

(R-97-283)

RESOLUTION NUMBER R- 287884

ADOPTED ON OCT 1 - 1996

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF ONE PARCEL OF PROPERTY TO COMPLETE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A COMMUNITY PARK IN CONFORMANCE WITH THE NORTH CITY WEST NEIGHBORHOOD 6 PRECISE PLAN FOR THE PROJECT KNOWN AS CORAL COVE RENAISSANCE PARK, SAID PROPERTY SPECIFICALLY BEING A 0.247 ACRE PARCEL LOCATED EAST OF I-5, AT THE NORTHWEST CORNER OF THE INTERSECTION OF VALLEY CENTER DRIVE AND CARMEL VIEW ROAD IN THE CARMEL VALLEY AREA, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE SIMPLE ABSOLUTE TO SAID PROPERTY FOR SAID PARK PROJECT; THAT SAID PROPERTY IS DEEMED NECESSARY FOR COMPLETION OF THE CORAL COVE RENAISSANCE PARK PROJECT AS SET FORTH IN THE NEIGHBORHOOD 6 PRECISE PLAN; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DECLARING THAT AN OFFER TO PURCHASE THE PROPERTY PURSUANT TO GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE RECORD OWNERS OF SAID PROPERTY AND THE OFFER REJECTED; 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,

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 of property for the construction, operation and maintenance of a public park known as Coral Cove Renaissance Park for community park purposes, in conformance with the North City West Neighborhood 6 Precise Plan, said property specifically being a 0.247 acre parcel located east of I-5, at the northwest corner of the intersection of Valley Center Drive and Carmel View Road in the Carmel Valley area, as more particularly described hereinafter, and that the City Council has found and determined the foregoing.

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 said property for the construction, operation and maintenance of the Coral Cove Renaissance Park for community park purposes, in conformance with the North City West Neighborhood 6 Precise Plan; that said real property lies 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, 1240.610, 1240.680, and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b), and 51063, Government Code; and Section 61.0601, et seq., San Diego Municipal Code, permit the acquisitions referenced herein.

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

Parcel 2 of Parcel Map No. 15946, 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, January 9, 1990 as File No. 1990-0015164 of Official Records.

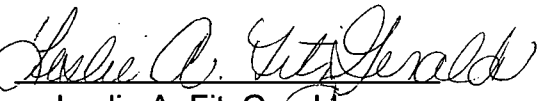
Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, operation and maintenance of the Coral Cove Renaissance Park, a community park, as set forth in the North City West Neighborhood 6 Precise Plan; that such use is a public use authorized by law (Section 220, Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610, 1240.680, and 1255.410, Code of Civil Procedure; Parks and Playground Act of 1909; Sections 6950-6954, 37350.5, 38002, 38010, 39732, 40401(b) and 51063, Government Code; and Section 61.0601, et seq., San Diego Municipal Code); that for such public use, it is necessary that The City of San Diego condemn and acquire said real property; that said real property is to be used for the Coral Cove Renaissance Park Project, which is planned and located in a manner most compatible

with the greatest public good and the least private injury, and that the City Council has so found and determined all of the foregoing.

Section 6. That the offer required by Section 7267.2 of the Government Code has been made to the owners of record.

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 fee interest as above-described and obtaining immediate possession of said parcel for the use of said City.

APPROVED: JOHN W. WITT, City Attorney

By 
Leslie A. FitzGerald,
Deputy City Attorney

LAF:djr:Civ
09/06/96
Or.Dept:REA
Aud.Cert:9700078
R-97-283
Form=park.res

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 9700078

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 \$ 10,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for Coral Cove Renaissance Park Condemnation.

Date July 16, 1996

By: Judy McClean
 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	105	4279	296450				\$10,000.00
TOTAL AMOUNT										\$10,000.00

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 9700078

2-287884 2-287885 OCT 1-1996