

RESOLUTION NUMBER R- 287658

ADOPTED ON JUL 16 1996

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRES THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF THE CITY HEIGHTS URBAN VILLAGE/PHASE 1 - LIBRARY PROJECT TO PROVIDE ADEQUATE PUBLIC ACCESS TO LIBRARY SERVICES IN THE CITY HEIGHTS COMMUNITY; THAT THE LOCATION OF THE NEW LIBRARY WILL SERVE THE NEEDS OF AN INTER-CITY COMMUNITY WHICH IS GREATLY UNDER SERVED AND PROVIDE ADDITIONAL RESOURCES TO AN ADJACENT NEW SCHOOL; AND THAT SAID PROJECT WILL NECESSARILY REQUIRE THE ACQUISITION OF LOTS 1 THROUGH 5, LOTS 40 THROUGH 48 AND A PORTION OF LOTS 6 AND 39 IN BLOCK 74 OF CITY HEIGHTS (SAID LOTS BEING BOUNDED BY WIGHTMAN STREET, 44TH STREET, LANDIS STREET AND FAIRMOUNT AVENUE), 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 THE 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 REJECTED AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; THAT THE TAKING AND ACQUIRING OF SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS IS 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 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; and

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 the City Heights Urban Village/Phase 1 - Library Project, which will provide adequate public access to library services in the City Heights community. That the location of the new library will serve the needs of an inter-city community which is greatly under served and provide additional resources to an adjacent new school.

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 in said property for the construction, improvement, operation and maintenance of the City Heights Urban Village/Phase 1 - Library Project; that said library project will necessarily require the acquisition of Lots 1 through 5, Lots 40 through 48, and a portion of Lots 6 and 39 in Block 74 of City Heights (said property being bounded by Wightman Street, 44th Street, Landis and Fairmount Avenue), all

lying within the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

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; and Sections 37350.5, 38002, 38010 and 40404 of the Government Code.

Section 4. That the parcels of real property sought to be condemned are described as follows:

Parcel 1  
471-651-01  
St. Marks

LOTS 1, 2, 3 AND 4 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.

EXCEPTING FROM SAID LOTS 1, 2, 3 AND 4, THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID LOT 1; THENCE SOUTHERLY ALONG THE WESTERLY LINES OF LOTS 1, 2, 3 AND 4 TO THE SOUTHWESTERLY CORNER OF SAID LOT 4; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 4, A DISTANCE OF 5.00 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND DISTANT 5.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES FROM THE WESTERLY LINES OF SAID LOTS 1 TO 4; THENCE NORTHERLY ALONG LAST SAID PARALLEL LINE, A DISTANCE OF 85.00 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 15.00 FEET; THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY 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 1; THENCE WESTERLY ALONG SAID NORTHERLY LINE OF SAID LOT 1, 20.00 FEET TO THE POINT OF BEGINNING.

Parcel 2  
471-651-02  
Papageorge

LOT 5 AND THE NORTH 17 FEET OF LOT 6 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1,  
IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING  
TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN  
DIEGO COUNTY, JULY 18, 1906.

EXCEPTING THE WESTERLY 5 FEET THEREOF.

Parcel 23  
471-651-23  
Espinoza

THE NORTH HALF OF LOT 39, AND ALL OF LOT 40, IN BLOCK 7 OF CITY HEIGHTS ANNEX  
NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA,  
ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER  
OF SAN DIEGO COUNTY, JULY 18, 1908.

Parcel 24  
Olson  
471-651-24

LOTS 41 AND 42 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.

Parcel 25  
471-651-25  
Rector

LOTS 43 AND 44 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.

Parcel 26  
471-651-26  
Rector

LOTS 45 AND 46 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.

Parcel 27  
471-651-27  
Rector

THE WEST 50 FEET OF LOTS 47 AND 48 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.

Parcel 28  
471-651-28  
Rector

THE EAST 75 FEET OF LOTS 47 AND 48 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.



Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, improvement, operation and maintenance the City Heights Urban Village/Phase 1 - Library Project 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; and Sections 37350.5, 38002, 38010 and 40404 of the Government Code; that for such public use, it is necessary that the City of San Diego condemn and acquire said real property; that the library project is planned and located in a manner most compatible with the greatest public good and the least private injury.

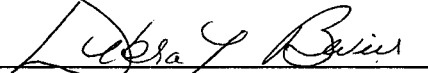
Section 6. That an offer to acquire the property, pursuant to Government Code Section 7267.2, at the appraised fair market value has been made to the owners of record of the property to be acquired.

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 real property as above-

described and obtaining 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:djb:Lit.  
07/01/96  
Or.Dept:REA  
R-97-12  
Aud.Cert:9601132/9601133  
Form:stimprov