

RESOLUTION NUMBER R- 292399

ADOPTED ON NOV 02 1999

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 AND AN EASEMENT TO THE TWO PARCELS OF PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE OF THE STATE ROUTE 56 - BLACK MOUNTAIN ROAD PROJECT, A PUBLIC STREET OR STREETS AND INCIDENTS THERETO; THAT THE INTERESTS SOUGHT TO BE ACQUIRED ARE LOCATED AT THE SOUTH END OF TRIGGER STREET ON THE NORTH SIDE OF THE FUTURE STATE ROUTE 56, WITHIN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA; THAT THE INTERESTS TO BE ACQUIRED INCLUDE FEE SIMPLE TITLE AND AN EASEMENT FOR TEMPORARY CONSTRUCTION AREA PURPOSES, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER, UNDER, ALONG, AND ACROSS THE PARCELS OF LAND DESCRIBED HEREAFTER; 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 OWNER OF RECORD; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE THE FEE SIMPLE TITLE AND EASEMENT 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 has provided notice to those persons designated in California 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 California Code of Civil Procedure section 1240.030; and

BE IT RESOLVED AND FINDINGS MADE, BY THE COUNCIL OF THE CITY OF SAN DIEGO, AS FOLLOWS:

Section 1. That the proposed State Route 56 - Black Mountain Road Project will provide for the acquisition of property interests (fee simple title and a temporary construction area easement) from two parcels of property located on the south end of Trigger Street on the north side of the future State Route 56.

That the property interests sought are required so that State Route 56 can be constructed along the alignment previously selected by the City Council.

That the State Route 56 - Black Mountain Road Project will help provide an essential transportation connection between Interstate 5 and Interstate 15. The completion of the project will improve mobility for local and regional traffic and reduce circuitous travel by helping to complete the only east-west freeway linkage between Interstate 5 and Interstate 15 in the twenty-five mile gap between State Route 78 and State Route 52 in north San Diego County. The project will also help relieve congestion on local arterial streets, thereby decreasing travel time and increasing motorist safety, and provide capacity for projected traffic in accordance with local and regional circulation plans.

Section 2. That the public interest, convenience and necessity of the City, and the inhabitants thereof, require the acquisition of fee simple title and an easement to the property

described hereafter for the State Route 56 - Black Mountain Road Project, and incidents and appurtenances thereto; that the project includes construction, improvement, operation and maintenance, together with the right of ingress and egress over, under, along, and across the specified parcels of land; that the interests to be acquired include fee simple title and an easement for temporary construction area purposes needed to construct, improve, operate and maintain the roadway and drainage areas; 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 State Route 56 - Black Mountain Road Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. Twenty-six project alternatives were evaluated for the purpose of identifying the most environmentally preferred route for the remaining portions of Route 56 to be constructed. The approved alignment achieves this goal by avoiding the City of San Diego's Multiple Species Habitat Planning Area (MHPA) while concurrently minimizing or mitigating impacts to existing and planned land uses.

Section 4. That the fee simple title and easement sought to be acquired are necessary for the State Route 56 - Black Mountain Road Project, for municipal purposes.

Section 5. 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, 1240.150, 1240.410, 1240.420 and 1255.410; The Improvement Act of 1911; Streets and Highways Code Sections 102, 130, 5100, 5101-5102, 5023 and 5023.1; Government Code Sections 37350.5, 38900 and 40404; and Charter of The City of San Diego Section 220.

Section 6. That the interests sought to be condemned are described as follows:

Caltrans'
Parcel 31311

All That Portion Of Lot 350 Of Penasquitos Bluffs Unit No. 4, In The City Of San Diego, County Of San Diego, State Of California, According To The Map Thereof No. 7822, Filed In The Office Of The County Recorder Of Said County, December 19, 1973 As File No. 73-349973, More Particularly Described As Follows:


Beginning At A 2" Iron Pipe With Disc Stamped California Department Of Transportation Being A Point On The Existing Right-Of-Way Line Of SR-56 Described As Parcel 26266 Granted To The State Of California In Deed Recorded February 20, 1991 As Document No. 1991-0075577 In The Office Of The County Recorder Of Said County, Said Point Also Being The Southeast Corner Of Lot 350 Of Said Map No. 7822, Thence Along Said State Right-Of-Way Line and Southerly Line of Said Lot 350 (1) South 86°49'04" West (South 86°48'49" West Per Said Deed), A Distance Of 44.427 Meters To The Southwest Corner Of Said Lot 350; Thence Leaving Said State Right-Of-Way (2) North 63°42'20" East, A Distance Of 49.936 Meters To The Easterly Line Of Said Lot 350; Thence (3) South 01°11'47" West Along Said Easterly Line, A Distance Of 19.659 Meters To The Point Of Beginning.

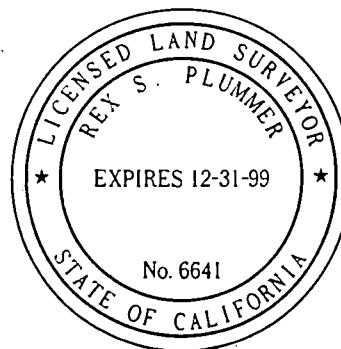
Containing 435.42 Square Meters (0.04 Hectares), More Or Less.

This Conveyance Is Made For The Purpose Of A Freeway And The Grantor Hereby Releases And Relinquishes To The Grantee Any And All Abutter's Rights Including Access Rights, Appurtenant To Grantor's Remaining Property, In And To Said Freeway.

Basis Of Bearings Is The California Coordinate System NAD83 Zone 6 And Is Based On A Line Between N.G.S. Stations 56-5.8 1987 And 56-5.20, I.E. North 81°17'45" West.

This Real Property Description Has Been Prepared By Me, Or Under My Direction, In Conformance With The Professional Land Surveyors Act.

Signature: 
Rex S. Plummer, LS 6641
License Expires 12/31/99
Date: March 3, 1999



R- 292399

Temporary Construction Area

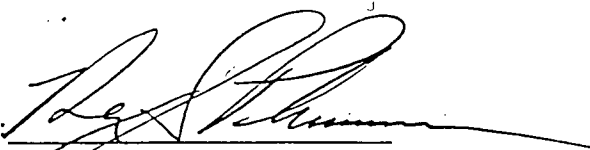
All That Portion Of Lot 350 Of Penasquitos Bluffs Unit No. 4, In The City Of San Diego, County Of San Diego, State Of California, According To The Map Thereof No. 7822, Filed In The Office Of The County Recorder Of Said County, December 19, 1973 As File No. 73-349973, More Particularly Described As Follows:

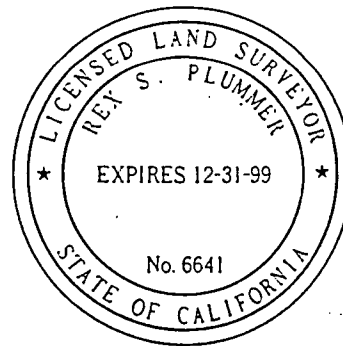
Commencing At The Southeast Corner Of Lot 350 Of Said Map No. 7822, Thence Leaving Said State Right-Of-Way Line Along The East Line Of Said Lot 350 North $01^{\circ}12'05''$ East, A Distance Of 19.659 Meters to the **True Point Of Beginning**; Thence Continuing North $01^{\circ}12'05''$ East Along Said East Line, A Distance Of 18.151 Meters To The Northerly Line Of Said Lot 350; Thence Along Said Northerly Line North $85^{\circ}38'10''$ West, A Distance Of 3.053 Meters; Thence Leaving Said Northerly Line South $23^{\circ}38'30''$ West, A Distance Of 27.431 Meters; Thence North $63^{\circ}42'38''$ East, A Distance Of 15.240 Meters To **The Point Of Beginning**.

Containing 162.21 Square Meters, More Or Less.

Basis Of Bearings For This Description Is The South Line of Lot 350 (Subdivision Boundary) Of Penasquitos Bluffs Unit No. 4, In The City Of San Diego, County Of San Diego, State Of California, According To The Map Thereof No. 7822, Filed In The Office Of The County Recorder Of Said County, December 19, 1973, I.E. North $86^{\circ}49'22''$ East.


This Real Property Description Has Been Prepared By Me, Or Under My Direction, In Conformance With The Professional Land Surveyors Act.

Signature: 
Rex S. Plummer, LS 6641
License Expires 12/31/99
Date: March 1, 1999



W.O. 524631

DWG. NO. 18888-B

 292399

Section 7. That the offer required by Government Code section 7267.2 has been made to the owner 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 Environmental Impact Report LDR File No. 95-0099, dated May 14, 1998, and adopted June 16, 1998, and July 21, 1998, by Resolution Nos. 290286 and 290467, on file in the office of the City Clerk.

Section 9. 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.

APPROVED: CASEY GWINN, City Attorney

By: 
LESLIE A. FITZGERALD
Deputy City Attorney

LAF:ccm:Civ.
10/18/99
Or.Dept:REA
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