

R-97-514

RESOLUTION NUMBER R- 288148

ADOPTED ON DEC 03 1996

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF FEE SIMPLE TITLE TO LOTS 7 THROUGH 38 AND A PORTION OF LOTS 6 AND 39 IN BLOCK 74 OF CITY HEIGHTS, MORE PARTICULARLY DESCRIBED HEREINAFTER, FOR THE CITY HEIGHTS URBAN VILLAGE PARK PHASE II PROJECT FOR PARK AND RECREATION FACILITIES PURPOSES; THAT THE REQUIRED PROPERTY IS LOCATED IN THE MID-CITY COMMUNITY, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE PROJECT IS PLANNED OR LOCATED IN THE MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; THAT THE PROPERTY SOUGHT TO BE ACQUIRED IS NECESSARY FOR THE CITY HEIGHTS URBAN VILLAGE PARK PHASE II PROJECT FOR PARK AND RECREATION FACILITIES PURPOSES; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE THE 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 THAT THE OFFERS WERE REJECTED; AND DIRECTING THE CITY ATTORNEY OF THE CITY OF SAN DIEGO TO COMMENCE AN EMINENT DOMAIN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, TO ACQUIRE THE PROPERTY AND IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Council of the City of San Diego ("CITY") has provided notice to those persons designated in Code of Civil Procedure Section 1245.235, and also has provided all persons a reasonable opportunity to appear and be heard on the matters referred to in Code of Civil Procedure Section 1240.030; NOW, THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego has found and determined each of the following:

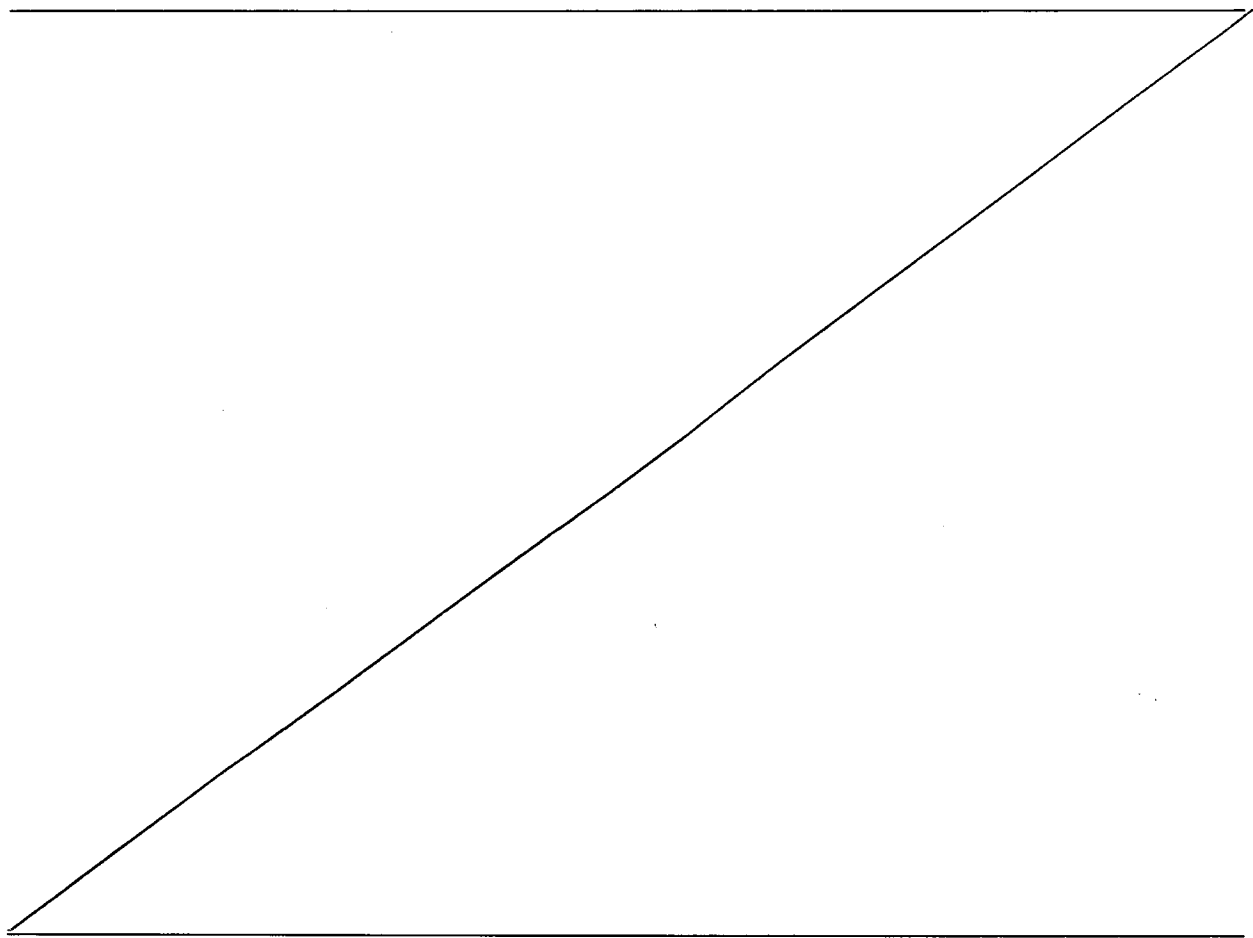
Section 1. That the public interest, convenience and necessity of the CITY, and the inhabitants thereof, require the acquisition of fee simple title to the property described hereinafter for the City Heights Urban Village Park Phase II Project for park and recreation facilities purposes; that the property is to be used for the completion of the City Heights Urban Village Park Phase II Project, a mixed-use public improvement project; that the project is needed to provide adequate public access to parks and recreation services for the Mid-City Community; that the property is located in the Mid-City community, in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

Section 2. That the City Heights Urban Village Phase II Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 3. That the fee simple title sought to be acquired is necessary for the City Heights Urban Village Phase II Project for the completion of the mixed-use public improvement project, for municipal purposes.

Section 4. That the acquisitions sought herein are for a public use authorized by the following code sections: Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120, 1240.680 and 1255.410; Parks and Playground Act of 1909; Government Code Sections 6950-6954, 37350.5, 38002, 38010, 39732, and 40401(b) ; Charter of The City of San Diego Section 220; and San Diego Municipal Code Section 61.0601, et seq.

Section 5. That the parcels of property sought to be condemned are described as follows:



PARCEL 3

FEE OWNER MICHAL LUNOW, TRUSTEE OR HIS SUCCESSORS IN TRUST,
UNDER THE MICHAL LUNOW TRUST DATED MARCH 29, 1992

LEGAL DESCRIPTION

THE SOUTH 8 FEET OF LOT 6, ALL OF LOT 7 AND THE NORTH 8
FEET OF LOT 8 IN BLOCK 7 OF CITY HEIGHTS ANNEX NO. 1, FILED
IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO
COUNTY, JULY 18, 1906, EXCEPTING THE WEST 5.00 FEET
THEREOF.

PARCEL 4

FEE OWNER ANNE RUNYAN, AS TRUSTEE OF THE RUNYAN FAMILY TRUST
INITIALLY CREATED ON JULY 8, 1992

LEGAL DESCRIPTION

THE SOUTHERLY 17.00 FEET OF LOT 8 AND ALL OF LOT 9 IN
BLOCK 7, 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 THEREFROM THE WESTERLY 5.00 FEET OF SAID LAND
AS CONVEYED TO THE CITY OF SAN DIEGO BY RESOLUTION NO.
162352, A CERTIFIED COPY OF WHICH WAS FILED FOR RECORD IN
THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY,
OCTOBER 11, 1960 AS FILE NO. 202975.

PARCEL 5

FEE OWNERS THOMAS E. WELSH AND NITA L. WELSH, HUSBAND AND WIFE AS
JOINT TENANTS

LEGAL DESCRIPTION

LOTS 10 AND 11 IN BLOCK 7 OF CITY HEIGHTS ANNEX UNIT NO. 1,
ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF
THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 18, 1906.

EXCEPTING THEREFROM THE WESTERLY 5 FEET THEREOF.

PARCEL 6

FEE OWNERS TRUYEN DANG DO, SINGLE MAN, AND HUNG DANG DO, A SINGLE MAN, AS JOINT TENANTS

LEGAL DESCRIPTION

LOT 12 AND THE NORTH ONE-HALF OF LOT 13, IN BLOCK NO. 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 THEREFROM THE WESTERLY FIVE FEET OF LOT 12 AND THE WESTERLY FIVE FEET OF THE NORTHERLY 12.5 FEET OF LOT 13 THEREOF.

PARCEL 7

FEE OWNERS SALVADOR SANDOVAL AND TERESA SANDOVAL, HUSBAND AND WIFE; AND THERESA MORALES, A MARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY, ALL AS JOINT TENANTS

LEGAL DESCRIPTION

THE SOUTH ONE-HALF OF LOT 13 AND ALL OF LOT 14 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 THEREFROM THE WESTERLY 5.00 FEET THEREOF, AS GRANTED TO THE CITY OF SAN DIEGO, IN DEED RECORDED OCTOBER 13, 1960 AS FILE NO. 204192 OF OFFICIAL RECORDS.

PARCEL 8

FEE OWNERS ROBERT B. BROUILLETTE AND JANE E. BROUILLETTE,
TRUSTEES OF THE BROUILLETTE FAMILY TRUST AGREEMENT DATED MAY 16,
1988

LEGAL DESCRIPTION

LOTS 15 AND 16, 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 9

FEE OWNERS ABEL P. SANCHEZ AND MARIA GUADALUPE SANCHEZ, HUSBAND
AND WIFE AS JOINT TENANTS

LEGAL DESCRIPTION

LOT 17 AND THE NORTH 15 FEET OF LOT 18, BLOCK 7, CITY
HEIGHTS ANNEX NO. 1, IN THE CITY OF SAN DIEGO, COUNTY OF
SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP 1001,
FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
COUNTY,
JULY 18, 1906.

EXCEPTING THE WESTERLY 5 FEET THEREOF.

PARCEL 10

FEE OWNERS EDWARD RICHARD DUOBA AND PATRICIA ANN DUOBA

LEGAL DESCRIPTION

THE SOUTH 10 FEET OF LOT 18 AND THE NORTH 21 2/3 FEET OF LOT 19, 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 THEREFROM THE WESTERLY 5.00 FEET THEREOF.

PARCEL 12

FEE OWNER J. DE JESUS MUNOZ, A MARRIED MAN

LEGAL DESCRIPTION

THE WEST 75 FEET OF THE SOUTH 3-1/3 FEET OF LOT 22 AND THE WEST 75 FEET OF LOTS 23 AND 24 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 ON JULY 18, 1906.

EXCEPT

ALL THAT PORTION OF LOTS 22, 23 AND 24, BLOCK 7 CITY HEIGHTS ANNEX NO. 1, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY ON JULY 18, 1906, DESCRIBED AS:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID LOT 24; THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID LOTS 24, 23 AND 22, A DISTANCE OF 49.66 FEET TO A POINT THEREON, DISTANT 3.33 FEET NORTHERLY OF THE SOUTHWESTERLY CORNER OF SAID LOT 22, THENCE EASTERLY, 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 22, 23 AND 24; THENCE SOUTHERLY, ALONG SAID PARALLEL LINE, 34.66 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 15.00 FEET; THENCE SOUTHERLY, SOUTHEASTERLY 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 SOUTHERLY LINE OF SAID LOT 24; THENCE WESTERLY ALONG SAID SOUTHERLY LINE 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL 13

FEE OWNERS: THE HEIRS OR DEVISEES OF JULIA BONTEMPI, AN UNMARRIED WOMAN, DECEASED, THEIR INTEREST BEING SUBJECT TO THE ADMINISTRATION OF THE ESTATE OF SAID DECEDENT IN SAN DIEGO COUNTY, PROBATE CASE NO. 166501.

LEGAL DESCRIPTION

THE EAST 50 FEET OF LOTS 23 AND 24 AND THE EAST 50 FEET OF THE SOUTH 3 1/3 FEET OF LOT 22 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 SAID SAN DIEGO COUNTY, JULY 18, 1906.

PARCEL 14

FEE OWNER MARITES A. VALDEZ, A SINGLE WOMAN

LEGAL DESCRIPTION

ALL OF LOTS 25 AND 26 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 THEREFROM THE EAST 75 FEET THEREOF.

PARCEL 15

FEE OWNER JOHN S. GWAZDACZ, A MARRIED MAN

LEGAL DESCRIPTION

THE EAST 75.00 FEET OF LOTS 25 AND 26 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 16

FEE OWNER FANNY M. ACOSTA

LEGAL DESCRIPTION

LOTS 27 AND 28, 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 17

FEE OWNERS FRED BERTOLINO, TRUSTEE UNDER TRUST AGREEMENT DATED NOVEMBER 12, 1992 FOR BENEFIT OF FRED BERTOLINO AS TO AN UNDIVIDED 50% INTEREST; ALBERT BERTOLINO AND UNA MARIE BERTOLINO, CO-TRUSTEES OF THE ALBERT AND UNA MARIE BERTOLINO - 1992 TRUST, UNDER DECLARATION OF TRUST DATED JANUARY 17, 1992, AS TO AN UNDIVIDED 40% INTEREST; AND FRANK R. BERTOLINO, A SINGLE MAN, AS TO AN UNDIVIDED 10% INTEREST

LEGAL DESCRIPTION

LOTS 29 AND 30 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 ON JULY 18, 1906.

PARCEL 18

FEE OWNER LAURENCE TATE, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY

LEGAL DESCRIPTION

LOTS 31 AND 32 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 19

FEE OWNERS ROSA ILDA GARCIA VARGAS, A SINGLE WOMAN, AND JOSEFA GARCIA, A SINGLE WOMAN, AS JOINT TENANTS

LEGAL DESCRIPTION

LOT 33 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 ON JULY 18, 1906.

PARCEL 20

FEE OWNERS MARTIN SANCHEZ DURAN AND ESTHER H. DURAN, HUSBAND
AND WIFE AS JOINT TENANTS

LEGAL DESCRIPTION

LOTS 34 AND 35 AND THE SOUTH 3 FEET OF LOT 36 IN BLOCK 7 OF
CITY HEIGHTS ANNEX NO. 1, ACCORDING TO MAP THEREOF NO.
1001, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN
DIEGO COUNTY, JULY 18, 1906.

PARCEL 21

FEE OWNERS RUSSELL L. BOGGESS AND KATHLEEN D. BOGGESS, HUSBAND
AND WIFE AS JOINT TENANTS

LEGAL DESCRIPTION

ALL OF LOT 36, EXCEPT FOR THE SOUTH 3 FEET THEREOF AND
ALL OF LOT 37, 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 22

FEE OWNERS SYLVESTER R. MILLER AND HELEN M. MILLER, TRUSTEES OF
THE SYLVESTER R. MILLER AND HELEN M. MILLER 1991 FAMILY TRUST

LEGAL DESCRIPTION

LOT 38 AND THE SOUTH HALF OF LOT 39 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 SAID SAN DIEGO COUNTY, JULY 18, 1906.

PARCELS 29 & 30

FEE OWNER HESAM SOBHANI, A SINGLE MAN

LEGAL DESCRIPTION

THE SOUTH 3 FEET 4 INCHES OF LOT 19 AND LOT 20, BLOCK 7, 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 THEREFROM THE WESTERLY 5.00 FEET OF LOT 20 AND THE WESTERLY 3.00 FEET OF THE SOUTHERLY 3.33 FEET OF LOT 19, ALL IN BLOCK 7, CITY HEIGHTS ANNEX NO. 1, ACCORDING TO MAP THEREOF NO. 1001, FILED JULY 18, 1906 IN THE SAN DIEGO COUNTY RECORDER'S OFFICE.

AND

THE SOUTH 3.4 FEET OF LOT 20, LOT 21 AND ALL OF LOT 22, EXCEPT THE SOUTH 3 FEET 4 INCHES, BLOCK 7, 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 THEREFROM THE WESTERLY 5.00 FEET OF LOTS 20 AND 21 AND THE WESTERLY 5.00 FEET OF THE NORTHERLY 21.67 FEET OF LOT 22, ALL IN BLOCK 7, CITY HEIGHTS ANNEX NO. 1, ACCORDING TO MAP THEREOF NO. 1001, FILED JULY 18, 1906 IN THE SAN DIEGO COUNTY RECORDER'S OFFICE.

Section 6. That the offers required by Government Code Section 7267.2 have 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 eminent domain action in the Superior Court of the State of California, 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 property, to condemn, acquire and obtain immediate possession of the property for the use of the CITY.

CASEY GWINN
APPROVED: ~~JOHN W. WITT~~, City Attorney

By


Debra J. Bevier

Deputy City Attorney

DJB:djr
11/14/96
Or.Dept:REA
Aud.Cert:
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