

RESOLUTION NUMBER R- 287075

ADOPTED ON MAR 19 1996

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 MIRAMAR RECLAIMED WATER STORAGE TANK PROJECT, A PUBLIC RECLAIMED WATER STORAGE TANK, AND ALL INCIDENTS AND APPURTENANCES THERETO TO PROVIDE FOR STORAGE OF HIGHLY TREATED WASTE WATER FROM THE NORTH CITY RECLAMATION PLANT, AND TO ENABLE THE CITY TO UTILIZE HIGHLY TREATED WASTE WATER FOR IRRIGATION PURPOSES, AS A REQUIRED COMPONENT OF THE GREATER SAN DIEGO RECLAIMED WATER DISTRIBUTION SYSTEM IN THE SCRIPPS-MIRAMAR RANCH AREA IN THE CITY OF SAN DIEGO; THAT SAID PUBLIC RECLAIMED WATER STORAGE TANK WILL NECESSARILY REQUIRE THE ACQUISITION OF FEE SIMPLE ABSOLUTE TO LOT 5 AND A TEMPORARY CONSTRUCTION EASEMENT OVER, ALONG, ACROSS, AND THROUGH LOT 6 IN THE SCRIPPS RANCH BUSINESS PARK PHASE III, 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 FEE SIMPLE ABSOLUTE AND TEMPORARY CONSTRUCTION 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 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 Miramar Reclaimed Water Storage Tank Project, a public reclaimed water storage tank and all incidents and appurtenances thereto, to provide for storage of highly treated waste water from the North City Reclamation Plant, and to enable the City to utilize highly treated waste water for irrigation purposes, as a required component of the greater San Diego Reclaimed Water Distribution System, in portions of property located in the Scripps Ranch Business Park Phase III in the Scripps-Miramar Ranch area, 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 fee simple absolute to Lot 5 and a temporary construction easement over, along, across, and through Lot 6 for the construction, operation and maintenance of a public reclaimed water storage tank and all incidents and appurtenances thereto, on property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Section 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, 38730, 38731, 38900, and 40404, Government Code, permit the acquisitions referenced herein.

Section 4. That the legal description of the parcels of real property and the interests sought to be condemned are as follows:

**Lots 5 and 6 of Scripps Ranch Business Park  
Phase III, in the City of San Diego, County  
of San Diego, State of California, According  
to Map Thereof No. 12130, filed in the office  
of the County Recorder of San Diego County,  
July 27, 1988.**

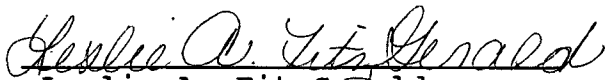
Section 5. That the taking and acquiring by said City of fee simple absolute to Lot 5 and a temporary construction easement over, along, across, and through Lot 6, hereinabove described is deemed necessary for the construction, operation and maintenance of a public reclaimed water storage tank and all incidents and appurtenances thereto to provide for storage of highly treated waste water from the North City Reclamation Plant, and to enable the City to utilize highly treated waste water for irrigation purposes, as a required component of the greater San Diego Reclaimed Water Distribution System in the Scripps-Miramar Ranch area in the City of San Diego, for municipal purposes; 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 Sections 37350.5, 38730, 38731, 38900, and 40404, Government Code); that for such public use, it is necessary that the City of San Diego

condemn and acquire said fee simple absolute and temporary construction easement; that said real property is to be used for the construction, operation and maintenance of a public reclaimed water storage tank and all incidents and appurtenances thereto, for the Miramar Reclaimed Water Storage Tank 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   
Leslie A. FitzGerald  
Deputy City Attorney

LAF:cc:Lit.  
02/23/96  
Or.Dept:REA  
Aud.Cert:  
r-96-994  
Form=r.sewer

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

**CERTIFICATE OF UNALLOTTED BALANCE**

AC 9600872  
ORIGINATING DEPT. NO.: 700

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 \$ 2,000,000.00 Fund 41500

Purpose Authorizing the increase in Budget for the Water Operating Fund.

Date February 13, 1996 By: *Amy R. DeLuz*

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	41500			9544					\$2,000,000.00
TOTAL AMOUNT										\$2,000,000.00

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

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