

(R-97-44)

RESOLUTION NUMBER R- 287717

ADOPTED ON JUL 30 1996

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRES THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE SOUTH BAY WATER RECLAMATION PLANT, PHASE 1, PROJECT, A PUBLIC RECLAMATION PLANT, AND ALL INCIDENTS AND APPURTENANCES THERETO, TO PROVIDE ADDITIONAL CAPACITY RELIEF FOR THE SOUTH METRO INTERCEPTOR WHICH CARRIES WASTEWATER FROM THE SOUTHERN PORTION OF SAN DIEGO AND OTHER PARTICIPATING AGENCIES TO THE POINT LOMA WASTEWATER TREATMENT PLANT, TO PROVIDE FOR FUTURE GROWTH, AND TO PROVIDE RECLAIMED WATER TO THE SOUTH BAY REGION, ALL IN THE CITY OF SAN DIEGO; THAT SAID RECLAMATION PLANT PROJECT WILL NECESSARILY REQUIRE THE ACQUISITION OF REAL PROPERTY WHICH IS PART OF THE TIJUANA RIVER VALLEY REGIONAL PARK, 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 OWNER 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, 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 South Bay Water Reclamation Plant, Phase 1, Project, and all incidents and appurtenances thereto, to provide additional capacity relief for the South Metro Interceptor which carries wastewater from the southern portion of San Diego and other participating agencies to the Point Loma Wastewater Treatment Plant, to provide for future growth, and to provide reclaimed water to the South Bay region, 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 title to the real property described hereinafter for the construction, operation and maintenance of the water reclamation plant.

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 Sections 37350.5, 40404, 54340 and 54341, of the Government Code permit the acquisitions referenced herein.

Section 4. That the real property sought to be condemned is described as follows:

EXHIBIT "A"

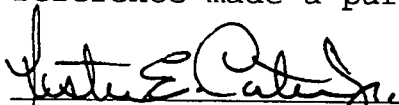
PORTIONS OF APN: 664-010-46 & 665-010-44

A portion of the Northwest Quarter of the Southwest Quarter of Section 2 and a portion of the Northeast Quarter of the Southeast Quarter of Section 3, Township 19 South, Range 2 West, San Bernardino Base and Meridian, in the City of San Diego, County of San Diego, State of California, described as follows:

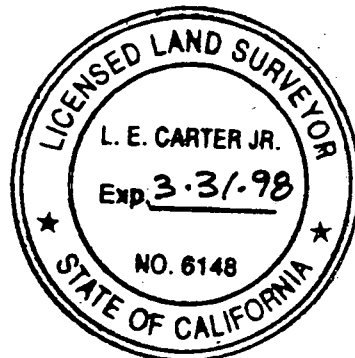
Beginning at the Southwest Corner of the Northeast Quarter of the Southeast Quarter of Section 3 as shown on Record of Survey No. 13207 filed in the office of the county recorder May 30, 1991; Thence South $89^{\circ}38'31''$ East 1335.96 feet along the South line of the Northeast Quarter of the Southeast Quarter of said Section to the Southeast Corner of the Northeast Quarter of the Southeast Quarter; Thence South $89^{\circ}20'52''$ East 257.26 feet along the South line of the Northwest Quarter of the Southwest Quarter of above said Section 2; Thence North $66^{\circ}30'26''$ West 1316.50 feet to a point on the Southerly right of way line of Dairy Mart Road as shown on said Record of Survey, said Right of Way being a curve concave Northerly, having a radius of 1030.00 feet, a radial line to said point bears South $32^{\circ}26'48''$ East; Thence Southwesterly along the arc of said Right of Way a distance of 337.46 feet through a central angle of $18^{\circ}46'19''$ to the beginning of a reverse curve, concave Southeasterly, having a radius of 50.00 feet, a radial line to said point bears South $13^{\circ}40'29''$ East; Thence Southwesterly along the arc of said curve a distance of 64.89 feet through a central angle of $74^{\circ}21'17''$; Thence South $1^{\circ}58'14''$ West 203.70 feet to the cusp of a curve, concave Southwesterly, having a radius of 225.00 feet, a radial line to said cusp bears South $88^{\circ}01'46''$ East; thence Northwesterly along the arc of said curve through a central angle of $31^{\circ}42'42''$ a distance of 124.53 feet to a point on the West line of the Northeast Quarter of the Southeast Quarter of Section 3 as shown on said Record of Survey, a radial line to said point bears North $60^{\circ}15'32''$ East; thence South $0^{\circ}27'53''$ West 250.85 feet to the POINT OF BEGINNING.

Above described parcel contains 469,359.00 SQ. FT., 10.7750 AC. more or less.

City of San Diego drawing 28220-D attached hereto, and by this reference made a part hereof.



Lester E. Carter Jr. PLS 6148 Date 5/30/96
Sr. Land Surveyor, Field Engineering
My Registration Expires 3/31/98



File: SYS12033\SBO02D.LGL
W.O. 194255

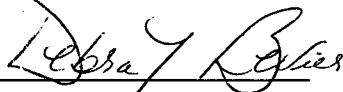
Section 5. That the taking and acquiring by said City of the fee simple title to the real property hereinabove described is deemed necessary for the construction, operation and maintenance of the public water reclamation plant, for municipal purposes; and that such uses are public uses authorized by 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, 40404, 54340 and 54341, Government Code); that the South Bay Water Reclamation Plant, Phase 1, 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.

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 the above-described real property, for the purpose of condemning and acquiring the real property as above described and obtaining immediate possession of said real property for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By



Debra J. Bevier
Deputy City Attorney

DJB/djr
07/08/96
Or.Dept:REA
Aud.Cert:9700073
r-97-44
Form:

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE AC 9700073

ORIGINATING DEPT. NO.: 779

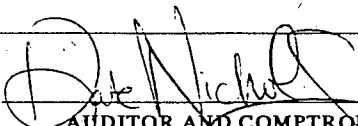
I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 143,000 Fund 41509

Purpose To authorize the expenditure for a condemnation for the South Bay Water Reclamation

Plant (CIP No. 42-910.6)

Date July 11, 1996

By: 
 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	41509	779		4638	194246				\$143,000.00
TOTAL AMOUNT										\$143,000.00

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 9700073