

RESOLUTION NUMBER 294399

ADOPTED ON DEC 12 2000

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE ACQUISITION OF EASEMENTS ON THE PROPERTY DESCRIBED HEREIN FOR THE CONSTRUCTION, IMPROVEMENT, OPERATION AND MAINTENANCE, AND INCIDENTS THERETO, OF THE DEL MAR MESA ROAD/SHAW RIDGE ROAD PROJECT; THAT THE PROPERTY IS LOCATED SOUTH OF STATE ROUTE 56, EAST OF CARMEL COUNTRY ROAD AND NORTH OF SHAW RIDGE 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. That the proposed Del Mar Mesa Road/Shaw Ridge Road Project provides for the construction of a portion of Del Mar Mesa Road, a two-lane residential local street identified in the adopted Del Mar Mesa (Subarea V) Specific Plan. The project is proposed as a means of providing a more acceptable level of service for both existing and planned traffic volumes within Del Mar Mesa. As discussed in the Del Mar Mesa Specific Plan, Del Mar Mesa Road is an integral part of the traffic circulation network for the area, and will improve direct vehicular access for existing residents, Mesa Verde Estates, and other planned residential developments in the area. This improved access is necessary to increase public safety and facilitate fire and emergency access to a portion of the City that has been served primarily by dirt roads.

The project is in conformance with the Del Mar Mesa Specific Plan and the Multiple Species Conservation Program. The construction of Del Mar Mesa Road is also required as an offsite condition of Mesa Verde Estates Vesting Tentative Map No. 96-0625 and is required for the Del Mar Mesa Road/Deer Canyon Sewer, both of which are authorized under Resource Protection Ordinance (RPO) Permit No. 99-0099. The property sought to be acquired is the minimum needed to provide the right of way required to construct Del Mar Mesa Road. Other alternatives to the project have been previously considered and rejected because of environmental impacts, traffic considerations, or construction costs. The project will provide a safe, efficient street system with all-weather access as well as public utilities for the community.

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 Del Mar Mesa Road/Shaw Ridge Road Project, a public street or streets, and incidents and appurtenances

thereto; that the property is to be used for the construction of a two-lane residential local street; that the project includes construction, improvement, operation and maintenance; that the interests to be acquired include a permanent easement and right-of-way for a public street, easements for slope purposes, and incidents and appurtenances thereto; and that the property is located south of State Route 56, east of Carmel Country Road, and north of Shaw Ridge Road, in Subarea V of the North City Future Urbanizing Area, in the City of San Diego, County of San Diego, State of California, as more particularly described hereafter.

Section 3. That the Del Mar Mesa Road/Shaw Ridge Road Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. The proposed location of Del Mar Mesa Road has been the subject of years of studies and discussions between the City, community members, and the affected property owners, as well as numerous public hearings. Over the years, numerous alternatives for the location of the road were analyzed and considered by the City and others. For example, an earlier proposal for Del Mar Mesa Road was rejected in order to avoid impacts to wetlands and sensitive resources. Other locations were similarly rejected because of their impact on existing residential structures.

Del Mar Mesa Road was identified and studied in the original Del Mar Mesa Specific Plan, and its associated Master Environmental Impact Report, in July 1996. The proposed location of the road at issue here was approved by the Planning Commission in connection with Del Mar Mesa Road/Deer Canyon Sewer, Resource Protection Ordinance (RPO) Permit No. 99-0099, and is identified in the Del Mar Mesa Specific Plan as amended in June 2000. As noted in the resolution adopted by the Planning Commission, Del Mar Mesa Road was designed to minimize impacts on sensitive habitats and other significant environmental impacts.

Private injury is also minimized because the existing, unimproved Del Mar Mesa Road/Shaw Ridge Road presently runs through the middle of the property at issue here. This dirt road has been the primary means of vehicular access for the Del Mar Mesa area for at least 30 years. The proposed alignment will locate the majority of Del Mar Mesa Road along the property's northern boundary line, with a portion of an "S" curve along the eastern approximately one-third of the property. The original Del Mar Mesa Road/Shaw Ridge Road through the center of the property will not be necessary upon completion of the project. Private injury is further minimized because the project will provide the remainder of the property sought to be acquired with all-weather access and access to public sewer and water facilities that are presently unavailable.

Section 4. That the property sought to be acquired is necessary for the Del Mar Mesa Road/Shaw Ridge Road Project, for municipal purposes. The property sought to be acquired is the minimum needed to provide the right-of-way required to construct Del Mar Mesa Road. The Del Mar Mesa Specific Plan identifies Del Mar Mesa Road as a critical east-west connector for this area of the City. As documented in RPO Permit No. 99-0099 and the associated environmental document, the proposed alignment of Del Mar Mesa Road balances the interests of the environment, the community, and the various property owners located along the road.

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, 1240.320, 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, 37353, 38900, 66462.5, and 40404.

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

EXHIBIT "A"

PERMANENT EASEMENT AND RIGHT-OF-WAY FOR PUBLIC STREET

DEL MAR MESA ROAD

BEING A PORTION OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 22, 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 UNITED STATES GOVERNMENT SURVEY APPROVED MAY 20, 1884, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 'A'

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 22, SAID CORNER BEING OCCUPIED BY A FOUND 2" DIAMETER IRON PIPE WITH GALVANIZED CAP (NO RECORD) AS SHOWN ON THE BOUGAINVILLEA, MAP NO. 13684 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON NOVEMBER 19, 1998 AS FILE NO. 1998-753788; THENCE NORTHERLY ALONG THE WESTERLY LINE OF SAID SECTION 22, NORTH 00°08'35" WEST 276.96 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WESTERLY LINE NORTH 00°08'35" WEST 52.00 FEET TO THE NORTHWEST CORNER OF SAID SOUTH ONE-HALF; THENCE DEPARTING SAID WESTERLY LINE AND EASTERLY ALONG THE NORTHERLY LINE OF SAID SOUTH ONE-HALF, NORTH 89°41'05" EAST 355.41 FEET TO THE INTERSECTION WITH A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 530.00 FEET, THENCE SOUTHEASTERLY 322.03 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°48'48"; THENCE TANGENT FROM SAID CURVE, SOUTH 55°30'07" EAST 13.93 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SOUTH ONE-HALF; THENCE SOUTHERLY ALONG SAID EASTERLY LINE THEREOF, SOUTH 00°17'40" EAST 63.32 FEET; THENCE DEPARTING SAID EASTERLY LINE, NORTH 55°30'07" WEST 50.06 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 478.00 FEET; THENCE NORTHWESTERLY 290.44 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°48'48"; THENCE TANGENT FROM SAID CURVE SOUTH 89°41'05" WEST 355.57

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W.O. NO. 980733  
DWG NO 00005-1-C

FEET TO THE INTERSECTION WITH THE WESTERLY LINE OF SAID SECTION 22 AND  
THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.828 ACRE.



BY: *Clifford Eardensohn*  
C. JOHN EARDENSOHN, L.S. 5278  
(MY LICENSE EXPIRES 12-30-99)

DATED: 10.22.99

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DWG NO 00005-1-C

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EXHIBIT "A"  
SLOPE EASEMENTS

BEING PORTIONS OF THE SOUTH ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SECTION 22, 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 UNITED STATES GOVERNMENT SURVEY APPROVED MAY 20, 1884 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 'B'

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 22, SAID CORNER BEING OCCUPIED BY A FOUND 2" DIAMETER IRON PIPE WITH GALVANIZED CAP (NO RECORD) AS SHOWN ON THE BOUGAINVILLEA, MAP NO. 13684 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON NOVEMBER 19, 1998 AS FILE NO. 1998-753788; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID SOUTH ONE-HALF, NORTH 89°39'31" EAST 670.33 FEET TO THE SOUTHEAST CORNER OF SAID SOUTH ONE-HALF; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID SOUTH ONE-HALF, NORTH 00°17'40" WEST 225.84 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY LINE, NORTH 55°30'07" WEST 13.93 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 530.00 FEET; THENCE NORTHWESTERLY, 322.03 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 34°48'48" TO THE INTERSECTION WITH THE NORTHERLY LINE OF SAID SOUTH ONE-HALF; THENCE EASTERLY ALONG SAID NORTHERLY LINE THEREOF, NORTH 89°41'05" EAST 126.44 FEET; THENCE LEAVING SAID NORTHERLY LINE SOUTH 74°23'14" EAST 72.25 FEET; THENCE SOUTH 66°18'20" EAST 59.78 FEET; THENCE SOUTH 56°19'31" EAST 61.61 FEET; THENCE SOUTH 47°45'41" EAST 16.86 FEET; TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SOUTH ONE-HALF; THENCE SOUTHERLY ALONG SAID EASTERLY LINE THEREOF, SOUTH 00°17'40" EAST 12.82 FEET TO THE TRUE POINT OF BEGINNING.

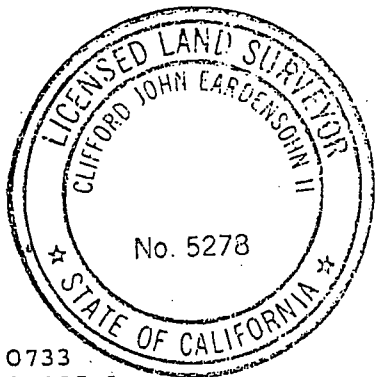
CONTAINING AN AREA OF 0.085 ACRE.

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DWG NO. 00005-1  
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PARCEL 'C'

COMMENCING AT THE WEST ONE-QUARTER CORNER OF SAID SECTION 22, SAID CORNER BEING OCCUPIED BY A FOUND 2" DIAMETER IRON PIPE WITH GALVANIZED CAP (NO RECORD) AS SHOWN ON MAP NO. 13684 RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON NOVEMBER 19, 1998 AS FILE NO. 1998-753788; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID SOUTH ONE-HALF, NORTH 89°39'31" EAST. 670.33 FEET TO THE SOUTHEAST CORNER OF SAID SOUTH ONE-HALF; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID SOUTH ONE-HALF, NORTH 00°17'40" WEST 160.83 FEET TO THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID EASTERLY LINE, NORTH 57°03'23" WEST 30.20 FEET; THENCE NORTH 56°03'56" WEST 70.52 FEET; THENCE NORTH 65°41'47" WEST 75.96 FEET; THENCE NORTH 76°51'25" WEST 67.73 FEET; THENCE NORTH 80°39'10" WEST 24.95 FEET; THENCE NORTH 85°55'00" WEST 40.66 FEET; THENCE SOUTH 85°40'02" WEST 99.64 FEET; THENCE SOUTH 86°46'28" WEST 61.76 FEET; THENCE SOUTH 89°32'29" WEST 35.92 FEET; THENCE NORTH 88°23'17" WEST 41.15 FEET; THENCE NORTH 88°49'21" WEST 28.10 FEET; THENCE NORTH 82°57'57" WEST 23.64 FEET; THENCE NORTH 78°34'10" WEST 26.30 FEET; THENCE NORTH 79°10'06" WEST 13.86 FEET; THENCE NORTH 90°00'00" WEST 11.29 FEET; THENCE SOUTH 83°22'15" WEST 12.54 FEET; THENCE SOUTH 85°36'02" WEST 28.23 FEET; THENCE SOUTH 45°37'45" WEST 7.05 FEET; TO THE INTERSECTION WITH THE WEST LINE OF SAID SECTION 22; THENCE NORTHERLY ALONG SAID WEST LINE THEREOF, NORTH 00°08'35" WEST 10.12 FEET; THENCE DEPARTING SAID WEST LINE NORTH 89°41'05" EAST 355.57 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 478.00 FEET; THENCE EASTERLY ALONG SAID CURVE 290.44 FEET THROUGH A CENTRAL ANGLE OF 34°48'48"; THENCE TANGENT FROM SAID CURVE SOUTH 55°30'07" EAST 50.06 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF SAID SOUTH ONE-HALF; THENCE SOUTHERLY ALONG SAID EASTERLY LINE THEREOF, SOUTH 00°17'40" EAST 1.69 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.103 ACRE.



BY: Clifford Eardensohn  
C. JOHN EARDENSOHN, L.S. 5278  
(MY LICENSE EXPIRES 12-30-99)  
DATED: 10.22.99

WO NO 980733  
DWG NO. 00005-1  
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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 and rejected.

Section 8. 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:ccm:Civ  
11/6/00  
Or.Dept:REA  
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