcel for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By   
Debra J. Bevier  
Deputy City Attorney

DJB/djr/Lit  
11/07/95  
Or.Dept:Prop  
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Form=r.sewer