

RESOLUTION NUMBER R-288451

ADOPTED ON MARCH 18, 1997

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF PROPERTY INTERESTS FOR THE CORAL GATE PROJECT; THE REQUIRED PROPERTY INTERESTS ARE LOCATED IN THE COMMUNITY OF SAN YSIDRO, 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 INTERESTS SOUGHT TO BE ACQUIRED ARE DEEMED NECESSARY FOR THE CORAL GATE PROJECT; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE THE PROPERTY INTERESTS 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 OWNER OF THE PROPERTY AND THE OFFER WAS 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 INTERESTS AND IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Council of The City of San Diego (CITY) 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 that it has found and determined the following:

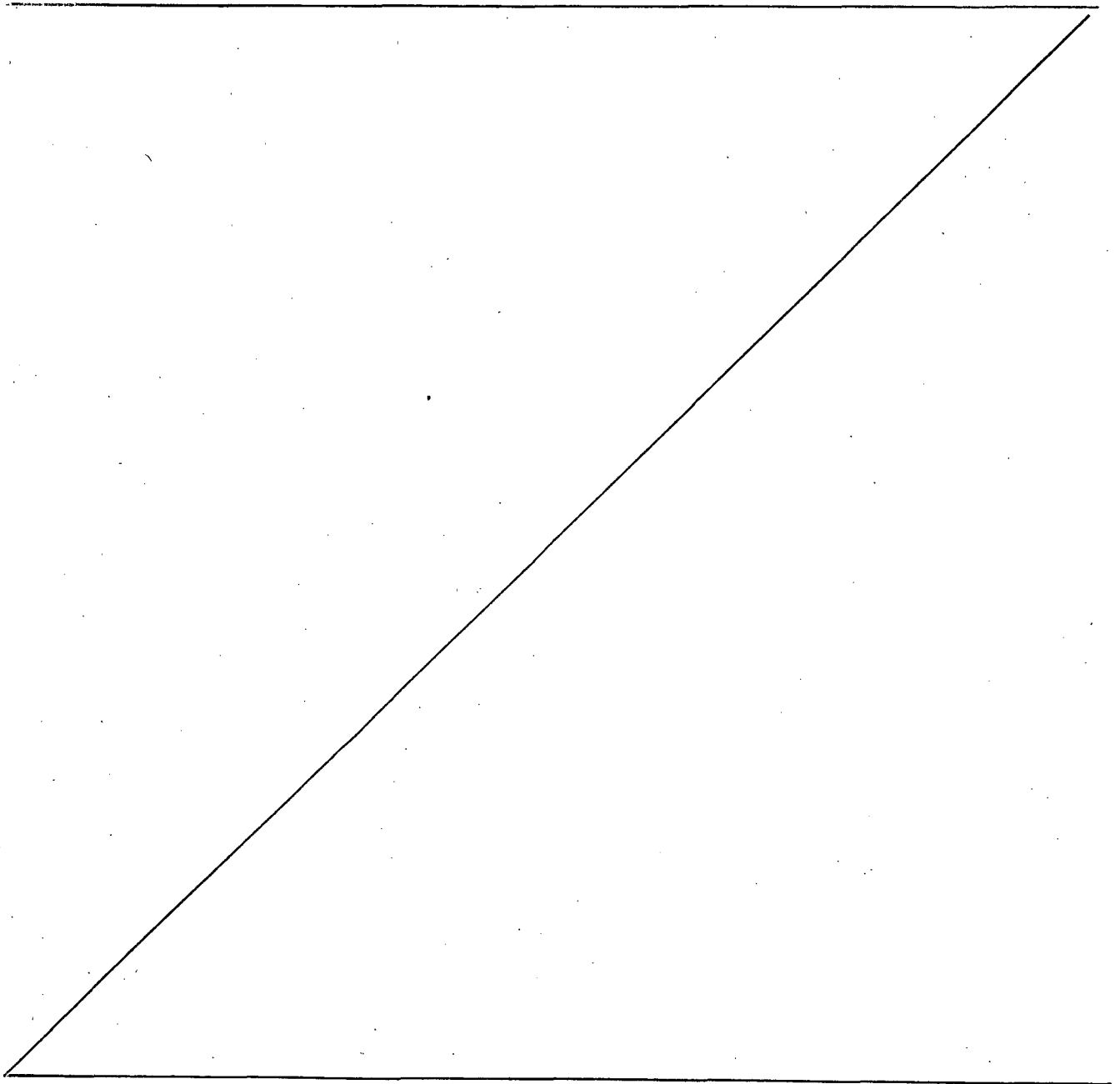
Section 1. That the public interest, convenience and necessity of the CITY, and the inhabitants thereof, require the acquisition of six (6) property interests for the Coral Gate Project. Said property interests include two (2) drainage easements to provide for the extension of the public storm drain system, and all incidents and appurtenances thereto, to allow the collected runoff from city streets and outlets to be diverted to an adjacent natural watercourse; one (1) slope easement which is required to support the Camino De La Plaza extension to Dairy Mart Road, providing a secondary access to the area of San Ysidro and thereby allowing public safety vehicles an alternate route; and three (3) temporary construction easements to allow adequate area in which to construct the project. All interests sought for this project are located in the San Ysidro community area, in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

Section 2. That the acquisitions sought herein are for a public use authorized by the following Code sections: 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, 38900, 39040 and 40404 of the Government Code.

Section 3. That the project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury.

Section 4. That the acquisition and taking of the property interests described hereinafter are necessary for the Coral Gate Project for municipal purposes.

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



DRAINAGE EASEMENT
(GARCIA PROPERTY)

Parcel "A"

A 15.00 foot strip of land in the northwest quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, in the City of San Diego, County of San Diego, State of California, lying within that certain parcel of land to Joseph H. Garcia, Jr. per Deed recorded May 6, 1991 as File No. 1991-0208141 of Official Records, the centerline of said 15.00 foot strip being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 2 as shown on R.O.S. No. 7919 recorded October 24, 1974 as File No. 74-284047; thence along the South line of said R.O.S. No. 7919 North 62°05'13" West, 603.47 feet (North 62°04'39" West per said R.O.S. 7919) (North 62°36'10" West per Deed) to the TRUE POINT OF BEGINNING; thence leaving said South line North 31°27'17" East, 98.00 feet to the POINT OF TERMINUS.

The sidelines of said 15.00 foot strip of land shall be lengthened or shortened so as to terminate southerly in said South line of R.O.S. No. 7919.



Ronald L. Holloway
Ronald L. Holloway

4-11-96

R.C.E. 29271, Date

VTM No. 89-1391

W.O. 891391

Dwg. No. 26333-D

DRAINAGE EASEMENT
(GARCIA PROPERTY)

Parcel "D"

A 15.00 foot strip of land in the southeast quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, in the City of San Diego, County of San Diego, State of California, lying within that certain parcel of land to Joseph H. Garcia, Jr. per Deed recorded May 6, 1991 as File No. 1991-0208141 of Official Records, the centerline of said 15.00 foot strip being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 2 as shown on R.O.S. No. 7919 recorded October 24, 1974 as File No. 74-284047; thence along the South line of said R.O.S. No. 7919 South 64°20'44" East, 956.20 feet (South 64°20'56" East per said R.O.S. 7919) (South 65°01'10" East per Deed) to the beginning of a non-tangent 690.00 foot radius curve concave northwesterly, a radial line to which bears South 31°11'08" East, said point being the TRUE POINT OF BEGINNING; thence northeasterly along the arc of said curve through a central angle of 06°05'51" a distance of 73.43 feet to the POINT OF TERMINUS.

The sidelines of said 15.00 foot strip of land shall be lengthened or shortened so as to terminate southerly in said South line of R.O.S. No. 7919.



Ronald L. Holloway

4-11-96

Ronald L. Holloway, R.C.E. 29271, Date

VTM No. 89-1391
W.O. 891391
Dwg. No. 26333-D

**SLOPE EASEMENT
(GARCIA PROPERTY)**

Parcel "Q"

All that portion of the northwest quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian according to the official plat thereof, being within the City of San Diego, County of San Diego, State of California, being more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of the northeast quarter of said Section 2, also being a point along the southerly line of property shown on Record of Survey 7919; Recorded: October 24, 1974 in the Office of the County Recorder of San Diego County; thence northwesterly along the southerly line of said Record of Survey, North 62°05'13" West 1349.87 feet, (Record: North 62°04'39" West, 1349.77 feet, Record of Survey 7919, to the TRUE POINT OF BEGINNING, also being the most southwesterly corner as shown on said Record of Survey; thence northerly along the westerly line of said Record of Survey, North 0°36'01" East, 22.51 feet, (Record: North 0°36'35" East, Record of Survey 7919), to an intersection with a line being 20.00 feet northeasterly and parallel with the above described southerly line of Record of Survey 7919; thence southeasterly along said parallel line, South 62°05'13" East, 275.00 feet; thence leaving said parallel line, South 48°06'21" East, 82.78 feet, to an intersection with the above described South line; thence northwesterly along said southerly line, North 62°05'13" West, 345.00 feet, to the TRUE POINT OF BEGINNING.

(Said parcel of land contains 0.142 acres, more or less)

Ron Holloway 7-2-96
Ronald L. Holloway, R.C.E. 29271, Date

VTM No. 89-1391
W.O. 891391
Dwg. No. 26333-2-D



(a:coralgate.Q)

TEMPORARY CONSTRUCTION EASEMENT
(GARCIA PROPERTY)

Parcel "AA"

A 35.00 foot strip of land in the northwest quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, in the City of San Diego, County of San Diego, State of California, the centerline of said 35.00 foot strip being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 2 as shown on Record of Survey No. 7919 recorded October 24, 1974 as File No. 74-284047; thence along the South line of said Record of Survey No. 7919, North 62°05'13" West 603.47 feet (North 62°04'39" West per Record of Survey No. 7919), to the TRUE POINT OF BEGINNING; thence leaving said South line North 31°27'17" East, 108.00 feet to the POINT OF TERMINUS.

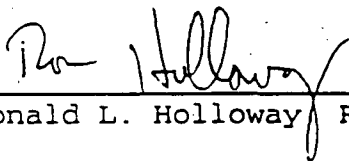
The sidelines of said 35.00 foot strip of land shall be lengthened or shortened so as to terminate southerly in said South line of Record of Survey No. 7919.

EXCEPTING therefrom a 15.00 foot strip of land in the northwest quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, in the City of San Diego, County of San Diego, State of California, the centerline of said 15.00 foot strip being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 2 as shown on Record of Survey No. 7919 recorded October 24, 1974 as File No. 74-284047; thence along the South line of said Record of Survey No. 7919, North 62°05'13" West 603.47 feet (North 62°04'39" West per Record of Survey No. 7919), to the TRUE POINT OF BEGINNING; thence leaving said South line North 31°27'17" East, 98.00 feet to the POINT OF TERMINUS.

The sidelines of said 15.00 foot strip of land shall be lengthened or shortened so as to terminate southerly in said South line of Record of Survey No. 7919.

(Said parcel of land contains 0.053 acres, more or less)



Ronald L. Holloway R.C.E. 29271, Date

VTM No. 89-1391
W.O. 891391
Dwg. No. 26333-2-D

coralgate.AA

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**TEMPORARY CONSTRUCTION EASEMENT
(GARCIA PROPERTY)**

Parcel "DD"

A 35.00 foot strip of land in the southeast quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, in the City of San Diego, County of San Diego, State of California, the centerline of said 35.00 foot strip being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 2 as shown on Record of Survey No. 7919 recorded October 24, 1974 as File No. 74-284047; thence along the South line of said Record of Survey No. 7919, South 64°20'44" East, 956.20 feet (South 64°20'56" East per Record of Survey No. 7919), to the beginning of a non-tangent 690.00 foot radius curve concave northwesterly, a radial line to which bears South 31°11'08" East, said point being the TRUE POINT OF BEGINNING; thence northeasterly along the arc of said curve through a central angle of 06°55'40" a distance of 83.43 feet to the POINT OF TERMINUS.


The sidelines of said 35.00 foot strip of land shall be lengthened or shortened so as to terminate southerly in said South line of Record of Survey No. 7919.

EXCEPTING therefrom a 15.00 foot strip of land in the southeast quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian, according to official plat thereof, in the City of San Diego, County of San Diego, State of California, the centerline of said 15.00 foot strip being more particularly described as follows:

Beginning at the southeast corner of the northwest quarter of the northeast quarter of said Section 2 as shown on Record of Survey No. 7919 recorded October 24, 1974 as File No. 74-284047; thence along the South line of said Record of Survey No. 7919, South 64°20'44" East, 956.20 feet (South 64°20'56" East per Record of Survey No. 7919), to the beginning of a non-tangent 690.00 foot radius curve concave northwesterly, a radial line to which bears South 31°11'08" East, said point being the TRUE POINT OF BEGINNING; thence northeasterly along the arc of said curve through a central angle of 06°05'51" a distance of 73.43 feet to the POINT OF TERMINUS.

The sidelines of said 15.00 foot strip of land shall be lengthened or shortened so as to terminate southerly in said South line of Record of Survey No. 7919.

(Said parcel of land contains 0.042 acres, more or less)




Ronald L. Holloway, R.C.E. 29271, Date

VTM No. 89-1391
W.O. 891391
Dwg. No. 26333-2-D



coralgate.DD

 288451

**TEMPORARY CONSTRUCTION EASEMENT
(GARCIA PROPERTY)**

Parcel "QQ"

All that portion of the northwest quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian according to the official plat thereof, being within the City of San Diego, County of San Diego, State of California, being more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of the northeast quarter of said Section 2, also being a point along the southerly line of property shown on Record of Survey 7919; Recorded: October 24, 1974 in the Office of the County Recorder of San Diego County; thence northwesterly along the southerly line of said Record of Survey, North 62°05'13" West, 1349.87 feet, (Record: North 62°04'39" West, 1349.77 feet, Record of Survey 7919) to the TRUE POINT OF BEGINNING, also being the most southwesterly corner as shown on said Record of Survey; thence northerly along the westerly line of said Record of Survey, North 0°36'01" East, 33.76 feet, (Record: North 0°36'35" East, Record of Survey 7919), to an intersection with a line being 30.00 feet northeasterly and parallel with the above described southerly line of Record of Survey 7919; thence southeasterly along said parallel line, South 62°05'13" East, 281.39 feet; thence leaving said parallel line, South 48°06'21" East, 124.17 feet, to an intersection with the above described South line; thence northwesterly along said southerly line, North 62°05'13" West, 386.39 feet, to the TRUE POINT OF BEGINNING.

EXCEPTING therfrom all that portion of the northwest quarter of the northeast quarter of Section 2, Township 19 South, Range 2 West, San Bernardino Meridian according to the official plat thereof, being within the City of San Diego, County of San Diego, State of California, being more particularly described as follows:

Beginning at the southwest corner of the northeast quarter of the northeast quarter of said Section 2, also being a point along the southerly line of property shown on Record of Survey 7919; Recorded: October 24, 1974 in the Office of the County Recorder of San Diego County; thence northwesterly along the southerly line of said Record of Survey, North 62°05'13" West, 1349.87 feet, (Record: North 62°04'39" West, 1349.77 feet, Record of Survey 7919) to the TRUE POINT OF BEGINNING, also being the most southwesterly corner as shown on said Record of Survey; thence northerly along the westerly line of said Record of Survey, North 0°36'01" East, 22.51 feet, (Record: North 0°36'35" East, Record of Survey 7919), to an

intersection with a line being 20.00 feet northeasterly and parallel with the above described southerly line of Record of Survey 7919; thence southeasterly along said parallel line, South 62°05'13" East, 275.00 feet; thence leaving said parallel line, South 48°06'21" East, 82.78 feet, to an intersection with the above described South line; thence northwesterly along said southerly line, North 62°05'13" West, 345.00 feet, to the TRUE POINT OF BEGINNING.

(Said parcel of land contains 0.088 acres, more or less)

Ronald L. Holloway

Ronald L. Holloway, R.C.E. 29271, Date



VTM No. 89-1391

W.O. 891391

Dwg. No. 26333-2-D

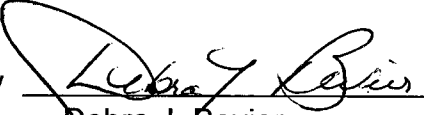
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Section 6. That an offer to acquire the property at the appraised fair market value, pursuant to Government Code Section 7267.2, has been made to the owner of record of the property.

Section 7. That the City Attorney of the CITY be, and he is hereby authorized and directed to commence an 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, for the purpose of condemning and acquiring the easements as above described and obtaining immediate possession of the parcels for the use of the CITY.

APPROVED: CASEY GWINN, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:djr:Civ
3/4/97
3/26/97 COR.COPY
Or.Dept:REA
Aud.Cert:
r-97-922