



March 22, 2024

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND BY FIRST-CLASS MAIL

Lin Sulu Pastrana, Trustee
2237 Winsome Place
Escondido, CA 92029

RE: Notice of Public Hearing to Consider Adoption of a Resolution of Necessity and Authorization of Condemnation Proceedings to Acquire Property Interests by Eminent Domain [California Code of Civil Procedure 1245.235]
Property located on Shubin Lane (no street number), San Marcos, CA 92078
Assessor's Parcel No. 221-100-09-00

Dear Ms. Pastrana:

NOTICE OF YOUR RIGHT TO APPEAR AND BE HEARD:

Please take notice that the City of San Marcos (“City”), at a regular meeting to be held on April 9, 2024, starting at 6:00 p.m., or as soon thereafter as the matter may be heard, at the City Council Chambers, 1 Civic Center Drive, San Marcos, CA 92069, will hold a public hearing on whether such a Resolution of Necessity should be adopted, as required by California Code of Civil Procedure Section 1245.220 for the commencement of an eminent domain proceeding to acquire real property. If adopted, the Resolution of Necessity will authorize the City of San Marcos to acquire the property interests described herein by eminent domain for implementation of the University District Specific Plan, North City Drive and Street “A” right-of-way and related public improvements (the “project”). A description of the real property (Assessor's Parcel No. 221-100-09-00) being considered for acquisition is attached to this Notice as Exhibit A.

You have a right to appear and be heard before the City of San Marcos City Council at the above scheduled hearing and to have the City Council give judicious consideration to your testimony prior to deciding whether or not to adopt the proposed Resolution of Necessity on the following matters, issues, and determinations:

1. Whether the public interest and necessity require the proposed project;
2. Whether the proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

www.san-marcos.net

Notice of Public Hearing to Consider Adoption of a Resolution of Necessity and Authorization of Condemnation Proceedings to Acquire Property by Eminent Domain [California Code of Civil Procedure 1245.235]

Assessor's Parcel No. 221-100-09-00

March 22, 2024

Page 2 of 5

3. Whether the property interest sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed project.

4. Whether the offer required by Government Code Section 7267.2(a), together with the accompanying statement and summary of the basis for the amount established as just compensation, was made and whether said offer and statement/summary were in a form and contained all of the factual information required by Government Code Section 7267.2(a).

5. That the City of San Marcos has an urgent and overriding need for possession of the Property for purposes of construction of Project public improvements.

The statutes which authorize the City of San Marcos to acquire the property interest by eminent domain for this proposed project include, inter alia, California Code of Civil Procedure sections 1240.010, 1240.050, 1240.110, 1240.120, and 1255.410.

If you wish to appear and be heard, you must file a written request with the City Clerk of the City of San Marcos, 1 Civic Center Drive, San Marcos, CA 92069. Failure to file such a written request within 15 days of mailing this Notice will result in a waiver of the right to appear and be heard. However, the City Council, in its discretion, may determine to hear your oral statement even though you have not mailed a written request to be heard.

Should you elect to mail your request to the City Clerk, it must be received by the Clerk for filing within 15 days after this notice was mailed.

California Code of Civil Procedure section 1245.235(b)(3) provides that:

"Failure to file a written request to appear and be heard within 15 days after the notice was mailed will result in waiver of the right to appear and be heard."

If you elect not to appear and be heard, your failure to appear may be a waiver of your right to later challenge the right of the City to take the property interests by eminent domain.

A copy of the proposed Resolution of Necessity that will be recommended to the City Council for adoption will be available, upon your request, for inspection at the office of the City Clerk.

The amount of the compensation to be paid for the acquisition of the property interests is not a matter or issue being heard by the City Council at this time and will not be considered at this hearing. Your non-appearance at this noticed hearing will not prevent you from claiming greater compensation in and as determined by a court of law in accordance with the laws of the State of California. This notice is not intended to foreclose future negotiations between you and the representatives of the City on the amount of compensation to be paid for your property. If you

Notice of Public Hearing to Consider Adoption of a Resolution of Necessity and
Authorization of Condemnation Proceedings to Acquire Property by Eminent
Domain [California Code of Civil Procedure 1245.235]

Assessor's Parcel No. 221-100-09-00

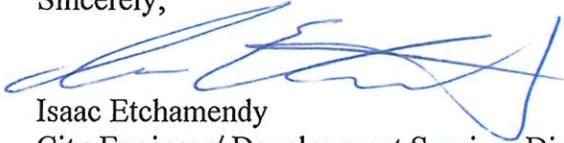
March 22, 2024

Page 3 of 5

elect not to appear and be heard, you will only be foreclosed from raising in a court of law the issues which are the subject of this noticed hearing and which are concerned with the right to take the property by eminent domain.

If the City Council elects to adopt the Resolution of Necessity, then within six months of the adoption of the Resolution, the City of San Marcos will commence eminent domain proceedings in Superior Court. In that proceeding, the court will determine the amount of compensation to which the owner(s) is (are) entitled.

Sincerely,



Isaac Etchamendy
City Engineer/ Development Services Director

Attachment:

Exhibit A – Legal Description of Real Property (Assessor's Parcel No. 221-100-09-00)

Notice of Public Hearing to Consider Adoption of a Resolution of Necessity and
Authorization of Condemnation Proceedings to Acquire Property by Eminent
Domain [California Code of Civil Procedure 1245.235]
Assessor's Parcel No. 221-100-09-00
March 22, 2024
Page 4 of 5

EXHIBIT "A" LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

THAT PORTION OF LOT 18 IN BLOCK 63 OF THE SUBDIVISION OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895, DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHEAST CORNER OF LOT 1 IN SAID BLOCK 63; THENCE NORTH 9°20' EAST ALONG THE EASTERLY LINE OF SAID LOT 1 AND THE EASTERLY LINE OF LOT 21 IN SAID BLOCK 63 A DISTANCE OF 923.28 FEET; THENCE; SOUTH 73°38'30" WEST PARALLEL WITH THE SOUTHEASTERLY LINE OF LOTS 1, 2 AND 3 IN SAID BLOCK 63 A DISTANCE OF 916.95 FEET TO THE TRUE POINT OF BEGINNING, BEING THE SOUTHWEST CORNER OF LAND DESCRIBED IN DEED TO MELVIN M. DE PUE, ET UX, RECORDED JANUARY 23, 1970 AS FILE/PAGE NO. 13014 OF OFFICIAL RECORDS; THENCE CONTINUING SOUTH 73°38'30" WEST 209.70 FEET TO THE WESTERLY LINE OF SAID LOT 18; THENCE NORTH 16°13'10" WEST ALONG SAID WESTERLY LINE 208.00 FEET; THENCE NORTH 73°38'30" EAST A DISTANCE OF 209.70 FEET TO THE NORTHWEST CORNER OF SAID DE PUE'S LAND; THENCE ALONG THE WESTERLY LINE OF SAID DE PUE'S LAND; SOUTH 16°26'20" EAST 208.00 FEET TO THE TRUE POINT OF BEGINNING. EXCEPT THEREFROM THAT PORTION, IF ANY, THAT LIES WITHIN A PARCEL OF LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 18; THENCE NORTH 73°34' EAST ALONG THE NORTHERLY LINE OF SAID LOTS 18 AND 19, A DISTANCE OF 412.78 FEET; THENCE SOUTH 9°20' WEST 456.97 FEET; THENCE SOUTH 73°38'30" WEST 215.78 FEET MORE OR LESS TO THE WESTERLY LINE OF SAID LOT 18; THENCE NORTH 16°13'10" WEST ALONG SAID WESTERLY LINE 411.51 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

AN EASEMENT FOR ROAD AND PUBLIC UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS THOSE PORTIONS OF LOTS 18 AND 19 IN BLOCK 63 OF THE SUBDIVISION OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895, LYING WITHIN A STRIP OF LAND 20.00 FEET IN WIDTH, THE SOUTHERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY CORNER OF LOT 1 IN SAID BLOCK 63; THENCE ALONG THE EASTERLY LINE OF SAID LOT 1 AND THE EASTERLY LINE OF SAID LOT 21; NORTH 09°20' WEST 923.28 FEET; THENCE PARALLEL WITH THE SOUTHEASTERLY LINE OF LOTS 1, 2 AND 3 IN BLOCK 63; SOUTH 73° 38'30" WEST, 552.66 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED LINE BEING A POINT ON THE EASTERLY LINE OF LOT 19 OF SAID BLOCK 63; THENCE CONTINUING SOUTH 73°38'30" WEST 364.29 FEET TO THE SOUTHWESTERLY CORNER OF LAND DESCRIBED IN PARCEL 1 IN DEED TO WILLIAM F. SHUBIN, ET AL, RECORDED JANUARY 30, 1959 IN BOOK 7472, PAGE 203 OF OFFICIAL RECORDS,

Notice of Public Hearing to Consider Adoption of a Resolution of Necessity and
Authorization of Condemnation Proceedings to Acquire Property by Eminent
Domain [California Code of Civil Procedure 1245.235]
Assessor's Parcel No. 221-100-09-00
March 22, 2024
Page 5 of 5

EXHIBIT "A" LEGAL DESCRIPTION (Continued)

PARCEL 3:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS A STRIP OF LAND 20.00 FEET WIDE LYING LOTS 20 AND 21 IN BLOCK 63 OF THE SUBDIVISION OF RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 21, 1895, THE SOUTHERLY LINE OF SAID 20.00 FOOT STRIP BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 IN SAID BLOCK 63; THENCE NORTH 9°20' EAST ALONG THE EASTERLY LINE OF SAID LOT 1 AND LOT 21 OF SAID BLOCK A DISTANCE OF 923.28 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 73°38'30" WEST PARALLEL WITH THE SOUTHEASTERLY LINE OF LOTS 1, 2 AND 3 IN SAID BLOCK 63 OF DISTANCE OF 552.66 FEET, MORE OR LESS TO THE EASTERLY LINE OF LOT 19 OF SAID BLOCK 63. SAID 20.00 FOOT STRIP BEGINS IN THE EASTERLY LINE OF SAID LOT 21 AND ENDS IN THE EASTERLY LINE OF LOT 19.

APN 221-100-09-00

END OF LEGAL DESCRIPTION OF REAL PROPERTY
(Assessor's Parcel No. 221-100-09-00)