

RESOLUTION NUMBER R- 300603

ADOPTED ON JUN 27 2005

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS FOR THE CARMEL VALLEY TRUNK SEWER PROJECT (APNS 305-060-20, 305-040-20, 305-040-21, AND 305-021-16)

IT IS RESOLVED by the City Council of the City of San Diego as follows:

WHEREAS, on January 13, 2004, by Resolution No. R-298783, the City Council for the City of San Diego certified the approved the Mitigated Negative Declaration for the Carmel Valley Trunk Sewer Project identified as Project No. 6147 SCH No. 2003081166; and

WHEREAS, it is desirable and necessary for the City of San Diego to acquire certain real property and interests in real property, for the Carmel Valley Trunk Sewer Project; and

WHEREAS, legal descriptions of the property interests to be acquired are attached collectively hereto as Exhibits A and B, including maps depicting the areas to be acquired and diagrams showing the general location and extent of the property to be acquired; and

WHEREAS, the City of San Diego is vested with the power of eminent domain to acquire real property for this Project by virtue of Article I, Section 19, of the Constitution of the State of California; Sections 1240.010-050, 1240.110-120, 1240.610, of the California Code of Civil Procedure; Sections 37350.5 and 40404 of the California Government Code; and 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 persons whose property is to be acquired by eminent domain 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 City 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, IT IS FOUND, DETERMINED, AND ORDERED as follows:


1. The public interest and necessity require the City of San Diego to implement the objectives of the Carmel Valley Trunk Sewer Project;
2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
3. The taking of the interests in and to the real property more particularly described in Exhibits A and B are necessary for the Project;
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 real property;

5. The City Attorney or his designee is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as he may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount determined by the Court to be so deposited, as a condition to the right of immediate possession.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Leslie A. FitzGerald  
Deputy City Attorney

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6/16/05 (COR COPY)  
Or.Dept:READ  
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