

RESOLUTION NUMBER R- 286116

ADOPTED ON JUL 18 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 EXPANSION OF THE MID-CITY POLICE SUBSTATION PROJECT TO ENABLE THE CITY TO PROVIDE A FULL SERVICE POLICE STATION TO THE AREA WHICH WILL REDUCE RESPONSE TIMES AND LOCATE THE OFFICERS CHARGED WITH PROTECTING CITY HEIGHTS AND THE ADJACENT COMMUNITIES THAT THEY SERVE IN THE CITY OF SAN DIEGO; THAT SAID EXPANSION OF THE MID-CITY POLICE SUBSTATION WILL NECESSARILY REQUIRE THE ACQUISITION OF REAL PROPERTY LOCATED IN THE CITY HEIGHTS AREA, ALL IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, 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 REAL PROPERTY 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 REAL 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,

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 Expansion of the Mid-City Police Substation Project which will enable the City to provide a full service police station to the area, which will reduce response times and locate the officers charged with protecting the inhabitants of City Heights and the adjacent communities that they serve, 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 said property for the construction, operation and maintenance of the Expansion of the Mid-City Police Substation Project; 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 Section 37350.5 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:

LOTS 45 TO 48, INCLUSIVE, BLOCK 74, CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON OCTOBER 3, 1906.

EXCEPTING THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF SAID LOT 48; THENCE SOUTHERLY, ALONG THE EASTERLY LINES OF SAID LOTS 45, 46, 47 AND 48, A DISTANCE OF 100.00 FEET TO THE SOUTHEASTERLY CORNER OF SAID LOT 45; THENCE WESTERLY, ALONG THE SOUTHERLY LINE OF SAID LOT 45, A DISTANCE OF 5.00 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND DISTANT 5.00 FEET WESTERLY, MEASURED AT RIGHT ANGLES FROM THE EASTERLY LINES OF SAID LOTS 45 THROUGH 48; THENCE NORTHERLY, ALONG SAID PARALLEL LINE, A DISTANCE OF 85.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 15.00 FEET; THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90° 00' 00", A DISTANCE OF 23.56 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF SAID LOT 48; THENCE EASTERLY ALONG SAID NORTHERLY LINE, 20.00 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH THE SOUTH ONE-HALF OF WHITMAN ADJOINING SAID LOTS ON THE NORTH WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

ALSO

TOGETHER WITH THE EAST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

R-286116

DYNAMIC INVESTORS GROUP

THE WEST 75 FEET OF LOT 4 AND THE SOUTH 9 FEET OF THE WEST 75 FEET OF LOT 3 IN BLOCK 74 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER, OCTOBER 3, 1906.

TOGETHER WITH THE EAST ONE-HALF OF 43RD STREET ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

OSEGUERA

THE SOUTH 16 2/3 FEET OF LOT 6 AND THE NORTH 16 2/3 FEET OF LOT 7 IN BLOCK 74 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

TOGETHER WITH THE EAST ONE-HALF OF 43RD ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

ALSO

TOGETHER WITH THE WEST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE EAST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

RICH/BATES

LOTS 41 TO 44 INCLUSIVE, IN BLOCK 74 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

EXCEPTING THE EAST 5 FEET THEREOF.

TOGETHER WITH THE EAST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

LEZAMA

LOT 5 AND THE NORTH 8-1/3RD FEET OF LOT 6 IN BLOCK 74 OF CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

TOGETHER WITH THE EAST ONE-HALF OF 43RD STREET ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

ALSO

TOGETHER WITH THE WEST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE EAST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

SAN DIEGO AIKIKAI CORP.

LOTS 39 AND 40 IN BLOCK 74 OF CITY HEIGHTS IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

EXCEPTING THE EASTERLY 5 FEET OF SAID LOTS.

TOGETHER WITH THE EAST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

HOYT

THE SOUTH 17 FEET OF THE WEST 60 FEET OF LOT 2, AND NORTH 16 FEET OF THE WEST 60 FEET OF LOT 3, BLOCK 74, CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

TOGETHER WITH THE EAST ONE-HALF OF 43RD STREET ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

THE EAST 32 FEET OF LOTS 1 AND 2, AND THE NORTH 15 FEET OF THE EAST 32 FEET OF LOT 3 IN BLOCK 74 OF CITY HEIGHTS, ACCORDING TO AMENDED MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

ALSO THAT PORTION OF THE SOUTH 10 FEET OF SAID LOT 3, WHICH LIES SOUTHERLY OF THE SOUTH LINE OF THE NORTH 15 FEET OF SAID LOT 3 (EXCEPTING THE WEST 60 FEET THEREOF, AND ALSO EXCEPTING THE SOUTH 9 FEET OF THE EAST 15 FEET OF THE WEST 75 FEET THEREOF, AND THAT PORTION OF THE EAST 50 FEET OF LOT 4, WHICH LIES EASTERLY OF THE EASTERLY LINE OF THE WEST 75 FEET OF SAID LOT 4, ALL IN SAID BLOCK 74.

TOGETHER WITH THE SOUTH ONE-HALF OF WHITMAN ADJOINING SAID LOTS ON THE NORTH WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

ALSO

TOGETHER WITH THE WEST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE EAST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

OTTO

LOT 9 AND THE NORTH HALF OF LOT 10 IN BLOCK 74 OF THE CITY HEIGHTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1007, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 3, 1906.

TOGETHER WITH THE EAST ONE-HALF OF 43RD ADJOINING SAID LOTS ON THE WEST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

ALSO

TOGETHER WITH THE WEST ONE-HALF OF ALLEY ADJOINING SAID LOTS ON THE EAST WHICH, UPON VACATION, WOULD REVERT TO SAID LOTS BY OPERATION OF LAW.

Section 5. That the taking and acquiring by City of said real property hereinabove described is deemed necessary for the construction, operation and maintenance of the Expansion of the Mid-City Police Substation Project which will enable the City to provide a full service police station to the area, which will reduce response times and locate the officers charged with protecting the inhabitants of City Heights and the adjacent communities that they serve, in the City of San Diego; 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 Section 37350.5, Government 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 construction, operation and maintenance of the Expansion of the Mid-City Police Substation Project, which is planned and located in a manner most compatible with the greatest public good and the least private injury.

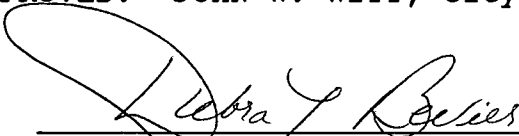
Section 6. That an offer to acquire the property, pursuant to Government Code Section 7267.2, at the appraised fair market value has been made to the owners of record of the property.

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 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
06/07/95
06/12/95 COR.COPY
Or.Dept:Prop
Aud.Cert:AC9501208
Form=r.sewer

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

CERTIFICATE OF UNALLOTTED BALANCE AC 9501208

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 \$ 1,760,000.00 Fund 18510

Purpose Authorizing the acceptance of a HUD Section 108 Loan for the Mid-City Police Substation; amending the City CIP budget to include said funds; authorizing the expenditure of \$1,760,000 for the acquisition of real and personal property and related costs.

Date June 2, 1995 By: Josie Ruiz

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	18510			9544					\$1,760,000.00
TOTAL AMOUNT										\$1,760,000.00

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

AC 9501208