

RESOLUTION NUMBER R- 293983

OCT 17 2000

ADOPTED ON \_\_\_\_\_

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF A SLOPE EASEMENT ON THE PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE, AND INCIDENTS THERETO, OF THE CARMEL MOUNTAIN ROAD PHASE II — OFFSITE ACQUISITION PROJECT; THAT THE PROPERTY IS LOCATED EAST OF THE INTERSECTION OF EL CAMINO REAL AND CARMEL MOUNTAIN ROAD, IN THE CARMEL VALLEY COMMUNITY, 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 REJECTED; 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. A public hearing was held to discuss the proposed design and improvement of Carmel Mountain Road. After a public hearing, the City Council adopted the proposed improvements to Carmel Mountain Road on June 30, 1997, by Resolution R-288908. As a condition of Vesting Tentative Map No. 96-0737, the developer must acquire the property necessary to construct the Carmel Mountain Road extension, as well as a wildlife crossing bridge. The Carmel Mountain Road Phase II — Offsite Acquisition Project is planned and is consistent with the Carmel Valley community plan and development regulations. Carmel Mountain Road is classified as a 4-lane modified collector street.

A slope easement is required on the property described hereafter to construct, improve, operate, and maintain the proposed Carmel Mountain Road extension and wildlife crossing bridge, as defined on Vesting Tentative Map No. 96-0737. The property sought to be acquired is the minimum needed to construct the proposed public street and incidents thereto.

Section 2. That the public interest, convenience and necessity of the City, and the inhabitants thereof, require the acquisition of the property described hereafter for the Carmel Mountain Road Phase II — Offsite Acquisition Project, a public street or streets, and incidents and appurtenances thereto; that the property is to be used to construct the proposed Carmel Mountain Road extension, as well as a wildlife crossing bridge; that the proposed project includes construction, improvement, operation and maintenance; that the interests to be acquired include an easement for slope purposes; and that the property is located east of the intersection of El Camino Real and Carmel Mountain Road, in the City of San Diego, County of San Diego, State of California, as more particularly described hereafter.

Section 3. That the Carmel Mountain Road Phase II — Offsite Acquisition 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 Carmel Mountain Road Phase II — Offsite Acquisition, 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, 1240.320 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, 37353, 40404 and 66462.5.

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

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EXHIBIT 'A'  
LEGAL DESCRIPTION  
FOR  
SLOPE EASEMENT

BEING A PORTION OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 14 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 29; THENCE ALONG THE NORTH LINE OF SAID EAST HALF

1. SOUTH 88°52'47" EAST 90.00 FEET; THENCE DEPARTING SAID NORTH LINE
2. SOUTH 07°23'19" EAST 4.82 FEET; THENCE
3. SOUTH 04°21'02" WEST 15.74 FEET; THENCE
4. SOUTH 17°17'41" WEST 24.91 FEET; THENCE
5. SOUTH 09°34'24" EAST 29.69 FEET; THENCE
6. SOUTH 17°34'35" WEST 18.20 FEET; THENCE
7. SOUTH 46°33'27" WEST 11.40 FEET; THENCE
8. SOUTH 69°44'57" WEST 15.35 FEET; THENCE
9. SOUTH 72°36'10" WEST 21.24 FEET; THENCE
10. SOUTH 76°10'20" WEST 31.80 FEET; THENCE
11. SOUTH 47°19'32" WEST 13.89 FEET TO A POINT ON THE WEST LINE OF SAID EAST HALF; THENCE ALONG THE WEST LINE OF SAID EAST HALF

12. NORTH 01°09'02" EAST 129.19 FEET TO THE POINT OF BEGINNING.  
CONTAINS 0.219 ACRES, MORE OR LESS.

WO NO. 950300  
DWG NO. 18841-B




*Arnold L. White, Jr.* 2-23-99  
ARNOLD L. WHITE, JR. DATE  
LS 7430  
EXPIRATION DATE 12/31/01

Section 7. That the City of San Diego, as lead agency under CEQA, completed an Environmental Impact Report (LDR No. 96-0736) dated May 29, 1997, covering this activity. The City Council certified and approved said Environmental Impact Report on June 30, 1997, by Resolution No. R-292625.

Section 8. That the offer required by Government Code Section 7267.2 has been made to the owners of record of the property to be acquired and rejected.

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

LF:lf:cm  
9/27/00  
Or.Dept:READ  
R-2001-520  
Aud.Cert:2100358

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

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING AC 2100358  
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 10,000.00 Fund 63020

Purpose Authorizing condemnation of slope easement required for Carmel Mtn Rd and expenditure of \$10,000 from Developer's Trust fund 63020 for the acquisition and execute right of way acquisition agreement for construction of a public street and wildlife crossing.

Date September 22, 2000 By: Joan Talbert *Joan Talbert*  
AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	63020	6320	102	4638	650024				\$10,000.00
TOTAL AMOUNT										\$10,000.00

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*