

(R-91-144)

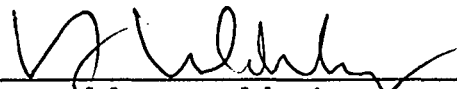
RESOLUTION NUMBER R-276310

ADOPTED ON AUG 06 1990

BE IT RESOLVED, by the Council of The City of San Diego, that the Interdepartmental Report from the Property and Planning Departments regarding a proposed lease in San Pasqual Valley, as described in the attached City Manager report, is hereby approved.

APPROVED: JOHN W. WITT, City Attorney

By



Harold O. Valderhaug
Deputy City Attorney

HOV:ps
07/24/90
Or.Dept:Prop.
490001
R-91-144
Form=r-t

DATE ISSUED:

REPORT NO.

ATTENTION: City Council, Agenda of

SUBJECT: Interdepartmental Report Regarding a Proposed Lease Agreement within the Focused Planning Area of the San Dieguito River Valley Regional Park

REFERENCE: 1) Memo from Councilmember Wolfsheimer to the Transportation and Land Use Committee dated April 25, 1988 regarding San Dieguito River Valley Regional Park

2) City Planning Department Report No. 88-216 issued June 6, 1988, subject San Dieguito Development Permit and Property Disposition Review

3) Resolution 271499 adopted July 25, 1988

SUMMARY

Issue - Should the City Council approve the interdepartmental report from the Property and Planning Departments regarding a proposed lease in San Pasqual Valley?

Manager's Recommendation - Approve the interdepartmental report.

Other Recommendations - None.

Fiscal Impact - None with this action.

BACKGROUND

Resolution 271499, which was adopted July 25, 1988, directs the City Manager to submit to the Planning Department, for its determination of consistency with the applicable community plan, any proposed use of City property for a period in excess of six months which is located within the focused planning area of the San Dieguito River Valley Regional Park. Further, prior to implementing any such proposal, the City Manager is to provide a current and comprehensive interdepartmental report to the City Council for its approval.

In view of the above, the following report regarding a proposed lease agreement in San Pasqual Valley is submitted for Council review and approval.

R-276310

PROPOSAL

The proposed agreement is between the City and Mr. Grant Peirano of Peirano Topsoils. Mr. Peirano is presently using six acres of City land in San Pasqual Valley to blend topsoils for wholesale consumption under a Right of Entry Permit. The permit terminated December 31, 1989 and is being continued on a month-to-month holdover tenancy pending negotiations and approval of a lease agreement. The lease was reviewed by the Planning Department and the San Pasqual/Lake Hodges Planning Group, both of which found it to be consistent with the San Pasqual Lake Hodges Community Plan. The Joint Powers Authority of the San Dieguito River Valley Regional Park also reviewed the proposed lease.

Essential elements of the proposed lease agreement include:

Lessee - Peirano Topsoils

Property - 6 acres, San Pasqual Valley

Use - Blending topsoils for wholesale consumption

Term - 4 years. Either the City or lessee may cancel the lease upon 90 days written notice to the other party.

Rent - \$10,800 payable quarterly in advance. Rent to be adjusted per CPI at the end of the third year.

Special Provisions

Water - City to be compensated for any water developed on the premises.

Public Hiking, Biking and Riding Trails - City has the right upon 90 days written notice to delete property from the agreement if it is required for such trails in connection with the San Dieguito River Valley Regional Park.

Responsibility for Preserving Environmental, Historical and Cultural Resources - Lessee is required to take reasonable measures to protect such resources/sites if identified on the leased premises.

Public Access to Trails and/or Environmental, Historical and Cultural Resource Sites - If property is required for public access, it may be deleted from the lease agreement upon 90 days written notice to the lessee.

Equity Sharing - City is entitled to 25 percent of any equity generated as a result of the lease agreement.

Hazardous Toxic Waste - Lessee agrees not to allow the installation or release of hazardous substances in, on, under or from the premises.

Because the City has the right to cancel this agreement upon 90 days written notice, there is no buy-back clause.

ALTERNATIVES

Do not approve the report.

Respectfully submitted,

Maureen A. Stapleton
Deputy City Manager

SPOTTS:WRK:st(66-3)
6-14-90
Dept:Prop:MR:865

#121

AUG 06 1990

Passed and adopted by the Council of The City of San Diego on..... ,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Brenda R. Barnes*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-276310* Adopted *AUG 06 1990*

RECEIVED
90 JUL 25 PM 3:25

CITY CLERK'S OFFICE
SAN DIEGO, CA

TO: [Illegible]

FROM: [Illegible]
SUBJECT: [Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]
[Illegible]

[Illegible]