

RESOLUTION NUMBER R- 295979

ADOPTED ON JAN 22 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING AND DECLARING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN PROPERTY DESCRIBED HEREIN FOR THE STREET A (RANCHO DEL SOL WAY) PROJECT AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS TO CONDEMN, ACQUIRE, AND OBTAIN PREJUDGEMENT POSSESSION OF THE PROPERTY FOR THE USE OF THE CITY.

WHEREAS, it is desirable and necessary for the public interest of the City of San Diego to acquire certain real property located in the City of San Diego, within the County of San Diego, State of California, for the Street A (Rancho del Sol Way) Project [Project], in particular a roughly rectangular shaped piece of land containing approximately 0.0818 acres (3,654 square feet) [Subject Property] which will allow for the construction of an approximately 110-foot long portion of the Rancho del Sol Way which will connect the realigned Rancho Santa Fe Farms Road with the existing Rancho del Sol Way; and

WHEREAS, the construction of this portion of Street A (Rancho del Sol Way) is an off-site improvement obligation of Costa del Sol, a residential real estate development approved by the City of San Diego [City] pursuant to TM99-1087 and other entitlement [the Development]; and

WHEREAS, the Project is required in order to provide access to existing homes and future residential development planned and approved for this area of the City. Further, the

Project will provide capacity for projected traffic in accordance with local and regional circulation plans; and

WHEREAS, on July 28, 1998, the City Council adopted the Pacific Highlands Ranch Subarea Plan for Subarea III of the North City Future Urbanizing Area. On November 3, 1998, the voters for the City of San Diego approved Ballot Measure "M" which approved an amendment to the City's General Plan to allow a phase shift within the Pacific Highlands Ranch from "Future Urbanizing" to "Planned Urbanizing". Thereafter the Development underwent land use processing and on March 20, 2001, the City Council approved Tentative Map 99-1087 in Resolution R-294664, the Planned Residential Development Permit/Resource Protection Ordinance Permit in Resolution R-294665, the Findings LDR No. 99-1087 to the Master Environmental Impact Report LDR No. 96-7918 ("MEIR") in Resolution R-294663, and related entitlements; and

WHEREAS, as a result of the above described Development approvals the Project was reviewed and approved by the City under CEQA and the CEQA Guidelines; and

WHEREAS, the legal description of the Subject Property to be acquired for the Project is attached hereto as Exhibit A, and a diagram showing the general location and extent of the Subject Property is attached hereto as Exhibit B; and

WHEREAS, the City of San Diego is vested with the power of eminent domain to acquire real property for this Project for a public use by virtue of Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010-050, 1240.110-120, 1240.150, 1240.410, 1240.610 and 1255.410; The Improvement Act of 1911; California Streets and Highways Code sections 5023, 5023.1, 5100, 5101 and 5102;

California Government Code sections 37350.5, 40404 and 66462.5; and the Charter of the City of San Diego, Section 220; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all person whose property is to be acquired by eminent domain for the Project and whose names and addresses appear on the last San Diego County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Council of the City of San Diego on the following matters:

- (a) Whether the public interest and necessity require the Project;
- (b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- (c) Whether the property sought to be acquired is necessary for the Project;

and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record; NOW, THEREFORE,

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

1. The public interest and necessity require the City of San Diego to implement the objectives of the street A (Rancho del Sol Way) Project; that the public interest, convenience and necessity of the City, and the inhabitants thereof, require the acquisition of the Subject Property for the Project and incidents and appurtenances thereto; that the Project includes the construction, improvement, operation and maintenance of a public road over the Subject Property; that the

interest to be acquired is a fee simple so that the City can construct an approximately 110-foot long portion of Rancho del Sol Way which will connect the realigned Rancho Santa Fe Farms Road with the existing Rancho del Sol Way; that the Subject Property is located in the City of San Diego, County of San Diego, State of California, as more particularly described hereafter in Exhibits A and B; that the Project is necessary in order to provide street access to existing homes and future residential development planned and approved for this area of the City; and that the Project will provide capacity for projected traffic in accordance with the local and regional circulation plans.

Further, the Project is an important segment of the local arterial street system in Pacific Highlands Ranch, Subarea III and is necessary in order to assure adequate capacity for projected traffic, assure adequate and safe access to existing and planned residential areas, and to reduce congestion, circuitous travel and travel time. The Project implements local and regional circulation plans. This Project was analyzed, planned for, and is consistent with, City Council Resolutions R-294664, R-294665 and R-294663 and related approvals. Without this 110-foot long segment of Street A, residents and visitors to the area will be prevented from directly accessing the realigned Rancho Santa Fe Farms Road that will cross over State Route 56. Instead motorists would be forced to take an inefficient, circuitous route requiring several 90 degree turns. Absent this Project, residents and visitors to the area would encounter circulation and congestion difficulties, travel delays and commuting difficulties.

2. The Street A (Rancho del Sol Way) Project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury. Condemnation of the Subject Property is consistent with the essential transportation requirements

for the Pacific Highlands Ranch, Subarea III and the roadway configuration approved by the City as part of the Development. The public benefits of the Project include a safer, more reliable street system that will reduce congestion and delay. Construction of the Project will improve direct vehicular access to existing and planned residential developments. The Project will also provide a necessary connector street to Rancho Santa Fe Farms Road to the East which is being realigned as a result of CalTrans construction of State Highway 56. Alternative locations for the Project were evaluated as part of the detailed investigation and analysis of the Development, but were rejected as being either less reliable or more likely to interfere with existing and planned local transportation roadways. The Project has been designed to minimize impacts on adjoining property owners at the same time it maximizes access to public streets. In particular, without the Project, a portion of the existing Rancho Santa Fe Farms Road crossing the Subject Property owner's remaining land would have to remain open rather than being vacated to vehicle traffic. This would reduce the Subject Property owner's developable land area. With the Project, the existing Rancho Santa Fe Farms Road over the Subject Property owner's remaining land will be vacated to vehicle traffic.

3. The Subject Property more particularly described in Exhibits A and B is necessary for the Project, for municipal purposes, namely, the construction of a street for residents and visitors to existing homes and future planned residential and other development in this area of the City. The Subject Property sought to be acquired is the minimum needed to provide the balance of the right-of-way required to construct a 110-foot long stretch of Street A (Rancho del Sol Way). Acquisition of the Subject Property will allow the City to build a safe, reliable connector street between the realigned Rancho Santa Fe Farms Road and the existing Rancho del Sol Way.

The Subject Property is needed in order to provide an essential transportation connection for local and regional vehicular traffic. Without the Subject Property, Street A will not connect to the realigned Rancho Santa Fe Farms Road and traffic delays, congestion and circulation difficulties will result.

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the Subject Property.

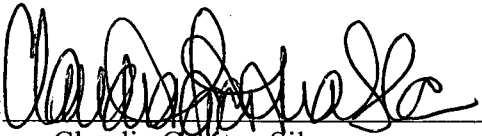
5. In connection with this action, the City Council has reviewed and considered the information, conditions and requirements contained in documents such as the Pacific Highlands Ranch Subarea Plan for Subarea III, Ballot Measure "M", Tentative Map 99-1087 approved by City Council Resolution R-294664, the Planned Residential Development Permit/Resource Protection Ordinance Permit approved by City Council Resolution R-294665, and Findings No. LDR No. 99-1087 to the MEIR approved by City Council Resolution R-294663.

6. The acquisition sought herein is for a public use authorized by the following laws; Article 1, Section 19, of the Constitution of the State of California; California Code of Civil Procedure sections 1240.010-050, 1240.110-120, 1240.150, 1240.410, 1240.610 and 1255.410; The Improvement Act of 1911, California Streets and Highways Code sections 5023, 5023.1, 5100, 5101 and 5102; California Government Code sections 37350.5, 40404 and 66462.5; and the Charter of the City of San Diego, Section 220.

7. The legal counsel for the City of San Diego be, and is hereby, authorized and directed to commence an eminent domain action in the Superior Court of San Diego, against all owners and claimants to an interest in the Subject Property described herein, to condemn, acquire and obtain immediate possession of the Subject Property for the use of the City.

8. An order for prejudgment possession may be obtained in said action and a warrant issued to the County of San Diego, in the amount determined by the Court to be so deposited, as a condition to the right of prejudgment possession.

APPROVED: CASEY GWINN, City Attorney

By: 
Claudia Gacitua Silva
Deputy City Attorney

CGS:cdk
01/07/02
01/22/02 COR. COPY
Orig.Dept.: REA
R-2002-917

EXHIBIT "A"
LEGAL DESCRIPTION
STREET DEDICATION – RANCHO DEL SOL WAY

PARCEL "A"

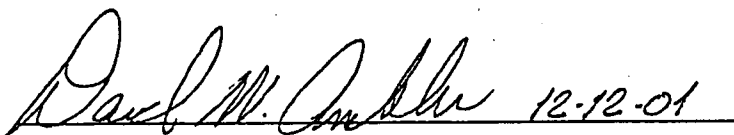
THAT PORTION OF PARCEL 1 OF PARCEL MAP NO. 12337, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER ON SEPTEMBER 24, 1982, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF PARCEL 1 OF SAID PARCEL MAP NO. 12337; THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL 1, NORTH 89°46'59" WEST, 229.75 FEET (NORTH 89°45'58" WEST PER SAID PARCEL MAP NO. 12337) TO A POINT ON THE EASTERLY BOUNDARY OF LOT 27 OF MAP NO. 12477, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF SAID COUNTY ON OCTOBER 18, 1989, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 1454.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 74°47'01" EAST; THENCE ALONG SAID EASTERLY LINE, NORTHERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°52'49" AN ARC DISTANCE OF 47.72 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF RANCHO SANTA FE FARMS ROAD AS DEDICATED AND SHOWN ON SAID MAP NO. 12477, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 40.00 FEET, A RADIAL LINE TO SAID POINT BEARS NORTH 07°17'22" WEST; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY, EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 28°28'31" AN ARC DISTANCE OF 19.88 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 48.00 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, EASTERLY AND NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 115°23'46" AN ARC DISTANCE OF 96.67 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY, NORTH 62°00'00" EAST, 179.07 FEET; THENCE NORTH 29°40'56" WEST, 189.44 FEET (NORTH 29°40'57" WEST AS DESCRIBED IN SUPERIOR COURT CASE NO. GIC771613 PER DOCUMENT RECORDED ON DECEMBER 7, 2001 AS FILE NO. 2001-

0898466 OF OFFICIAL RECORDS) TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF STATE ROUTE 56 AS DESCRIBED IN SAID SUPERIOR COURT CASE NO. GIC771613; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROUTE 56, THE FOLLOWING:

SOUTH 60°19'04" WEST, 30.00 FEET; THENCE NORTH 29°40'56" WEST, 242.71 FEET; THENCE SOUTH 60°19'03" WEST, 30.00 FEET; THENCE SOUTH 29°40'57" EAST, 39.25 FEET TO THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 59°11'03" WEST, 109.76 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF SAID RANCHO SANTA FE FARMS ROAD, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 986.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 65°12'00" WEST; THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY, SOUTHEASTERLY ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 00°09'15" AN ARC DISTANCE OF 2.65 FEET; THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY, SOUTH 24°57'15" EAST, 27.54 FEET; THENCE LEAVING SAID EASTERLY LINE, NORTH 60°30'00" EAST, 92.29 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 20.00 FEET; THENCE EASTERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 89°49'04" AN ARC DISTANCE OF 31.35 FEET TO A POINT OF CUSP; THENCE NORTH 29°40'56" WEST, 52.56 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINS 3564 SQUARE FEET MORE OR LESS.

 12-12-01

DAVID W. AMBLER L.S. 7322
HUNSAKER & ASSOCIATES SAN DIEGO, INC.



DRAWING NO. 19615-B

W.O. NO. 410086

PAGE 2 OF 2

R-295979

ASSESSOR'S PARCEL NOS.

305-021-15

REFERENCES

PARCEL MAP NO. 12337
 MAP NO. 12477
 GRADING DRAWING NO. 31021-11-D
 IMPROVEMENT DRAWING NO. 31551-3-D
 DEED F/N 2001-0177612 (APN 305-021-15)


BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS MAP IS CALIFORNIA COORDINATE SYSTEM NAD '83, ZONE 6, BASED UPON THE GRID BEARING BETWEEN STATION GPS 545 AND STATION GPS 546, AS SAID COORDINATES ARE PUBLISHED IN RECORD OF SURVEY MAP NO. 14492, i.e. N 52° 50' 24" E.

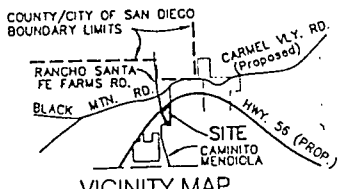
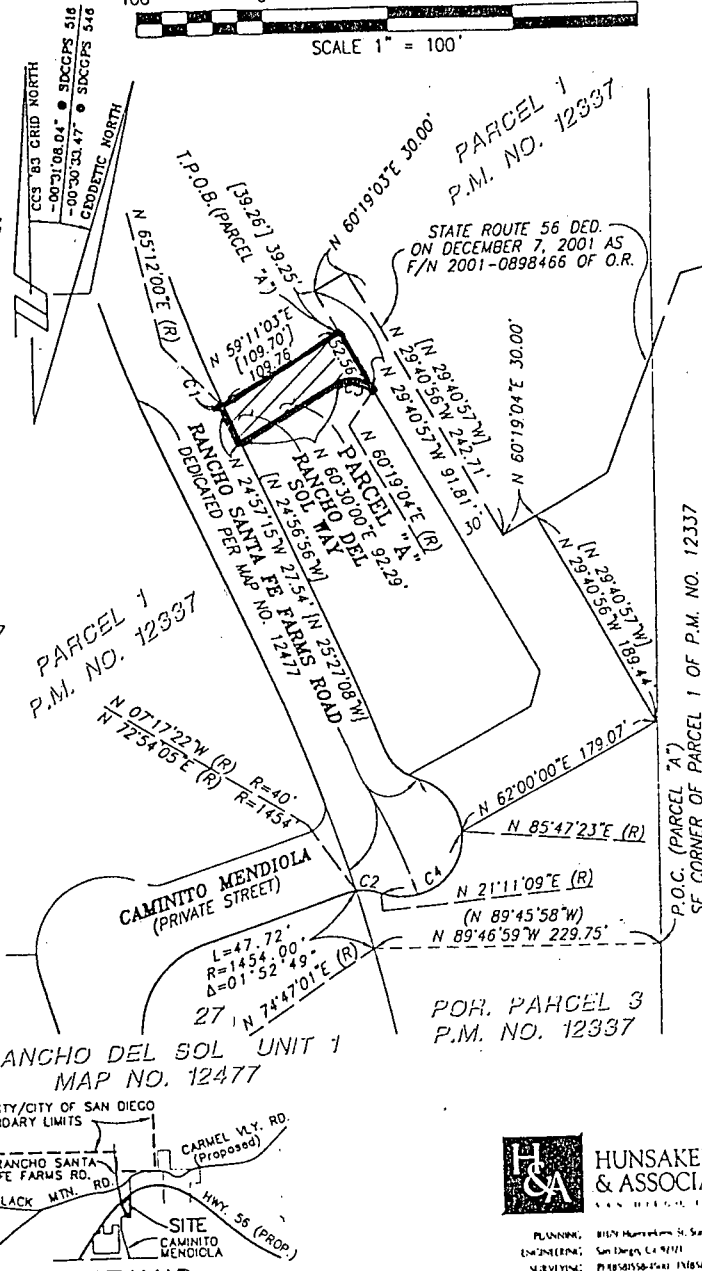
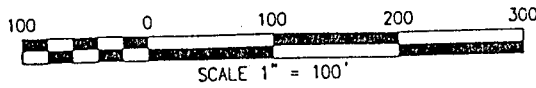
THE COMBINED SCALE FACTOR AT GPS STATION 545 IS 0.9999756. GRID DISTANCE = GROUND DISTANCE X COMBINED SCALE FACTOR.

QUOTED BEARINGS FROM REFERENCE MAPS OR DEEDS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

LEGEND

- (R) INDICATES RADIAL BEARING
- P.O.C. INDICATES POINT OF COMMENCEMENT
- T.P.O.B. INDICATES TRUE POINT OF BEGINNING
- () INDICATES RECORD DATA PER PM 12337
- { } INDICATES RECORD DATA PER MAP NO. 12477
- [] INDICATES RECORD DATA PER DEED RECORDED ON DECEMBER 7, 2001 AS FILE NO. 2001-0898466 OF O.R.
-  INDICATES STREET DEDICATION - PARCEL "A" = 3564 SQUARE FEET

NUMBER	DELTA	RADIUS	LENGTH
C1	00°09'15"	986.00	2.65
	[00°09'04"]		[2.60]
C2	28°28'31"	40.00	19.88
C3	89°49'04"	20.00	31.35
C4	115°23'46"	48.00	96.67



HUNSAKER & ASSOCIATES
 SAN DIEGO, CA
 PLANNING: BILLY HUNSAKER, Sr. State Reg.
 ENGINEERING: San Diego, CA 92121
 SURVEYING: PROFESSIONAL ENGINEER 10144

R:\0147\&MAP\0147Y012.DWG - W.O. 294-138

David W. Ambler 12-12-01
 DAVID W. AMBLER L.S. 7322

MAP PREPARED BY:
 HUNSAKER & ASSOCIATES SAN DIEGO
 10179 HUENNEKENS STREET
 SAN DIEGO, CA. 92121

**STREET DEDICATION
 RANCHO DEL SOL WAY**

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	T.W. 99-1087
ORIGINAL					SHEET 1 OF 1 SHEETS	W.O. NO. 410086
					<i>Lee Dennis</i> 12/13/01	1933-6277
					FOR CITY ENGINEER DATE	CCS 83 COORDINATES
						290-1713
						LAMBERT COORDINATES
						19615 -B
STATUS						

EXIB

R-295979