

RESOLUTION NUMBER R- 286951

ADOPTED ON FEB 20 1996

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF FEE TITLE AND EASEMENT INTERESTS FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF THE FEDERAL BOULEVARD FROM 60TH STREET TO MACARTHUR DRIVE PROJECT, A PUBLIC STREET OR STREETS AND INCIDENTS THERETO, SAID INTERESTS INCLUDE PUBLIC ACCESS EASEMENTS, SLOPE EASEMENTS, AND DRAINAGE EASEMENTS, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG, AND ACROSS PORTIONS OF LOTS 84, 85, 86 AND 87 OF MAP OF DEL NORTE ADDITION TO ENCANTO HEIGHTS IN THE CITY OF SAN DIEGO, ACCORDING TO THE MAP THEREOF NO. 1193 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY JULY 13, 1909, AND ACROSS PORTIONS OF LOTS 1, 6 AND 8 OF BROADWAY HEIGHTS UNIT NO. 1 IN THE CITY OF SAN DIEGO ACCORDING TO MAP THEREOF NO. 3830 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 28, 1958, AND ACROSS PORTIONS OF LOT 13 OF RANCHO MISSION OF SAN DIEGO IN THE CITY OF LEMON GROVE, ACCORDING TO PARTITION MAP OF SAID RANCHO ON FILE IN THE OFFICE OF THE COUNTY CLERK, OF SAN DIEGO COUNTY, IN THE ACTION ENTITLED "JUAN M. LUCO, ET AL. V. THE COMMERICAL BANK OF SAN DIEGO, ET AL" UNDER SUPERIOR COURT CASE NO. 348, AND ACROSS PORTIONS OF PARCEL 1 OF PARCEL MAP NO. 12392 IN THE CITY OF SAN DIEGO FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 22, 1982 AS FILE NO. 82-325816 OF OFFICIAL RECORDS, ALL IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO AND EASEMENTS IN SAID PROPERTY FOR THE FEDERAL BOULEVARD FROM 60TH STREET TO MACARTHUR DRIVE PROJECT; 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 EASEMENT UNDER EMINENT DOMAIN PROCEEDINGS; THAT THE TAKING AND ACQUIRING OF SAID PROPERTY 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 acquisition and taking of property interests, including fee title, for the construction, improvement, operation and maintenance of The Federal Boulevard From 60th to MacArthur Drive Project, a public street or streets and incidents and appurtenances thereto, together with permanent easements and right-of-way to construct, reconstruct, maintain and repair slope easements, drain easements, and public access easements, together with the rights of ingress and egress over, under, along, and across portions of Lots 84, 85, 86 and 87 of Map of Del Norte Addition to Encanto Heights in the City of San Diego, according to the Map thereof No. 1193 filed in the Office of the County

Recorder of San Diego County July 13, 1909, and across portions of Lots 1, 6 and 8 of Broadway Heights Unit No. 1 in the City of San Diego according to Map thereof No. 3830 filed in the Office of the County Recorder of San Diego County, February 28, 1958, and across portions of Lot 13 of Rancho Mission of San Diego in the City of Lemon Grove, according to Partition Map of said Rancho on file in the Office of the County Clerk, of San Diego County, in the action entitled "Juan M. Luco, et al. v. The Commerical Bank of San Diego, et al" under Superior Court Case No. 348, and across portions of Parcel 1 of Parcel Map No. 12392 in the City of San Diego filed in the Office of the County Recorder of San Diego County, October 22, 1982 as File No. 82-325816 of Official Records, all in the County of San Diego, State of California, as more particularly described hereinafter.

Section 2. 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 3. That the parcels of real property and the interests sought to be condemned are described as follows:

PARCEL 17A  
APN 544-011-75  
ROW ACQUISITION

That portion of Lot 84 of Map of Del Norte Addition to Encanto Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1193, filed in the Office of the County Recorder of San Diego County, July 13, 1909, more particularly described as follows:

BEGINNING at the Northwesterly corner of said Lot 84, said corner being on the Southerly line of the right-of-way of Federal Boulevard (formerly Lemon Grove Avenue as shown on said Map No. 1193); thence along the Northerly line of said Lot 84 and said Southerly line of Federal Boulevard, North  $65^{\circ}54'33''$  East, 43.70 feet to an angle point in said line; thence continuing along said Southerly line of Federal Boulevard, and the Northerly line of said Lot 84, North  $59^{\circ}08'36''$  East, 68.52 feet to the Northeasterly corner of said Lot 84; thence leaving said Southerly line of Federal Boulevard, along the Easterly line of said Lot 84, South  $14^{\circ}34'27''$  East, 15.10 feet; thence leaving said Easterly line, South  $60^{\circ}13'14''$  West, 68.60 feet to the beginning of a tangent 1,146.00 foot radius concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of  $02^{\circ}11'59''$ , a distance of 44.00 feet to a point in the Westerly line of said Lot 84, said point being on the Easterly line of the right-of-way of Winnett Street as shown on said Map No. 1193; thence along said Westerly line of Lot 84 and said Easterly line of Winnett Street, North  $14^{\circ}34'27''$  West, 17.38 feet to the POINT OF BEGINNING.

Said parcel of land contains 1,627 sq. ft., more or less.

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PARCEL 17B  
APN 544-011-75  
ROW ACQUISITION

That portion of Lot 85 of Map of Del Norte Addition to Encanto Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1193, filed in the Office of the County Recorder of San Diego County, July 13, 1909, more particularly described as follows:

COMMENCING at the Northwesterly corner of Lot 84 of said Map No. 1193, said corner being on the Southerly line of the right-of-way of Federal Boulevard (formerly Lemon Grove Avenue as shown on said Map No. 1193); thence along the Northerly line of said Lot 84 and said Southerly line of Federal Boulevard, North  $65^{\circ}54'33''$  East, 43.70 feet to an angle point in said line; thence continuing along said Southerly line of Federal Boulevard, and the Northerly line of said Lots 84 and 85, North  $59^{\circ}08'36''$  East, 182.02 feet to the Northeasterly corner of said Lot 85, said corner being the TRUE POINT OF BEGINNING; thence leaving said Southerly line of Federal Boulevard, along the Easterly line of said Lot 85, South  $14^{\circ}34'27''$  East, 17.31 feet; thence leaving said Easterly line, South  $60^{\circ}13'14''$  West, 112.86 feet to a point in the Westerly line of said Lot 85; thence along said Westerly line, North  $14^{\circ}34'27''$  West, 15.10 feet to the Northwesterly corner thereof, said point being in said Southerly line of said Federal Boulevard; thence retracing said Northerly line of said Lot 85, and said Southerly line of Federal Boulevard, North  $59^{\circ}08'36''$  East, 113.50 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 1,765 sq. ft., more or less.

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PARCEL 17C  
APN 544-011-75  
ROW ACQUISITION

That portion of Lot 86 of Map of Del Norte Addition to Encanto Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1193, filed in the Office of the County Recorder of San Diego County, July 13, 1909, more particularly described as follows:

COMMENCING at the Northwesterly corner of Lot 84 of said Map No. 1193, said corner being on the Southerly line of the right-of-way of Federal Boulevard (formerly Lemon Grove Avenue as shown on said Map No. 1193); thence along the Northerly line of said Lot 84 and said Southerly line of Federal Boulevard, North  $65^{\circ}54'33''$  East, 43.70 feet to an angle point in said line; thence continuing along said Southerly line of Federal Boulevard, and the Northerly line of said Lot 84, and Lot 85 of said Map No. 1193, North  $59^{\circ}08'36''$  East, 182.02 feet to the Northeasterly corner of said Lot 85, said corner being the TRUE POINT OF BEGINNING; thence continuing along said Southerly line of Federal Boulevard, and the Northerly line of said Lot 86, North  $59^{\circ}08'36''$  East, 113.50 feet to the Northeasterly corner of said Lot 86; thence leaving said Southerly line of Federal Boulevard, along the Easterly line of said Lot 86, South  $14^{\circ}34'27''$  East, 19.53 feet; thence leaving said Easterly line, South  $60^{\circ}13'14''$  West, 112.90 feet to a point in the Westerly line of said Lot 86; thence along said Westerly line, North  $14^{\circ}34'27''$  West, 17.31 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 2,007 sq. ft., more or less.

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PARCEL 17D  
APN 544-011-75  
ROW ACQUISITION

That portion of Lot 87 of Map of Del Norte Addition to Encanto Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1193, filed in the Office of the County Recorder of San Diego County, July 13, 1909, more particularly described as follows:

COMMENCING at the Northwesterly corner of Lot 84 of said Map No. 1193, said corner being on the Southerly line of the right-of-way of Federal Boulevard (formerly Lemon Grove Avenue as shown on said Map No. 1193); thence along the Northerly line of said Lot 84 and said Southerly line of Federal Boulevard, North  $65^{\circ}54'33''$  East, 43.70 feet to an angle point in said line; thence continuing along said Southerly line of Federal Boulevard, and the Northerly line of said Lot 84, and Lots 85, 86 and said Lot 87 of said Map No. 1193, North  $59^{\circ}08'36''$  East, 324.22 feet to the most Northerly corner of said Lot 87, said corner being the TRUE POINT OF BEGINNING; thence leaving said Southerly line of Federal Boulevard, along the Northeasterly line of said Lot 87, North  $89^{\circ}30'26''$  East, 39.62 feet; thence leaving said Northeasterly line, South  $60^{\circ}13'14''$  West, 68.37 feet to a point in the Westerly line of said Lot 87; thence along said Westerly line North  $14^{\circ}34'27''$  West, 19.53 feet to the Northwesterly corner of said Lot 87 and a point in said Southerly line of Federal Boulevard; thence along the Northerly line of said Lot 87 and said Southerly line of Federal Boulevard, North  $59^{\circ}08'36''$  East, 28.70 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 928 sq. ft., more or less.

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PARCEL 17E  
APN 544-011-75  
PUBLIC ACCESS EASEMENT

That portion of Lot 87 of Map of Del Norte Addition to Encanto Heights, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 1193, filed in the Office of the County Recorder of San Diego County, July 13, 1909, more particularly described as follows:

COMMENCING at the Northwesterly corner of Lot 84 of said Map No. 1193, said corner being on the Southerly line of the right-of-way of Federal Boulevard (formerly Lemon Grove Avenue as shown on said Map No. 1193); thence along the Northerly line of said Lot 84 and said Southerly line of Federal Boulevard, North  $65^{\circ}54'33''$  East, 43.70 feet to an angle point in said line; thence continuing along said Southerly line of Federal Boulevard, and the Northerly line of said Lot 84, and Lots 85, 86 and said Lot 87 of said Map No. 1193, North  $59^{\circ}08'36''$  East, 324.22 feet to the most Northerly corner of said Lot 87; thence continuing along said Northerly line, North  $89^{\circ}30'26''$  East, 84.86 feet to the Northeasterly corner of said Lot 87, said corner being the TRUE POINT OF BEGINNING; thence along the Easterly line of said Lot 87, South  $14^{\circ}27'34''$  East, 11.00 feet; thence leaving said Easterly line, North  $56^{\circ}12'13''$  West, 18.95 feet to a point on said Northerly line; thence along said Northerly line, North  $89^{\circ}30'26''$  East, 13.00 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 69 sq. ft., more or less.

March 22, 1995  
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PARCEL 18  
APN 478-230-01  
SLOPE EASEMENT

That portion of Lot 1 of Broadway Heights Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3830, filed in the Office of the County Recorder of San Diego County, February 28, 1958, more particularly described as follows:

BEGINNING at the Northeasterly corner of said Lot 1, said corner being on the Southeasterly line of the right-of-way of Federal Boulevard as dedicated on said Map No. 3830; thence along the Northwesterly line of said Lot 1, and said Southeasterly line of Federal Boulevard, South  $50^{\circ}40'16''$  West, 71.69 feet; thence leaving said Northwesterly and Southeasterly line South  $39^{\circ}25'16''$  East, 4.00 feet; thence North  $50^{\circ}40'24''$  East, 70.27 feet to a point in the Easterly line of said Lot 1; thence along said Easterly line, North  $19^{\circ}51'32''$  West, 4.25 feet to the POINT OF BEGINNING.

Said parcel of land contains 284 sq.ft., more or less.

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PARCEL 20  
APN 478-230-09  
SLOPE EASEMENT

That portion of Lot 6 of Broadway Heights Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3830, filed in the Office of the County Recorder of San Diego County, February 28, 1958, more particularly described as follows:

BEGINNING at the most Northerly corner of said Lot 6, said corner being on the Southeasterly line of the right-of-way of Federal Boulevard as dedicated on said Map No. 3830, said point also being on the Easterly line of that certain parcel of land described in deed to William Eugene and Dianna Craig, filed in the office of the County Recorder May 13, 1993, as File Page No. 1993-0304549 of Official Records; thence leaving said Southeasterly line of Federal Boulevard, along said Easterly line of said Craig land, South  $22^{\circ}09'13''$  East, 22.65 feet; thence leaving said Easterly line, South  $50^{\circ}40'34''$  West, 69.47 feet; thence South  $62^{\circ}21'28''$  West, 31.53 feet to a point in the Southwesterly line of said Lot 6; thence along said Southwesterly line North  $39^{\circ}19'44''$  West, 15.25 feet to the most Westerly corner of said Lot 6 and a point in said Southeasterly line of said Federal Boulevard; thence along the Northwesterly line of said Lot 6 and said Southeasterly line of Federal Boulevard, North  $50^{\circ}40'16''$  East, 107.04 feet to the POINT OF BEGINNING.

Said parcel of land contain 2,145 sq.ft., more or less

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PARCEL 21  
APN 478-230-08  
SLOPE EASEMENT

That portion of Lot 6 of Broadway Heights Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3830, filed in the Office of the County Recorder of San Diego County, February 28, 1958, more particularly described as follows:

BEGINNING at the most Northerly corner of said Lot 6; thence along the Northeasterly line of said Lot 6, South 59°19'44" East, 23.03 feet; thence leaving said Northeasterly line South 50°40'34" West, 14.57 feet to a point on the Easterly line of that certain parcel of land described in deed to William Eugene and Dianna Craig, filed in the office of the County Recorder May 13, 1993, as File/Page No. 1993-0304549 of Official Records; thence along said Easterly line North 22°09'13" West, 22.65 feet to the POINT OF BEGINNING.

Said parcel of land contains 158 sq.ft., more or less.

PARCEL 24  
APN 478-240-15  
DRAINAGE EASEMENT

That portion of Broadway Heights Unit No. 1, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3830, filed in the Office of the County Recorder of San Diego County, February 28, 1958, being that portion of said Map No. 3830, designated "Reserved for Future Street", more particularly described as follows:

BEGINNING at the most Northwesterly corner of Lot 8 of said Map No. 3830, said point being the westerly terminus of a 40.00 radius curve concave Southerly, a line radial to said point bears North  $39^{\circ}19'44''$  West; thence Southeasterly along the Northerly line of said Lot 8, and the arc of said curve through a central angle of  $72^{\circ}22'34''$  feet a distance of 50.53 feet; thence leaving said Northerly line of said Lot 8, North  $89^{\circ}16'04''$  East, 71.94 feet; thence North  $33^{\circ}02'50''$  East, 20.00 feet; thence North  $56^{\circ}57'10''$  West, 59.80 feet to a point on the Northerly line of said portion of Map No. 3830 designated "Reserved for Future Street", said point being on the arc of a non-tangent 70.00 foot curve concave Southerly, a line radial to said point bears North  $31^{\circ}04'27''$  West; thence Southwesterly along said Northerly line and the arc of said curve through a central angle of  $08^{\circ}15'17''$ , a distance of 10.08 feet; thence continuing along said Northerly line North  $39^{\circ}19'44''$  West, 9.00 feet; thence South  $50^{\circ}40'16''$  West, 85.26 feet to the POINT OF BEGINNING.

Said parcel of land contains 3,658 sq.ft., more or less

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PARCEL 25  
APN 478-190-38  
DRAINAGE EASEMENT

That portion of Lot 13 of Rancho Mission of San Diego, in the City of Lemon Grove, County of San Diego, State of California, according to Partition Map of said Rancho on file in the Office of the County Clerk, of San Diego County, in the action entitled "Juan M. Luco, et al, vs. The Commercial Bank of San Diego, et al" under Superior Court Case No. 348, described as follows:

COMMENCING at the intersection of the Northerly prolongation of the Westerly line of Sonka Urban Heights, according to Map thereof No. 2351, filed in the Office of the County Recorder of San Diego County, with the Northwesterly line of Federal Boulevard as said Boulevard is described in deed to the County of San Diego, recorded July 16, 1926 in Book 1208, Page 458, of Deeds, Records of San Diego County, said intersection being a point on the arc of a 960.00 foot radius curve concave Northwesterly, a radial line to said point bears South 40°06'00" East; thence Southwesterly along the arc of said curve and said Northwesterly line of Federal Boulevard through a central angle of 00°21'40" a distance of 6.05 feet; thence tangent to said curve South 50°15'40" West, 987.01 feet to the Southwesterly corner of that particular parcel of land described in deed to Bennie A. Houston and Lani Barlow, filed in the office of the County Recorder January 11, 1994, as File/Page No. 1994-0021884, of Official Records; thence continuing along said Northwesterly line of said Federal Boulevard, South 50°15'40" West, 100.00 feet to the TRUE POINT OF BEGINNING; thence continuing along said Northwesterly line of said Federal Boulevard South 50°40'16" West, 37.50 feet; thence leaving said Northwesterly line, North 21°15'49" West, 35.76 feet; thence North 39°19'44" West, 13.91 feet; thence North 50°40'16" East, 26.41 feet; thence South 39°19'44" East, 34.00 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 1,087 sq. ft., more or less.

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PARCEL 26  
APN 478-190-37  
DRAINAGE EASEMENT

That portion of Lot 13 of Rancho Mission of San Diego, in the City of Lemon Grove, County of San Diego, State of California, according to Partition Map of said Rancho on file in the Office of the County Clerk, of San Diego County, in the action entitled "Juan M. Luco, et al, vs. The Commercial Bank of San Diego, et al" under Superior Court Case No. 348, described as follows:

COMMENCING at the intersection of the Northerly prolongation of the Westerly line of Sonka Urban Heights, according to Map thereof No. 2351, filed in the Office of the County Recorder of San Diego County, with the Northwesterly line of Federal Boulevard as said Boulevard is described in deed to the County of San Diego, recorded July 16, 1926 in Book 1208, Page 458, of Deeds, Records of San Diego County, said intersection being a point on the arc of a 960.00 foot radius curve concave Northwesterly, a radial line to said point bears South 40°06'00" East; thence Southwesterly along the arc of said curve and said Northwesterly line of Federal Boulevard through a central angle of 00°21'40" a distance of 6.05 feet; thence tangent to said curve South 50°15'40" West, 987.01 feet to the Southwesterly corner of that particular parcel of land described in deed to Bennie A. Houston and Lani Barlow, filed in the office of the County Recorder January 11, 1994, as File/Page No. 1994-0021884, of Official Records; thence continuing along said Northwesterly line of said Federal Boulevard, South 50°15'40" West, 100.00 feet to the TRUE POINT OF BEGINNING; thence leaving said Northwesterly line of Federal Boulevard, North 39°19'44" West, 34.00 feet; thence North 50°40'16" East, 18.00 feet; thence South 39°19'44" East, 50.00 feet to a point on said Northwesterly line of Federal Boulevard; thence along said Northwesterly line, South 50°40'16" West, 18.00 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 612 sq. ft., more or less.

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PARCEL 29  
APN 478-190-37  
DRAINAGE EASEMENT

That portion of Lot 13 of Rancho Mission of San Diego, in the City of Lemon Grove, County of San Diego, State of California, according to Partition Map of said Rancho on file in the Office of the County Clerk, of San Diego County, in the action entitled "Juan M. Luco, et al, vs. The Commercial Bank of San Diego, et al" under Superior Court Case No. 348, described as follows:

COMMENCING at the intersection of the Northerly prolongation of the Westerly line of Sonka Urban Heights, according to Map thereof No. 2351, filed in the Office of the County Recorder of San Diego County, with the Northwesterly line of Federal Boulevard as said Boulevard is described in deed to the County of San Diego, recorded July 16, 1926 in Book 1208, Page 458, of Deeds, Records of San Diego County, said intersection being a point on the arc of a 960.00 foot radius curve concave Northwesterly, a radial line to said point bears South 40°06'00" East; thence Southwesterly along the arc of said curve and said Northwesterly line of Federal Boulevard through a central angle of 00°21'40" a distance of 6.05 feet; thence tangent to said curve South 50°15'40" West, 987.01 feet to the Southwesterly corner of that particular parcel of land described in deed to Bennie A. Houston and Lani Barlow, filed in the office of the County Recorder January 11, 1994, as File/Page No. 1994-0021884, of Official Records, said point being the TRUE POINT OF BEGINNING; thence continuing along said Northwesterly line of Federal Boulevard, South 50°40'16" West, 20.00 feet; thence leaving said Northwesterly line, North 39°19'44" West, 10.00 feet; thence North 50°40'16" East, 20.00 feet to a point in the Westerly line of said Houston/Barlow land; thence along said Westerly line South 39°19'44" East, 10.00 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 200 sq.ft., more or less.

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PARCEL 27  
APN 543-330-10  
PUBLIC ACCESS EASEMENT

That portion of Parcel 1 of Parcel Map No. 12392, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, October 22, 1982, as File No. 82-325816 of Official Records, more particularly described as follows:

COMMENCING at the Southeasterly corner of said Parcel 1, said corner being on the Northerly line of the right-of-way of Federal Boulevard as dedicated per Resolution No. 257312, dated October 11, 1982, said corner being on the arc of a 758.00 foot radius curve concave Northwesterly, a line radial to said point bears South 18°59'16" East; thence Southwesterly along the Southerly line of said Parcel 1 and along said Northwesterly line of Federal Boulevard, and along the arc of said curve through a central angle of 00°08'29", a distance of 1.87 feet to the TRUE POINT OF BEGINNING, a radial line to said point bears South 18°50'48" East; thence leaving said Southerly line of said Parcel 1, North 18°30'50" West, 0.99 feet to a point on the arc of a non-tangent 803.50 foot radius curve concave Northwesterly, a line radial to said point bears South 18°30'50" East; thence Southwesterly along the arc of said curve through a central angle of 00°47'04", a distance of 11.00 feet; thence leaving said arc on a line radial from said curve, South 17°43'46" East, 1.05 feet to a point on said Southerly line of said Parcel 1 and said Northerly line of the right-of-way of Federal Boulevard, said point being on the arc of a non-tangent 758.00 foot radius curve concave Northwesterly, a line radial to said point bears South 18°00'50" East; thence Northeasterly along the arc of said curve through a central angle of 00°49'57", a distance of 11.01 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 11 sq. ft., more or less

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PARCEL 27A  
APN 543-330-10  
DRAINAGE EASEMENT

A strip of land 5.00 feet in width lying within that portion of Parcel 1 of Parcel Map No. 12392, in the City of San Diego, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, October 22, 1982, as File No. 82-325816 of Official Records, said strip lying Westerly, Northwesterly and Southwesterly of the following described line:

COMMENCING at the Southeasterly corner of said Parcel 1, said corner being on the Northerly line of the right-of-way of Federal Boulevard as dedicated per Resolution No. 257312, dated October 11, 1982, said corner being on the arc of a 758.00 foot radius curve concave to the Northwest, a line radial to said point bears North 18°59'16" West, thence Southwesterly along the Southerly line of said Parcel 1 and the arc of said curve through a central angle of 05°11'59" a distance of 68.79 feet to a point on the Westerly line of that certain drainage easement in favor of the City of San Diego granted per document recorded in the Office of the County Recorder of San Diego County, March 20, 1986 as File No. 86-107589 of Official Records, said point being the TRUE POINT OF BEGINNING, said point being on the arc of a non-tangent 52.50 foot radius curve concave Southeasterly, a line radial to said point bears North 88°00'05" West; thence leaving said Southerly line of said Parcel 1, Northeasterly along said Westerly line of said existing drainage easement and along the arc of said 52.50 foot radius curve through a central angle of 62°29'54", a distance of 57.27 feet to the beginning point of a 37.50 foot radius reverse curve concave Northwesterly, a line radial to said point bears North 25°30'11" West; thence Northeasterly along the arc of said curve through a central angle of 64°16'38" a distance of 42.07 feet; thence tangent to said curve North 00°13'11" East (North 00°11'56" West per said File No. 86-107589), 63.65 feet to the beginning of a tangent 37.50 foot radius curve concave Southwesterly, thence Northwesterly along the arc of said curve through a central angle of 58°47'12" a distance of 38.48 feet; thence tangent to said curve North 58°34'01" West (North 58°59'08" West per said File No. 86-107589), 50.76 feet to a point in the Southerly line of that certain easement in favor of the City of San Diego granted per document recorded in the Office of the County Recorder of San Diego County, October 21, 1982 as File No. 82-324207 of Official Records, said point being the POINT OF TERMINUS.

The sideline of said 5.00 foot wide strip of land to be extended or shortened to terminate on the South in the Northerly line of the right-of-way of said Federal Boulevard, on the Northeast in the Southerly line of said easement recorded as File No. 82-324207 and on the Northwest in the Westerly line of said Parcel 1, all as shown on said Parcel Map No. 12392.

Said parcel of land contains 1,260 sq. ft., more or less.

Section 4. 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 the The Federal Boulevard From 60th to MacArthur Drive Project, a public street or streets and incidents and appurtenances thereto, 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 and easements.

Section 5. That the proposed project for which this acquisition is being sought is to enable the City of San Diego to upgrade the existing street system, providing additional capacity and reducing congestion; the project will include widening the boulevard from two to four lanes, new paving, sidewalks, and gutters, along with the installation of a Class II bike lane and will upgrade the existing drainage system on Federal Boulevard which will result in a safer, more efficient street system for the community in the area.

Section 6. That said property is to be used for the construction, improvement, operation and maintenance of a public street or streets and incidents and appurtenances thereto, and is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 7. 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 8. 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 interests in real property and existing improvements as hereinbefore described in fee simple and as easements, for the use of the City of San Diego to take immediate possession thereof pursuant to California Code of Civil Procedure Section 1255.410.

APPROVED: JOHN W. WITT, City Attorney

By

  
Debra J. Bevier  
Deputy City Attorney

DJB:djr:Lit.  
01/31/96  
Or.Dept:REA  
R-96-855  
Aud.Cert: 9600817  
Form:r.stimprov

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

**CERTIFICATE OF UNALLOTTED BALANCE** AC 9600817

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 \$ 140,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the acquisition of property rights and related costs of condemnation for the Federal Blvd -60th Street to MacArthur Drive Road Widening Project.

Date January 30, 1996 By: *Roberta Weber*

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	30244	107	4279	523410		30300		\$140,000.00
TOTAL AMOUNT										\$140,000.00

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* 286951

FEB 20 1996

AC 9600817