

RESOLUTION NUMBER R-289035

ADOPTED ON AUGUST 5, 1997

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF AN ELECTRICAL EASEMENT FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE RANCHO PENASQUITOS TOWNE CENTER SIGNALIZATION PROJECT, AND ALL INCIDENTS AND APPURTENANCES THERETO TO, FOR SAID PUBLIC PROJECT; THAT THE ELECTRICAL EASEMENT IS REQUIRED AS A CONDITION OF TENTATIVE MAP 95-0568, APPROVED BY PLANNING COMMISSION RESOLUTION 2248 ON JULY 11, 1996; THAT THE PROPOSED EASEMENT WILL PROVIDE THE CITY WITH THE NECESSARY RIGHT-OF-WAY ALONG AND ACROSS PORTIONS OF PARCEL 1 AND PARCEL 4 OF PARCEL MAP NO. 14619 [NORTH OF TED WILLIAMS PARKWAY, EAST OF BLACK MOUNTAIN ROAD, IN THE COMMUNITY OF RANCHO PENASQUITOS - MORE PARTICULARLY DESCRIBED HEREIN] TO INSTALL LOOP DETECTORS FOR A TRAFFIC SIGNAL; 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; THAT THE PROPERTY SOUGHT TO BE ACQUIRED IS NECESSARY FOR THE PROJECT; THAT THE ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; 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 AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID EASEMENT 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 EASEMENT 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, THAT THE COUNCIL OF THE CITY OF SAN DIEGO HAS FOUND AND DETERMINED EACH OF THE FOLLOWING:

Section 1. That based upon current and projected traffic volumes and safety considerations, a traffic signal will be required at Twin Trials Drive, east of Black Mountain Road. The proposed Rancho Penasquitos Towne Center Signalization Project will provide the City with the necessary right-of-way to install the loop detectors for the required traffic signal. The Penasquitos Community has requested that a traffic signal be installed at this location for safety reasons.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of the electrical easement in said property for the construction, operation and maintenance of said public project, along and across portions of Parcel 1 and Parcel 4 of Parcel Map No. 14619 (north of Ted Williams Parkway, east of Black Mountain Road, in the community of Rancho Penasquitos), all in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter. Said electrical

easement is required as a condition of Tentative Map 95-0568, approved by Planning Commission Resolution 2248 on July 11, 1996.

Section 3. That the Rancho Penasquitos Towne Center Project is planned or located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 4. That the interests sought to be acquired are necessary for the Rancho Penasquitos Towne Center Project, for municipal purposes.

Section 5. 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 5101(e), 5102, 10010, 10010(b), 10101, and 10102 Streets and Highways Code; and Sections 37350.5, 39732, 39792 and 40404 of the Government Code permit the acquisitions referenced herein.

Section 6. That the parcels of real property and the interests sought to be condemned are described as follows:

PARCEL A:

ALL THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 14619, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JANUARY 8, 1987 AS FILE NO. 87-007321 OF OFFICIAL RECORDS.

BEGINNING AT THE MOST SOUTHERLY CORNER OF THE ABOVEMENTIONED PARCEL 1; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL 1, NORTH $33^{\circ}34'43''$ EAST 35.31 FEET; THENCE LEAVING SAID LINE, NORTH $56^{\circ}25'17''$ WEST 7.00 FEET; THENCE SOUTH $33^{\circ}34'43''$ WEST 5.10 FEET TO A POINT ON THE ARC OF A NON-TANGENT 22.70 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY, A RADIAL LINE TO SAID POINT BEARS SOUTH $58^{\circ}58'52''$ EAST; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $50^{\circ}06'13''$ A DISTANCE OF 19.85 FEET; THENCE NON-TANGENT TO SAID CURVE, NORTH $71^{\circ}39'12''$ WEST 17.07 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TWIN TRAILS DRIVE AS SHOWN ON SAID PARCEL MAP NO. 14619; THENCE SOUTH $41^{\circ}55'12''$ 31.83 FEET TO THE POINT OF BEGINNING.

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PARCEL B:

ALL THAT PORTION OF PARCEL 4 OF PARCEL MAP NO. 14619, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, JANUARY 8, 1987 AS FILE NO. 87-007321 OF OFFICIAL RECORDS.

BEGINNING AT THE MOST WESTERLY CORNER OF THE AFOREMENTIONED PARCEL 4; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF TWIN TRAILS DRIVE AS SHOWN ON SAID PARCEL MAP NO. 14619, SOUTH $41^{\circ}55'12''$ EAST 30.01 FEET TO THE BEGINNING OF A TANGENT 90.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $11^{\circ}58'14''$ A DISTANCE OF 18.80 FEET TO THE BEGINNING OF A TANGENT COMPOUND CURVE HAVING A RADIUS OF 614.00 FEET, A RADIAL LINE TO SAID POINT BEARS, SOUTH $36^{\circ}06'34''$ WEST; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $00^{\circ}42'26''$ A DISTANCE OF 7.58 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH $38^{\circ}42'31''$ WEST 42.19 FEET; THENCE NORTH $33^{\circ}34'43''$ EAST 58.06 FEET; THENCE NORTH $56^{\circ}25'17''$ WEST 12.00 FEET; THENCE SOUTH $33^{\circ}34'43''$ WEST 25.00 FEET; THENCE NORTH $56^{\circ}25'17''$ WEST 3.00 FEET TO THE NORTHWESTERLY LINE OF SAID PARCEL; THENCE ALONG SAID LINE SOUTH $33^{\circ}34'43''$ WEST 35.31 FEET TO THE POINT OF BEGINNING.

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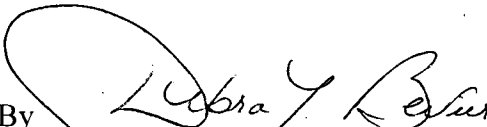
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Section 7. That an offer to acquire the property, pursuant to Government Code Section 7267.2, at the appraised fair market value has been made to the owners of record of the property.

Section 8. 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, 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 electrical easement as above described and obtaining immediate possession of said parcels for the use of said City.

APPROVED: CASEY GWINN, City Attorney

By 
Debra J. Beyler
Deputy City Attorney

DJB:djr:Civ
07/18/97
8/21/97 COR.COPY
Or.Dept:REA
Aud.Cert:9800081
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