

(R-98-1599)

RESOLUTION NUMBER 290472

ADOPTED ON JUL 21 1998

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE POINT LOMA LIBRARY EXPANSION PROJECT IN ORDER TO PROVIDE FOR THE CURRENT AND PROJECTED NEEDS OF THE COMMUNITY, CONSISTENT WITH THE PENINSULA COMMUNITY PLAN AND THE CITY'S GENERAL PLAN GUIDELINES; THAT SAID EXPANSION WILL ENABLE THE CITY TO PROVIDE FOR A MODERN LIBRARY AND COMMUNITY SERVICE CENTER FACILITY, A PARK AND NECESSARY EXPANDED PARKING FACILITIES; THAT SAID EXPANSION PROJECT WILL NECESSARILY REQUIRE THE ACQUISITION OF FEE SIMPLE TITLE TO SAID REAL PROPERTY LOCATED AT 3753 VOLTAIRE STREET, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION; THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; 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 OF THE PROPERTY; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID REAL PROPERTY 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 REAL 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,

Section 1. That the public interest, convenience and necessity of the City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of the Point Loma Library Expansion Project which will enable the City to provide the service area communities with a library and community service center facility, a park and necessary expanded parking facilities; all in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee simple title to said real property for the construction, operation and maintenance of the Point Loma Library Expansion Project; said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That Section 220, the 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, 37353, 38002, 38010, 39732, and 40401(b) of the Government Code permit the acquisitions referenced herein.

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

Lots 14, 15 and 16 in Block 39 of Western Addition in the City of San Diego, State of California, according to Map thereof No. 315, filed in the Office of the County Recorder, County of San Diego, State of California.

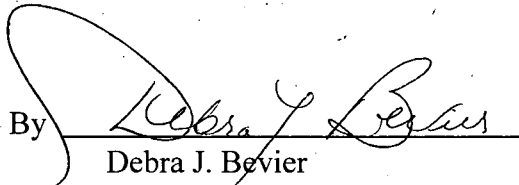
Section 5. That the taking and acquiring by said City of the real property hereinabove described is deemed necessary for the construction, operation and maintenance of the Point Loma Library Expansion Project in order to allow for the realignment and construction of a new library and community service center facility, park and necessary expanded parking facilities; that the project will provide the service area communities with a modern library, community service center, a park and the necessary parking facilities to accommodate the new facilities and the City's parking guidelines; and that such uses are public uses authorized by law (Section 220, Charter of the City of San Diego; Sections 1240.010, 1240.110, 1240.120, and 1255.410, Code of Civil Procedure; and Section 37350.5, 37353, 38002, 38010, 39732, and 40401(b) of the Government 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 construction, operation and maintenance of the Point Loma Library Expansion Project, which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. 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 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, 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 real property as above described and obtaining immediate possession of said parcels for the use of said City.

APPROVED: CASEY GWINN, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:djr
06/30/98
Or.Dept:REA
Aud.Cert:9801486
R-98-1599
Form=publdg.res

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

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING AC 9801486
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 400,000.00 Fund 30244

Purpose Authorizing the expenditure of funds for Point Loma Library Expansion property rights and related costs of condemnation.

Date June 25, 1998 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	106	4279	350670				\$400,000.00
TOTAL AMOUNT										\$400,000.00

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

R-290472

JUL 21 1998

AC 9801486