

RESOLUTION NUMBER R- 289706

ADOPTED ON FEB 03 1998

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 TWO PARCELS OF PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE, AND INCIDENTS THERETO, OF THE HOLLISTER STREET (BAILEY BRIDGE) REPLACEMENT PROJECT; THAT THE PROPERTY IS LOCATED NEAR HOLLISTER STREET AND THE TIJUANA RIVER IN THE TIJUANA RIVER VALLEY, WITHIN 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 PROJECT; THAT ACQUISITION BY EMINENT DOMAIN IS AUTHORIZED BY LAW; AND DECLARING THAT THE OFFER TO PURCHASE THE PROPERTY REQUIRED BY GOVERNMENT CODE SECTION 7267.2 HAS BEEN MADE TO THE OWNERS OF RECORD; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE THE PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; 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, IN THE COUNTY OF SAN DIEGO, TO CONDEMN, ACQUIRE AND OBTAIN IMMEDIATE POSSESSION OF THE PROPERTY FOR THE USE OF THE CITY.

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 has provided them 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 proposed Hollister Street (Bailey Bridge) Replacement Project will replace the single lane Hollister Street (Bailey) Bridge over the Tijuana River with a wider and longer bridge that will provide two-lane access for north/south traffic along Hollister Street. The widened bridge will be located along the existing alignment of Hollister Street within the existing street right of way.

The project will also widen the underlying flood channel by allowing for grading to occur both upstream and downstream from the bridge. Currently, the channel is constricted at the location of the existing Bailey bridge and needs to be widened on both sides of the bridge in order to remove the constriction. Replacement of the Bailey bridge and widening of the flood channel will reduce flood water surface elevations, thereby reducing the frequency of closure of Hollister Street due to flooding.

Section 2. 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 hereafter for the Hollister Street (Bailey Bridge) Replacement Project, a public project, and incidents and appurtenances thereto; that the property is to be used for the replacement of the Hollister Street (Bailey) Bridge and the widening of the Tijuana River in the Tijuana River Valley area; that the project includes construction, improvement, operation and maintenance; that the interests to be

acquired include fee simple title; and that the property is located in the City of San Diego, County of San Diego, State of California, as more particularly described hereafter.

Section 3. That the Hollister Street (Bailey Bridge) Replacement Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.

Section 4. That the property sought to be acquired is necessary for the Hollister Street (Bailey Bridge) Replacement Project, for municipal purposes.

Section 5. That the acquisitions sought herein are for a public use authorized by the following code sections: Charter of The City of San Diego Section 220; Code of Civil Procedure Sections 1240.010, 1240.110, 1240.120, 1240.150, 1240.410, 1240.430 and 1255.410; The Improvement Act of 1911; Streets and Highways Code Sections 5100, 5101, 5102, 5023 and 5023.1; and Government Code Sections 37350.5, 38900, 39901 and 40404.

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

California-American Water Company Parcel

That portion of the North Half of the North Half of the Northeast Quarter of the Northeast Quarter of Section 4, Township 19 South, Range 2 West, described as follows:

The Easterly 70.00 feet of the Southerly 35.00 feet of the Northerly 60.00 feet of the Northeast Quarter of the Northeast Quarter of said Section 4.

Martinez Parcel

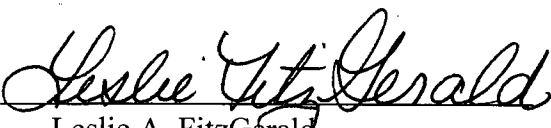
The West 264 feet of the North Half of the North Half of the North Half of the Northwest Quarter of the Northwest Quarter of Section 3, Township 19 South, Range 2 West, San Bernardino Meridian, according to U. S. Government Survey.

Section 7. That the offer required by Government Code Section 7267.2 has been made to the owners of record of the property to be acquired.

Section 8. That in connection with this action the Council has reviewed and considered the information contained in Mitigated Environmental Negative Declaration, LDR No. 96-0663, previously certified in connection with the Hollister Street (Bailey Bridge) Replacement Project, on file in the office of the City Clerk.

Section 9. That the City Attorney of the City of San Diego 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.

APPROVED: CASEY GWINN, City Attorney

By 
Leslie A. FitzGerald
Deputy City Attorney

LAF:djr:Civ
12/30/97
Or.Dept:REA
R-98-739
Aud.Cert:9800770
Form=stimprov.res

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 9800770
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 30,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for the acquisition of property rights and related costs for the Hollister Street (Bailey Bridge) Replacement Project.

Date December 24, 1997 By: *Nancy McCraner*

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	107	4279	526250		30300		\$30,000.00
TOTAL AMOUNT										\$30,000.00

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

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