

286452

RESOLUTION NUMBER R-

ADOPTED ON OCT 17 1995

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 LOT 82 AND PORTIONS OF LOTS 86, 87, 88, 89, 90, 92 AND 93 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO AND EASEMENTS IN 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 EASEMENTS UNDER EMINENT DOMAIN PROCEEDINGS; THAT THE TAKING AND ACQUIRING OF SAID PROPERTY AND EASEMENTS 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 Lot 82 and portions of Lots 86, 87, 88, 89, 90, 92 and 93 of Alvarado Unit No. 2, in the City of San Diego, County of San Diego, State of California, according to map No. 2823, filed in the Office of the Recorder of San Diego County, 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 particularity 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:

LAMBRON FAMILY TRUST PROPERTY

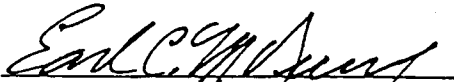
LEGAL DESCRIPTION

FEE (PARCEL 1.)

THAT PORTION OF LOT 87 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF SAID LOT 87; SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1540.00 FEET, SAID CURVE ALSO BEING CONCENTRIC WITH AND DISTANT 50.00 FEET NORTHEASTERLY FROM THE CENTERLINE OF MONTEZUMA ROAD AS SHOWN ON THE MAP OF TALMADGE CANYON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 11454 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY FEBRUARY 25, 1986, A RADIAL BEARING TO SAID BEGINNING BEARS NORTH 21°39'24" EAST; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 87 AND CURVE THROUGH A CENTRAL ANGLE OF 01°52'26" AN ARC DISTANCE OF 50.37 FEET TO A POINT ON THE NORTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337 PAGE 303 OF OFFICIAL RECORDS; THENCE LEAVING SAID SOUTHWESTERLY LINE AND CURVE AND ALONG THE NORTHWESTERLY LINE OF SAID PARCEL AS DESCRIBED IN THE DEED ABOVEMENTIONED NORTH 26°42'31" EAST 4.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1544.00 FEET, SAID CURVE BEING CONCENTRIC WITH AND DISTANT 54.00 FEET NORTHEASTERLY FROM SAID CENTERLINE OF MONTEZUMA ROAD, A RADIAL BEARING TO SAID BEGINNING BEARS NORTH 19°48'03" EAST; THENCE LEAVING SAID NORTHWESTERLY LINE AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°52'02" AN ARC DISTANCE OF 50.32 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 87; THENCE ALONG SAID LINE SOUTH 26°05'10" WEST (SOUTH 24°36'01" WEST RECORD) 4.01 FEET TO THE POINT OF BEGINNING.

CONTAINING 201 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



GREGORY T. LAMBRON FAMILY TRUST PROPERTY

SLOPE EASEMENT (PARCEL 1A)

THAT PORTION OF LOT 87 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 87, SAID POINT BEING NORTH 26°05'10" EAST, 4.01 FEET ALONG SAID SOUTHEASTERLY LOT LINE FROM THE SOUTHERLY CORNER OF SAID LOT 87, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1544.00 FEET, A RADIAL BEARING TO SAID POINT BEARS NORTH 21°40'06" EAST, THENCE LEAVING SAID SOUTHEASTERLY LOT LINE AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°52'02" AN ARC DISTANCE OF 50.32 FEET TO A POINT ON THE SOUTHWESTERLY LINE OF SAID LOT 87;

THENCE ALONG SAID SOUTHWESTERLY LOT LINE NORTH 26°42'31" EAST, 17.19 FEET TO AN ANGLE POINT ON SAID SOUTHWESTERLY LOT LINE;

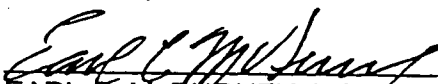
THENCE CONTINUING ALONG SAID SOUTHWESTERLY LOT LINE NORTH 64°23'14" WEST, 79.59 FEET;

THENCE LEAVING SAID SOUTHWESTERLY LOT LINE SOUTH 77°14'37" EAST, 36.09 FEET;

THENCE SOUTH 64°10'04" EAST, 94.38 FEET TO A POINT ON SAID SOUTHEASTERLY LOT LINE;

THENCE ALONG SAID SOUTHEASTERLY LOT LINE SOUTH 26°05'10" WEST, 20.58 FEET TO THE POINT OF BEGINNING.

CONTAINS 1627 SQUARE FEET MORE OR LESS.

  
EARL C. MCBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



GREGORY T. LAMBRON FAMILY TRUST PROPERTY

J.N. 5511.1367  
APRIL 6, 1996

SLOPE EASEMENT (PARCEL 7)

THAT PORTION OF LOT 90 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

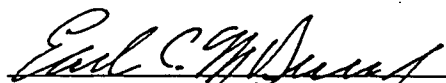
BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LOT 90 AND THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS, THENCE ALONG SAID NORTHWESTERLY LOT LINE NORTH 50°21'35" EAST, 20.49 FEET;

THENCE LEAVING SAID NORTHWESTERLY LOT LINE SOUTH 60°38'46" EAST, 21.38 FEET;

THENCE SOUTH 22°54'52" EAST, 84.11 FEET TO A POINT ON SAID NORTHEASTERLY PARCEL LINE;

THENCE ALONG SAID NORTHEASTERLY PARCEL LINE NORTH 41°53'14" WEST, 100.59 FEET TO THE POINT OF BEGINNING.

CONTAINING 1580 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



LEGAL DESCRIPTION

SLOPE EASEMENT (PARCEL 9)

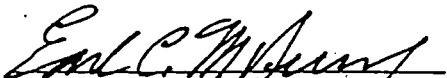
THAT PORTION OF LOT 89 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

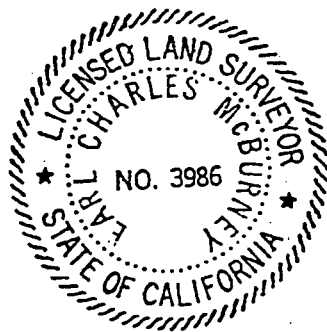
BEGINNING AT A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 89, DISTANT THEREON NORTH 25°23'20" EAST (NORTH 23°54'14" EAST RECORD), 85.09 FEET ALONG SAID SOUTHEASTERLY LOT LINE FROM THE SOUTHERLY CORNER OF SAID LOT 89; SAID POINT ALSO BEING A POINT ON THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS, THENCE LEAVING SAID SOUTHEASTERLY LOT LINE AND ALONG SAID NORTHEASTERLY PARCEL LINE NORTH 44°43'49" WEST, 35.00 FEET;

THENCE LEAVING SAID NORTHEASTERLY PARCEL LINE SOUTH 89°24'55" EAST, 36.26 FEET TO A POINT ON SAID SOUTHEASTERLY LOT LINE;

THENCE ALONG SAID SOUTHEASTERLY LOT LINE SOUTH 25°23'20" WEST, 27.11 FEET TO THE POINT OF BEGINNING.

CONTAINING 446 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



LEGAL DESCRIPTION

SLOPE EASEMENT (PARCEL 10)

THAT PORTION OF LOT 88 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF SAID LOT 88, DISTANT THEREON NORTH 25°23'20" EAST (NORTH 23°54'14" EAST RECORD), 85.09 FEET ALONG SAID NORTHWESTERLY LOT LINE FROM THE WESTERLY CORNER OF SAID LOT 88, THENCE ALONG SAID NORTHWESTERLY LOT LINE NORTH 25°23'20" EAST, 27.11 FEET;

THENCE LEAVING SAID NORTHWESTERLY LOT LINE SOUTH 89°24'55" EAST, 37.14 FEET;

THENCE SOUTH 75°45'00" EAST, 63.00 FEET;

THENCE SOUTH 64°30'15" EAST, 37.40 FEET;

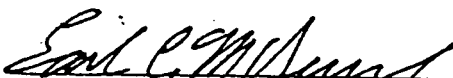
THENCE SOUTH 31°53'35" EAST, 72.35 FEET;

THENCE SOUTH 51°56'50" EAST, 30.55 FEET;

THENCE SOUTH 25°11'04" WEST, 8.19 FEET TO A POINT ON THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS;

THENCE ALONG SAID NORTHEASTERLY PARCEL LINE NORTH 64°48'56" WEST, 223.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 8,666 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1998.





LEGAL DESCRIPTION

SLOPE EASEMENT (PARCEL 11)

THAT PORTION OF LOT 86 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHWESTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS, SAID NORTHWESTERLY LINE BEING NORTH 26°05'10" EAST, SAID POINT ALSO BEING A POINT ON A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1550.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 21°41'07" EAST, SAID CURVE ALSO BEING CONCENTRIC WITH AND DISTANT 50.00 FEET NORTHEASTERLY OF THE CENTERLINE OF MONTEZUMA ROAD, THENCE ALONG SAID NORTHWESTERLY PARCEL LINE NORTH 26°05'10" EAST, 14.56 FEET;

THENCE SOUTH 64°10'04" EAST, 13.68 FEET;

THENCE SOUTH 68°05'55" EAST, 200.35 FEET;

THENCE NORTH 65°50'15" EAST, 15.70 FEET;

THENCE NORTH 82°40'35" EAST, 31.60 FEET;

THENCE NORTH 33°21'25" WEST, 25.80 FEET;

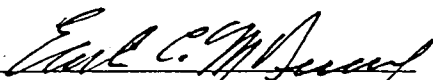
THENCE NORTH 45°12'50" EAST, 16.60 FEET;

THENCE SOUTH 53°54'50" EAST, 155.38 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 86;

THENCE ALONG SAID SOUTHEASTERLY LOT LINE SOUTH 01°01'56" WEST (NORTH 00°23'55" EAST RECORD), 95.85 FEET TO A POINT ON SAID NORTHEASTERLY PARCEL LINE, SAID NORTHEASTERLY PARCEL LINE ALSO BEING SAID CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 1550.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 37°32'26" EAST;

THENCE LEAVING SAID SOUTHEASTERLY LOT LINE AND NORTHWESTERLY ALONG SAID NORTHEASTERLY PARCEL LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 15°51'19" AN ARC DISTANCE OF 428.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 18,645 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



R-286452

LEGAL DESCRIPTION

SLOPE EASEMENT (PARCEL 5)

THAT PORTION OF LOT 93 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAND DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF SAID LOT 93 AND THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS, THENCE ALONG SAID NORTHWESTERLY PARCEL LINE NORTH 27°35'36" WEST , 48.20 FEET;


THENCE CONTINUING ALONG SAID NORTHWESTERLY PARCEL LINE NORTH 22°00'48" WEST, 72.27 FEET;

THENCE LEAVING SAID NORTHWESTERLY PARCEL LINE SOUTH 45°53'51" EAST, 107.34 FEET;

THENCE SOUTH 28°27'22" EAST, 20.67 FEET TO A POINT ON THE SOUTHEASTERLY LINE OF SAID LOT 93;

THENCE ALONG SAID SOUTHEASTERLY LOT LINE SOUTH 65°49'35" WEST (NORTH 64°20'26" EAST RECORD), 41.12 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,976 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



LEGAL DESCRIPTION

SLOPE EASEMENT (PARCEL 6)

THAT PORTION OF LOT 92 OF ALVARADO UNIT NO. 2, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 2823 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON NOVEMBER 14, 1951, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

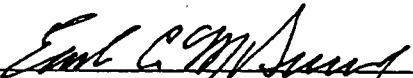
BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID LOT 92 AND THE NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS, THENCE ALONG THE NORTHWESTERLY LINE OF SAID LOT 92 NORTH 65°49'35" EAST (NORTH 64°20'26" EAST RECORD), 41.12 FEET;

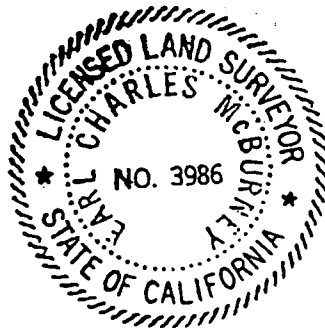
THENCE LEAVING SAID NORTHWESTERLY LOT LINE SOUTH 28°27'22" EAST, 30.28 FEET;

THENCE SOUTH 02°52'20" WEST, 81.87 FEET TO A POINT ON SAID NORTHEASTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED RECORDED NOVEMBER 5, 1958 IN BOOK 7337, PAGE 303 OF OFFICIAL RECORDS;

THENCE ALONG SAID NORTHEASTERLY PARCEL LINE NORTH 27°35'36" WEST, 103.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,765 SQUARE FEET MORE OR LESS.

  
EARL C. McBURNEY, L.S. 3986  
EXPIRES: JUNE 30, 1996.



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 improve the Fairmount Avenue/Montezuma Road interchange; that the current traffic volume is beyond the desirable capacity of the existing two-lane overpass and connecting ramps of the interchange; and that the acquisition will enable the City of San Diego to provide a comprehensive transportation facility which will increase the interchange capacity and provide a safer, more efficient movement of the vehicles. The project will include the widening of Fairmount Avenue to its planned six lane primary arterial design, and improve the interchange overpass and ramp connections at the interchange.

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 and as easements 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 J. Bevier  
Deputy City Attorney

DJB:mzj:djr:Lit.  
09/20/95  
Or.Dept:REA  
R-96-311  
Aud.Cert:9600320  
Form:r.stimprov

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

**CERTIFICATE OF UNALLOTTED BALANCE**      AC 9600320

ORIGINATING DEPT. NO.: 543

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 \$ 15,000.00 Fund 30244/30300

Purpose Authorizing the expenditure of funds for the acquisition of the slope easements required for the widening and improvement of the Fairmount Ave./Montezuma Rd interchange.

Date September 14, 1995 By: *Sara Jimenez*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/EQUIP	FACILITY	AMOUNT
1			30244	107	4279	524330		30300		\$15,000.00
TOTAL AMOUNT										\$15,000.00

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

*R-286452*

OCT 17 1995