

ORDINANCE NO. 0-15512
(New Series)

(O. 81-238)

MAY 26 1981

WHEREAS, Fargo Industries Corporation is the owner of the vacant property lying north of Carmel Valley Road between Portofino Drive and Sorrento Valley Road and more particularly described as:

A portion of the Northeast Quarter of Section 25
Township 14 South Range 4 West San Bernardino
Meridian commonly known as Northwest Corner of
I-5 and Carmel Valley Road;

and

WHEREAS, the City Traffic Engineer has periodically reviewed the traffic flows upon Carmel Valley Road; and

WHEREAS, the traffic upon Carmel Valley Road has significantly increased over the last 7 years; and

WHEREAS, the Traffic Engineering Department's statistical evidence indicates that the portion of Carmel Valley Road from Portofino Drive to Sorrento Valley Road has had an excessive number of accidents of a certain kind; and

WHEREAS, the City's Traffic Engineer has determined that the primary cause of the accidents upon this portion of roadway are two substandard radii turns necessitated by clearing the obstructions located upon or adjacent to the property of Fargo Industries Corporation; and

WHEREAS, the City engineers and engineers employed by the California Department of Transportation have determined that the only feasible alternative to the existing alignment of Carmel Valley Road is the "A" Alignment contained in the Council's approval of the Sierra Del Mar tentative map (No. TM 77-353); and

WHEREAS, the City currently possesses a valid easement for road purposes that conforms to the "A" Alignment of Carmel Valley Road; and

WHEREAS, the development of the Sierra Del Mar Subdivision as approved by the San Diego Coast Regional Commission will further increase traffic flows upon Carmel Valley Road; and

WHEREAS, the California Coastal Commission has denied the City of San Diego's request to improve and realign this portion of Carmel Valley Road; and

WHEREAS, if the final map of Sierra Del Mar conforms to the tentative map the City of San Diego is required to approve it; and

WHEREAS, Fargo Industries, the owner of the property, has received actual notice of this hearing on May 5, 1981; and

WHEREAS, the traffic flows will continue to increase and that increase will be exacerbated by the proposed subdivision with the potential for further accidents with consequent potential for increased harm to the people of San Diego; and

WHEREAS, the owner of the Sierra Del Mar Subdivision is contractually bound to the City to improve Carmel Valley Road;
NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

1. That those portions of Carmel Valley Road lying between Portofino Drive and Sorrento Valley Road are hereby declared to constitute a nuisance and an extreme hazard to the citizens of San Diego.

2. The City Council hereby approves the plans for realigning Carmel Valley Road as presented and approved by the City Engineer as the appropriate means of abating the nuisance presented by the existing conditions, a copy of said plans is on file in the office of the City Clerk as Document No. 00-15512.

3. That the City Manager is hereby directed to take all steps necessary to abate said nuisance in accordance with the approved plans including but not limited to demanding that the owner of Sierra Del Mar Subdivision fulfill his contractual obligation to the City or in the alternative, the City Manager may solicit proposals for construction as a public works project of the City and demand compensation from the owner for the City's costs.

4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By 

John K. Riess
Deputy City Attorney

JKR:lco:221.4
5/7/81

Passed and adopted by the Council of The City of San Diego on **MAY 26 1981**,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Raynell L. Pontecorvo*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

MAY 11 1981

MAY 26 1981

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By *Raynell L. Pontecorvo*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **15512** Adopted **MAY 26 1981**