

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04226

DATE OF FINAL PASSAGE NOV 16 2007

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE GRANT OF EASEMENT AND AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND LA MAESTRA FAMILY CLINIC, INC. FOR THE CONSTRUCTION AND NON-EXCLUSIVE USE OF STORM DRAIN IMPROVEMENTS ON AGENCY-OWNED PROPERTY LOCATED WITHIN THE CITY HEIGHTS REDEVELOPMENT PROJECT AREA; ACCEPTING AN EASEMENT FEE AND A PROCESSING FEE FROM LA MAESTRA FAMILY CLINIC, INC.; AND AMENDING THE FISCAL YEAR 2007-2008 REDEVELOPMENT AGENCY BUDGET FOR THE CITY HEIGHTS REDEVELOPMENT PROJECT.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the City Heights Redevelopment Project Area [Project Area]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan and advance the objectives of the Project Area pursuant to the Community Redevelopment Law, the Agency proposes to enter into a Grant of Easement and Agreement with La Maestra Family Clinic, Inc. [La Maestra], pursuant to which the Agency will grant to La Maestra a non-exclusive subsurface easement under and within a portion of Agency-owned property, consisting of approximately 487.50 square feet of an unimproved rectangular shaped area within said property, for the sole purpose of accessing said property and installing, using, maintaining, repairing, replacing and removing certain subsurface storm drain improvements; and

WHEREAS, the proposed storm drain improvements will service La Maestra's proposed 34,660 square foot primary care medical facility project, which said medical facility project is subject to certain permits issued by the City of San Diego, to wit: Substantial Conformance Review Approval No. 380277, relating to Planned Development Permit No. 308092, Conditional Use Permit No. 308101, Site Development Permit No. 308102, and Neighborhood Use Permit No. 3270436 (Amendment to Project No. 40960); and

WHEREAS, the proposed storm drain improvements will extend from property owned by La Maestra to the east located at 4056 Fairmont Avenue, on which the 34,660 square foot primary medical facility will be constructed, through the Agency-owned property, and to 43rd Street to the west; and

WHEREAS, the Grant of Easement and Agreement is non-exclusive and the Agency expressly reserves for itself, its successors and assigns, the right to use the easement area or to grant other easements or licenses at the same location; and

WHEREAS, the Grant of Easement and Agreement provides that La Maestra pay to the Agency the following fees: (1) a processing fee in the amount of \$3,500, to reimburse the Agency for the cost of obtaining an appraisal of the easement rights to be provided to La Maestra; and (2) an easement fee in the amount of \$13,650, which amount equals the appraised fair market value of the rights to be granted to La Maestra over and within Agency-owned land pursuant to the Grant of Easement and Agreement; and

WHEREAS, the Project Area Committee [PAC] for the City Heights Redevelopment Project considered the proposed Grant of Easement and Agreement at its meeting on September 10, 2007, and voted unanimously to recommend to the Agency the approval of the Grant of Easement and Agreement; and

WHEREAS, the Agency has duly considered the recommendations of the City Heights PAC and all terms and conditions of the proposed Grant of Easement and Agreement and finds that the provisions contained therein are in the best interests of the City and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable state and local law and requirements; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. That the Agency approves the Grant of Easement and Agreement and the exhibits attached thereto, a copy of which, upon execution by the Agency, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04226.

2. That the Executive Director of the Agency, or designee, is hereby authorized, for and on behalf of the Agency, to execute the Grant of Easement and Agreement and all other documents necessary and appropriate to carry out and implement the Grant of Easement and Agreement, and to administer the Agency's obligations, responsibilities, and duties to be performed thereunder.

3. That the Agency accepts from La Maestra Family Clinic, Inc. [La Maestra] the following fees: (1) a processing fee in the amount of \$3,500, to reimburse the Agency for the cost of obtaining an appraisal of the easement rights to be granted to La Maestra; and (2) an easement fee in the amount of \$13,650, which amount equals the appraised fair market value of the rights to be granted to La Maestra over and within Agency-owned land pursuant to the Grant of Easement and Agreement.

4. That the Fiscal Year 2007-2008 Redevelopment Agency Budget for the City Heights Redevelopment Project is hereby amended and increased by an amount not to exceed \$17,150.

5. That this activity Grant of Easement and Agreement is located on the site of the City Heights Square Project No. 40960, and subject to the previously approved Mitigated Negative Declaration No. 40960. Any construction related activities shall be subject to the Mitigation Monitoring and Reporting Program (MMRP) for that project. Therefore, the activity is not a separate project for purposes of review under the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By: Kendall D. Berkey
Kendall D. Berkey
Deputy General Counsel

KDB:nda
10/11/07
Or.Dept:Redev.Agency
RA-2008-46
MMS#5455

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of NOV 13 2007.

REDEVELOPMENT AGENCY

By: Jeannette Santos
Jeannette Santos, Deputy Secretary

Approved: 11-16-07
(date)

JSL
JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on NOV 15 2007, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

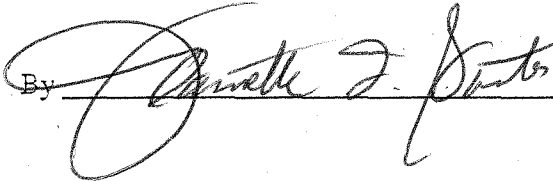
Date of final passage NOV 16 2007

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California.

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