

(O-92-35)

ORDINANCE NUMBER O- 17698 (NEW SERIES)

ADOPTED ON OCT 07 1991

AN ORDINANCE SETTING ASIDE AND DEDICATING
VARIOUS PORTIONS OF LOS PENASQUITOS CANYON
PRESERVE AND LOPEZ CANYON IN THE CITY OF SAN
DIEGO, CALIFORNIA, FOR A PUBLIC PARK

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

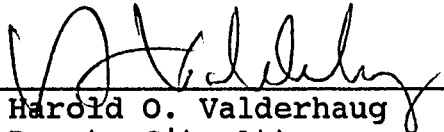
Section 1. That portions of Los Penasquitos Canyon Preserve and Lopez Canyon, which are more particularly described in Attachments A, B and C hereto which are by this reference incorporated herein, are hereby set aside and dedicated in perpetuity for park and recreational purposes.

Section 2. That the City Council of The City of San Diego hereby specifically reserves the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes.

Section 3. That the City Clerk of said City be and he is hereby authorized and directed to file for record in the office of the San Diego County Recorder a certified copy of this ordinance.

Section 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 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
08/26/91
Or. Dept: Prop.
Job: 921015
O-92-35
Form=o.sapp

Dedicating City-owned Land as Los Penasquitos Canyon Park

ATTACHMENT "A"

LEGAL DESCRIPTION

Beginning at Corner No. 15 of Rancho Los Penasquitos; thence continuing along said Rancho boundary North 57°10'21" East 3,169.64 feet and North 57°10'52" East 2,610.86 feet; thence leaving said Rancho boundary South 39°24'10" East to a point on the Easterly line of Section 27, Township 14 South, Range 3 West, San Bernardino Meridian, being the TRUE POINT OF BEGINNING; thence continuing South 39°24'10" East a total of 1,160.68 feet; thence North 86°38'13" East 843.02 feet; thence North 68°47'57" East 654.55 feet; thence North 53°52'48" East 1,586.00 feet; thence North 06°30'00" West 584.66 feet; thence North 61°28'58" East 549.26 feet; thence South 10°30'00" East 499.46 feet; thence North 50°40'18" East 586.40 feet; thence North 63°52'34" East 429.79 feet; thence North 71°00'35" East 377.10 feet; thence North 52°03'15" East 1,436.50 feet; thence South 78°00'00" East 450.00 feet; thence North 72°00'00" East 900.00 feet; thence North 71°00'00" East 950.00 feet; thence North 70°00'00" East 1,000.00 feet; thence North 82°00'00" East 800.00 feet; thence North 80°00'00" East 650.00 feet; thence North 71°00'00" East 620.00 feet; thence North 65°00'00" East 500.00 feet; thence North 89°00'00" East 1,000.00 feet; thence South 89°39'26" East 548.24 feet; thence South 00°20'34" West 91.81 feet to the Northwesterly corner of land described in deed to the county of San Diego recorded June 28, 1974 as Document 173233, Official Records; thence along the Westerly line of said land South 00°20'34" West 1,183.62 feet (Record South 00°23'30" West, 1,183.70 feet) and South 11°09'58" East 473.27 feet to a point in the Northerly line of Section 25, Township 14 South, Range 3 West, San Bernardino Meridian, according to Record of Survey No. 6204 on file in the Office of County Recorder of San Diego County; thence along said Northerly line of Section 25 South 88°26'23" West (Record South 88°26'32" West) 131.76 feet; thence North 45°19'36" West 252.54 feet; thence North 39°58'26" East 217.92 feet; thence North 68°35'13" West 273.91 feet; thence South 30°33'09" West 167.22 feet; thence North 89°39'29" West 335.01 feet; thence South 67°15'18" West 563.85 feet; thence North 88°42'33" West 355.09 feet; thence South 16°12'30" West 142.60 feet to a point in said Northerly line of Section 25; thence along said Northerly line South 88°26'23" West 705.00 feet to Corner No. 3 of said Rancho Los Penasquitos; thence along the Southerly boundary of said Rancho South 57°00'40" West 400.00 feet; thence leaving said Rancho boundary North 79°28'36" West 76.23 feet; thence North 00°44'04" West 390.03 feet; thence North 41°38'01" West 240.83 feet; thence South 39°48'20" West 273.36 feet; thence South 76°45'34" West 349.28 feet; thence South 65°01'34" West 805.29 feet; thence South 60°06'04" West 461.41 feet; thence South 30°22'45" East 336.15 feet; thence North 78°31'05" East 326.53 feet; thence South 70°45'42" East 429.16 feet to a point in said Rancho Southerly boundary; thence along said Southerly boundary South 57°00'40" West 1,900.00 feet; thence leaving said boundary North 38°09'51" West 560.78 feet; thence South 39°48'20" West 351.46 feet; thence South 61°36'25" East 210.30 feet; thence South 60°28'43" West 476.92 feet; thence South 13°03'13" East 317.82 feet to a point in said Rancho boundary; thence along said Rancho boundary south 57°00'40" West 370.00 feet; thence leaving said boundary North 37°36'23" West 739.78 feet; thence South 51°42'35" West 484.15 feet; thence South 03°45'06" East 305.66 feet; thence South 75°32'07" East 578.13 feet to a point in said Rancho boundary; thence along said boundary South 57°00'40" West 1,360.00 feet; thence leaving said boundary North 12°34'14" West 271.40 feet; thence South 68°17'58" West 527.38 feet; thence South 03°16'14" West 350.57 feet; thence South 71°51'43" West 610.33 feet; thence North 86°25'25" West

320.62 feet; thence North 34°59'31" West 183.10 feet; thence South 54°52'53" West 556.26 feet; thence South 48°00'00" West 220.00 feet; thence South 08°42'08" West 184.07 feet; thence South 56°28'01" East 450.00 feet to a point in said Rancho boundary; thence along said boundary South 57°00'40" West 941.92 feet and South 56°55'23" West 100.00 feet; thence leaving said boundary North 63°53'42" West 420.84 feet; thence North 43°15'51" West 116.73 feet; thence North 82°23'46" West 415.65 feet; thence North 32°00'19" West 94.34 feet; thence North 36°59'51" East 269.20 feet; thence North 48°16'34" West 210.35 feet; thence South 78°51'49" West 129.44 feet; thence South 37°11'57" West 765.81 feet; thence South 48°48'51" West 159.45 feet; thence South 46°19'56" East 152.07 feet; thence South 10°29'29" East 137.30 feet; thence South 56°48'03" West 356.13 feet; thence North 46°41'30" West 167.66 feet; thence South 85°17'56" West 305.03 feet; thence South 70°11'33" West 250.84 feet; thence South 53°50'31" West 161.01 feet to the Easterly line of Section 27; thence Northerly along said Easterly Section line to the TRUE POINT OF Beginning.

AND

Lot 74 of Penasquitos Park View Estates Unit 13 according to Map thereof No. 11864 filed in the Office of the County Recorder of San Diego, County of San Diego, State of California.

AND

Lot 1 of Penasquitos Park View Estates Unit 11 according to Map thereof No. 11863 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 1 of Penasquitos Park View Estates Units 9 and 10 according to Map thereof No. 11862 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lots 2 and 3 of Penasquitos Park View Estates Unit 8 according to Map thereof No. 11709 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 1 of Penasquitos Park View Estates Unit 7 according to Map thereof No. 11659 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 1 of Penasquitos Park View Estates Unit 6 according to Map thereof No. 11658 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 194 of Penasquitos Park View Estates Unit 5 according to Map thereof No. 11657 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lots 150, 151 and 152 of Mirador Park Unit 2 according to Map thereof No. 11989 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 60 of Mirador Park Unit 3 according to Map thereof No. 12088 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

AND

That portion of Rancho de los Penasquitos, in the City of San Diego, County of San Diego, State of California, according to the Map accompanying the Patent to said Rancho, recorded in the Office of the County Recorder of San Diego County in Book 2, Page 385 of Patents, described as follows:

Commencing at the Northerly corner of fractional Southeast Quarter of Section 27, Township 14 South, Range 3 West, San Bernardino Meridian, according to Official Plat thereof, being also a point on the Southeasterly boundary of said Rancho Los Penasquitos; thence along the Southeasterly boundary South 57°00'23" West, 1,426.28 feet to the TRUE POINT OF BEGINNING; thence continuing along said Southeasterly boundary South 57°00'23" West 890.00 feet to an angle point in the boundary of land described in Parcel 1 of Deed to the City of San Diego recorded February 19, 1980 as Instrument 80-055289 of Official Records of San Diego County; thence along said boundary North 56°28'18" West 450.00 feet; thence North 08°41'51" East, 184.07 feet; thence North 47°59'43" East 220.00 feet; thence North 54°52'36" 556.26 feet; thence South 34°59'48" East 183.10 feet; thence leaving said boundary along the Westerly boundary of land described in the Deed to the State of California, recorded October 16, 1985 as Instrument 85-383293 of Official Records of San Diego County, South 54°36'09" East 454.26 feet to the TRUE POINT OF BEGINNING; said point also being the Southwesterly corner of said Deed to the State of California

AND

Lots 37, 39, 42, 44, 45, 46 and 47 of Lopez Ridge according to Map thereof No. 12029 filed in the Office of the County Recorder of San Diego, being in the City of San Diego, County of San Diego, State of California.

EXCEPTING AND RESERVING unto the Grantor herein, its successors and assigns an easement in, over, and across the above-described Parcels herein granted, for the following purposes:

Construction and maintenance of sewer, water, and drainage lines and structures, siltation abatement devices, retention basins, access roads, underground power, telephone and television lines, as may be required by City or a utility agency, within the subject property, and appurtenances to all the above facilities. The design of any such facilities must have the prior approval of the City Manager. No such facility shall unreasonably or materially interfere with the use of property for open space, park and recreational purposes.

The mutual rights and covenants herein contained are for the benefit of the subject real property herein granted and shall benefit and bind each successor or assign of Grantor and Grantee pursuant to Section 1468 of the California Civil Code.

In the event any term, covenant, condition, or provision herein contained is held to be invalid, void or otherwise unenforceable by any court of competent jurisdiction, the invalidity of any such term, covenant, condition, or provision shall in no way affect the validity of any other term, covenant, condition, or provision herein contained.

BASS/st(1)/7-30-91

Dedicating City-owned Land as Los Penasquitos Canyon Park

ATTACHMENT "B"

LEGAL DESCRIPTION

All of Lot 13 of McKellar Development of La Jolla, according to Map thereof No. 11655 filed in the Office of the County Recorder, being in the City of San Diego, County of San Diego, State of California

AND

All of Lots 2, 3 and 4 and the Southwest Quarter of the Southeast Quarter of Section 33, Township 14 South, Range 3 West, San Bernardino Meridian, in the County of San Diego, State of California, according to Official Plat thereof, except therefrom those portions of the Southwest Quarter of the Southeast Quarter and of Lot 2 of Section 33, Township 14 South, Range 3 West, as deeded to William N. Niemann on September 7, 1932 and recorded in Book 143, page 469 of Official Records, and more particularly described as follows:

That portion of the Southwest Quarter of the Southeast Quarter and of Lot 2, Section 33, Township 14 South, Range 3 West, described as follows:

Beginning at a 2-inch iron pipe marking the northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 33; thence South 0°19' West along the East line of said Southwest Quarter of the Southeast Quarter, 90 feet to a point; thence South 89°41' West, 265 feet; thence North 0°19' East, 295 feet to a nail through a tin marking the Northwest corner of the property therein described; thence North 71°59' East, 315.69 feet to a 3/4-inch iron pipe on the East line of said Lot 2 of said Section 33; thence South 0°19' West along said East line, 378 feet to the Point of Beginning.

Also, except therefrom that portion of the Southwest Quarter of the Southeast Quarter and of Lot 2, as deeded to William N. Niemann on November 19, 1932, in Book, 174, page 304 of Official Records, more particularly described as follows:

That portion of the Southwest Quarter of the Southeast Quarter and of Lot 2, of Section 33, Township 14 South, Range 3 West, described as follows:

Beginning at a 2-inch iron pipe marking the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 33; thence South 0°19' West along the East line of said Southwest Quarter of the southeast Quarter, 90 feet to a point; thence North 89°41' West, 264.44 feet; thence North 0°19' East, 324.16 feet to a 3/4-inch iron pipe marking the Northwest corner of property herein described; thence North 57°13'30" East, 315.64 feet to a 3/4-inch iron pipe on the East line of said Lot 2 of said Section 33; thence South 0°19' West along said East line, 406.50 feet to the Point of Beginning.

AND

Lots 26, 27 and 28 of Pacific Corporate Center Unit 6, Map 11651, filed in the Office of the County Recorder being in the City of San Diego, County of San Diego, State of California.

AND

That portion of the Southwest Quarter of the Southeast Quarter and of Lot 2 of Section 33, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof, described as follows:

Beginning at a 2-inch iron pipe marking Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 33; thence South $00^{\circ}19'00''$ West along the East line of said Southwest Quarter of the southeast Quarter, 90.00 feet to a point; thence North $89^{\circ}41'00''$ West 264.44 feet; thence North $00^{\circ}19'00''$ East 324.16 feet to a 3/4-inch iron pipe marking the Northwest corner of property herein described; thence North $57^{\circ}13'30''$ East 315.65 feet to a 3/4-inch iron pipe on the East line of said Lot 2 of said Section 33; thence South $00^{\circ}19'00''$ West along said East line 406.50 feet to the Point of Beginning.

AND

The Northeast Quarter of the Southeast Quarter of Section 33, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof.

EXCEPTING AND RESERVING unto the Grantor herein, its successors and assigns, an easement and right-of-way for an earth excavation or embankment, slope or slopes and incidents thereto, over, under, upon, along and across all that real property described as follows:

Beginning at the Southeast corner of said Northeast Quarter of the Southeast Quarter; thence along the Southerly line thereof North $89^{\circ}29'45''$ West, 465.00 feet; thence leaving said Southerly line North $00^{\circ}30'15''$ East, 230.00 feet; thence North $72^{\circ}59'52''$ East, 481.90 feet to the Easterly line of said Northeast Quarter of the Southeast Quarter; thence South $00^{\circ}19'29''$ East along said Easterly line 375.00 feet returning to the Point of Beginning.

AND

That portion of the South Half and of Lot 2 both in Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof, described as follows:

Beginning at a point on the West line of the aforesaid Section 34, which point bears South $00^{\circ}19'29''$ East 88.19 feet from the West Quarter corner thereof; thence North $89^{\circ}10'34''$ East 347.65 feet; thence North $66^{\circ}22'45''$ East 766.19 feet; thence North $82^{\circ}27'02''$ East 271.60 feet to the East line of the aforesaid Lot 2; thence South $00^{\circ}21'18''$ East along said East line, a distance of 276.99 feet to the Southeast corner of said Lot 2; thence South $89^{\circ}14'29''$ East along the North line of the aforesaid South Half of Section 34, a distance of 1,614.26 feet; thence South $68^{\circ}40'35''$ West 300.66 feet; thence North $82^{\circ}30'00''$ West 360.08 feet; thence South $73^{\circ}47'33''$ West 781.04 feet; thence North $80^{\circ}32'16''$ West 425.79 feet; thence South

78°28'37" West 685.82 feet; thence South 58°42'19" West 529.39 feet to a point on the aforesaid West line of Section 34 which point bears North 00°19'29" West 1,933.76 feet from the Southwest corner thereof; thence North 00°19'29" West along said West line of Section 34, a distance of 573.00 feet to the Point of Beginning.

AND

That portion of the North Half of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Northwest Quarter of said Section 34; thence North 00°21'18" West along the West line thereof a distance of 276.99 feet; thence North 82°27'02" East 230.75 feet; thence South 86°06'56" East 811.87 feet; thence North 76°41'37" East 895.03 feet; thence North 72°40'40" East 537.37 feet; thence North 53°09'13" East 488.60 feet; thence North 55°26'15" East 437.15 feet; thence North 41°20'59" East 837.33 feet to the East line of the West 12.50 acres of the East half of the Northeast Quarter of the Northeast Quarter of the aforesaid Section 34; thence South 00°08'02" East along said East line, a distance of 535.61 feet to the Southeast corner of said West 12.50 acres of the East Half of the Northeast Quarter of the Northeast Quarter of said Section 34; thence South 89°03'48" East along the south line of said Northeast Quarter of the Northeast Quarter a distance of 45.74 feet; thence South 49°14'00" West 1,148.92 feet; thence South 63°26'06" West 458.39 feet; thence South 71°07'56" West 544.24 feet; thence South 68°40'35" West 389.59 feet to the South line of the North Half of the aforesaid Section 34; thence North 89°14'29" West along said South line, a distance of 1,614.26 feet to the Point of Beginning.

AND

That portion of the Northwest Quarter of Section 35, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at a point on the West line of said Section 35, which point bears South 00°08'02" East 650.44 feet from the Northwest corner thereof; thence North 67°35'25" East 793.86 feet; thence North 53°37'36" East 438.42 feet; thence North 17°36'27" East 91.97 feet to a point on the North line of the aforesaid Northwest Quarter of Section 35, which point bears South 89°59'37" East 1,116.25 feet from the aforesaid Northwest corner thereof; thence South 89°59'37" East along said North line, a distance of 1,270.24 feet; thence South 62°09'57" West 221.72 feet; thence South 73°14'37" West 863.67 feet; thence South 60°50'24" West 1,056.96 feet; thence South 26°25'21" West 179.78 feet; thence South 46°31'51" East 502.93 feet; thence South 24°02'44" East 282.53 feet to the North line of the South 3/4 of the Southwest Quarter of the Northwest Quarter of the aforesaid Section 35; thence North 89°32'27" West along said North line, a distance of 137.75 feet; thence North 24°19'06" West 127.19 feet; thence North 47°35'09" West 329.14 feet; thence North 61°03'06" West 419.40 feet; thence South

49°14'00" West 49.91 feet to the aforesaid West line of the Northwest Quarter of Section 35; thence North 00°08'02" West along said line, a distance of 472.95 feet to the Point of Beginning.

AND

That portion of the East 3/8 of the East Half of the Northeast Quarter of the Northeast Quarter of Section 34, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof being more particularly described as follows:

Beginning at a point on the East line of the Northeast Quarter of said Section 34, which point bears South 00°08'02" East 650.44 feet from the Northeast corner thereof; thence South 00°08'02" East along the East line of said Section 34, a distance of 650.45 feet to the Southeast corner of the Northeast Quarter of the Northeast Quarter of said Section 34, thence North 89°03'48" West along the South line thereof, a distance of 248.21 feet to the Southeast corner of the aforesaid West 12.50 acres of the East Half of the Northeast Quarter of the Northeast Quarter of said Section; thence North 00°08'02" West along the East line thereof, a distance of 535.61 feet; thence North 41°20'59" East 17.88 feet; thence North 67°35'25" East 255.38 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion thereof lying within the West 12.50 acres of the East Half of the Northeast Quarter of the Northeast Quarter of the aforesaid Section 34.

AND

That portion of the Southwest Quarter of the Southwest Quarter of Section 26, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to the Official Plat thereof, described as follows:

Beginning at the Southeast corner of the aforesaid Southwest Quarter of the Southwest Quarter of Section 26; thence North 89°59'37" West along the South line thereof, a distance of 227.61 feet; thence North 17°36'27" East 786.76 feet to the East line of the aforesaid Southwest Quarter of the Southwest Quarter of Section 26; thence South 00°47'35" West along said East line, a distance of 750.00 feet to the Point of Beginning.

AND

All that portion of the South Half of the Northwest Quarter of Section 35, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof more particularly described as follows:

Beginning at a point on the South line of said South half of the Northwest Quarter of Section 35, which point bears South 89°15'59" East, 1,079.35 feet from the Southwest corner of said South Half of the Northwest Quarter

of Section 35; thence North 01°51'23" West, 305.94 feet; thence North 32°43'37" West, 412.48 feet; thence North 24°19'06" West, 363.33 feet; thence South 89°32'27" East, 137.75 feet; thence South 24°02'44" East, 348.20 feet; thence South 45°07'24" East, 328.81 feet; thence North 86°13'02" East 606.32 feet; thence North 66°13'05" East, 322.37 feet; thence South 87°56'10" East, 556.94 feet to a point on the East line of said South Half of the Northwest Quarter of Section 35; thence South 00°26'35" West along said East line, 120.00 feet; thence North 88°04'14" West, 565.97 feet; thence South 49°26'04" West, 173.76 feet; thence South 35°16'35" East, 280.51 feet; thence South 03°39'56" East, 153.67 feet to a point on said South line of the South Half of the Northwest Quarter of Section 35; thence North 89°15'59" West along said South line, 104.00 feet; thence North 03°52'44" West, 86.22 feet; thence North 36°54'46" West, 266.40 feet; thence South 88°58'32" West, 671.11 feet; thence South 04°22'14" West, 276.84 feet to a point on said South line of the South Half of the Northwest Quarter of Section 35; thence North 89°15'59" West along said South line, 98.00 feet returning to the Point of Beginning.

AND

That portion of the South Half of the South Half of Section 26, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof, described as follows:

Beginning at the Southwest corner of the Southeast Quarter of the Southwest Quarter of said Section 26; thence North 67°56'22" East 232.60 feet; thence North 73°32'04" East 680.92 feet; thence North 60°53'28" East 614.63 feet; thence North 72°17'08" East 578.43 feet; thence North 76°32'24" East 1,061.15 feet; thence South 88°02'19" East 440.32 feet to the existing Westerly right-of-way line of Montongo Street as described in that certain easement to the City of San Diego, a municipal corporation, recorded in the Office of the County Recorder of San Diego County on September 28, 1971 as File 221793; thence from a local tangent bearing of South 06°48'29" West along the arc of a curve to the left having a radius of 1,030.00 feet, through a central angle of 19°08'50", along the aforesaid Westerly right-of-way line of Montongo Street, a distance of 344.21 feet; thence South 12°20'21" West 166.57 feet; thence North 33°45'23" West 239.35 feet; thence South 83°18'09" West 548.75 feet; thence South 76°46'32" West 616.35 feet; thence South 69°15'14" West 705.76 feet; thence South 62°09'57" West 485.06 feet to the South line of the aforesaid South Half of the South Half of Section 26; thence North 89°59'37" West along said South line, a distance of 1,042.63 feet to the Point of Beginning.

AND

Lot 239 of Mesa Summit Unit No. 7, Record Map 12206 of Official Records of County Recorder being in the City of San Diego, County of San Diego, State of California.

AND

Lot 126 of Mesa Summit Unit No. 5, Record Map 11162 recorded Official Records of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

Parcel 5 of Parcel Map 15945 of Official Records of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 128 of Encore Mira Mesa Unit No. 3, Record Map 8381 of Official Records of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 345 of Canyon Country, Unit No. 2, according to Map No. 10316 filed in the Office of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

That portion of the South Half of the South Half of Section 26, Township 14 South, Range 3 West, San Bernardino Meridian, in the City of San Diego, County of San Diego, State of California, according to Official Plat thereof, described as follows:

Beginning at point of the East line of said South Half of the South Half of Section 26, which point bears South 01°02'12" East 207.00 feet from the Northeast corner thereof; thence South 01°02'12" East along said East line, a distance of 266.00 feet; thence South 86°06'36" West 495.84 feet to the existing Easterly right-of-way line of Montongo Street as described in that certain easement to the City of San Diego, a municipal corporation, recorded in the Office of the County Recorder of San Diego County on September 28, 1971 as File 221793; thence from a local tangent bearing of North 05°46'32" West along the arc of a curve to the right having a radius of 970.00 feet, through a central angle of 17°18'40", along the aforesaid Easterly right-of-way line of Montongo Street, a distance of 293.07 feet; thence North 89°02'06" East 475.28 feet to the Point of Beginning.

Also described as Lot 344 of Canyon Country Unit, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 10316 filed in the Office of the County Recorder of San Diego County February 3, 1982.

EXCEPTING AND RESERVING unto the Grantor herein, its successors and assigns, an easement in, over, and across the above-described parcels herein granted, for the following purposes:

Construction and maintenance of sewer, water, and drainage lines and structures, siltation abatement devices, retention basins, access roads,

underground power, telephone and television lines, as may be required by City or a utility agency, within the subject property, and appurtenances to all the above facilities. The design of any such facilities must have the prior approval of the City Manager. No such facility shall unreasonably or materially interfere with the use of property for open space, park and recreation purposes.

The mutual rights and covenants herein contained are for the benefit of the subject real property herein granted and shall benefit and bind each successor or assign of Grantor and Grantee pursuant to Section 1468 of the California Civil Code.

In the event any term, covenant, condition, or provision herein contained is held to be invalid, void or otherwise unenforceable by any court of competent jurisdiction, the invalidity of any such term, covenant, condition or provision shall in no way affect the validity of any other term, covenant, condition, or provision herein contained.

BASS/ld2/st(2)/7-31-91

Dedicating City-owned Land as Los Penasquitos Canyon Park

ATTACHMENT "C"

LEGAL DESCRIPTION

That portion of Rancho Los Penasquitos, according to the Map accompanying the patent to said Rancho, recorded in the Office of County Recorder of San Diego County, in Book 2, Page 385 of Patents, all in the City of San Diego, County of San Diego, State of California, described as a whole as follows:

Beginning at the Northeasterly corner of that parcel of land described in Deed to the County of San Diego, recorded June 28, 1974 as Document 173233, Official Records, the Easterly line of said parcel bears South 14°18'35" East from said Northeasterly corner; thence North 62°00'00" East 950.00 feet; thence North 67°00'00" East 1,800.00 feet; thence North 32°25'26" East 1,565.54 feet; thence South 20°15'52" East 992.21 feet; thence South 40°56'19" East (Record South 40°56'40" East) to and along a portion of the boundary of Penasquitos Views Unit No. 6, Map thereof No. 7517 on file in the Office of said County Recorder, 541.53 feet to an angle point in said boundary; thence continuing along said boundary, and along the boundary of Penasquitos Views No. 4, Map thereof No. 7345 on file in the Office of County Recorder of San Diego County, South 87°15'55" East 1,041.26 feet (Record South 87°14'51" East 1,041.20 feet) to the most Southerly corner of said Map 7345; thence continuing along said boundary of Map 7345 North 00°39'51" East 420.05 feet (Record North 00°40'55" East 420.03 feet) to an angle point therein; thence continuing along said boundary North 72°22'25" East 1,206.61 feet (Record North 72°23'38" East 1,206.53 feet) to an angle point therein; thence continuing along said boundary North 47°31'23" East (Record North 47°33'08" East) 516.07 feet to a point in the Westerly right-of-way of Interstate Freeway 15; thence along said Westerly right-of-way South 16°10'36" West (Record South 16°10'17" West) 19.10 feet, and South 34°04'30" West 585.23 feet (Record South 34°04'11" West 585.27 feet), and South 29°53'07" West (Record South 29°52'48" West) 283.47 feet, and South 55°30'15" West (Record South 55°29'56" West) 239.83 feet, and South 04°26'05" East (Record South 04°26'24" East) 82.00 feet; thence leaving said Westerly right-of-way South 51°29'29" West 866.65 feet; thence North 82°01'23" West 1,354.94 feet; thence North 17°45'13" West 100.00 feet; thence North 84°27'21" West 562.47 feet; thence South 60°29'40" West 334.61 feet; thence South 40°05'46" West 284.32 feet; thence South 55°30'09" West 278.97 feet; thence South 85°43'53" West 452.30 feet; thence South 46°10'30" West 540.24 feet; thence South 61°21'16" West 414.80 feet; thence South 05°29'27" East 280.87 feet to a point in the arc of a 1,000-foot radius curve, concave Northwesterly, a radial to said point bears South 24°24'00" East; thence Southwesterly along the arc of said curve through a central angle of 06°00'30", a distance of 104.86 feet; thence tangent to said curve; thence South 71°36'30" West 37.55 feet; thence South 48°00'00" West 356.20 feet; thence South 38°10'00" West 703.19 feet to a point in the Easterly boundary of said deed to the County of San Diego recorded June 28, 1974; thence Northerly along said Easterly line North 34°14'00" West 696.98 feet to the beginning of a tangent 1,000.00-foot radius curve Easterly; thence Northerly along said curve through a central angle of 19°55'25" an arc distance of 347.73 feet; thence tangent to said curve, along said Easterly boundary; North 14°18'35" West 340.00 feet.

AND

Lot 992 of Penasquitos Park View Estates, Unit No. 4, according to Map 10044 filed in the Office of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 170, Penasquitos View West Unit No. 1 of Map 9828 filed in the Office of the County Recorder being in the City of San Diego, County of San Diego, State of California.

AND

Lot 160 of Mercy Mira Mesa Unit No. 2 according to Map 12035 filed in the Office of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 229 of Mercy Mira Mesa Unit No. 5 according to Map 12086 filed in the Office of the County Recorder, being in the City of San Diego, County of San Diego, State of California.

AND

Lot 1 of Mercy Mira Mesa Unit No. 1 according to Map 12005 filed in the Office of the County Recorder being in the City of San Diego, County of San Diego, State of California.

AND

Lot 222 of Mercy Mira Mesa Unit No. 4 according to Map 12004 filed in the Office of County Recorder being in the City of San Diego, County of San Diego, State of California.

EXCEPTING AND RESERVING unto the Grantor herein, its successors and assigns, an easement in, over and across the above-described parcels herein granted for the following purposes:

Construction and maintenance of sewer, water, and drainage lines and structures, siltation abatement devices, retention basins, access roads, underground power, telephone and television lines, as may be required by City or a utility agency, within the subject property, and appurtenances to all the above facilities. The design of any such facilities must have the prior approval of the City Manager. No such facility shall unreasonably or materially interfere with the use of property for open space, park and recreation purposes.

The mutual rights and covenants herein contained are for the benefit of the subject real property herein granted and shall benefit and bind each successor

or assign of Grantor and Grantee pursuant to Section 1468 of the California Civil Code.

In the event any term, covenant, condition, or provision herein contained is held to be invalid, void or otherwise unenforceable by any court of competent jurisdiction, the invalidity of any such term, covenant, condition or provision shall in no way affect the validity of any other term, covenant, condition, or provision herein contained.

BASS/lld3/st(1)/7-31-91

#54

OCT 07 1991

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<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.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By *Charles G. Abdelnour*, 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

SEP 16 1991

OCT 07 1991

, and on

~~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 *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17698** Adopted..... **OCT 07 1991**

SECRET - 11/10/50

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE

91 OCT 23 AM 10:30

SAN DIEGO, CALIF.

P.

CITY CLERK'S OFFICE
CITY ADMIN. BLDG.
202 C ST.
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE SETTING ASIDE AND DEDICATING VARIOUS
PORTIONS OF LOS PENASQUITOS CANYON PRESERVE AND
LOPEZ CANYON IN THE CITY OF SAN DIEGO, CALIFORNIA...

ORDINANCE NUMBER O-17698 (NEW SERIES)

**AN ORDINANCE SETTING ASIDE AND DEDICATING VARIOUS
PORTIONS OF LOS PENASQUITOS CANYON PRESERVE AND
LOPEZ CANYON IN THE CITY OF SAN DIEGO, CALIFORNIA,
FOR A PUBLIC PARK**

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

Section 1. That portions of Los Penasquitos Canyon Preserve and Lopez Canyon, which are more particularly described in Attachments A, B and C on file in the Office of the City Clerk are hereby set aside and dedicated in perpetuity for park and recreational purposes.

Section 2. That the City Council of The City of San Diego hereby specifically reserves the right to establish underground public service easements through and across the dedicated property so long as the construction and maintenance of the subject easements do not substantially negatively impact the availability of the property for use for park and recreational purposes.

Section 3. That the City Clerk of said City be and he is hereby authorized and directed to file for record in the office of the San Diego County Recorder a certified copy of this ordinance.

Section 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

Passed and Adopted by the Council of The City of San Diego on OCTOBER 7, 1991 by the following vote:

YEAS: Wolfshelmer, Roberts, Hartley, Behr, Henderson, McCarty, Filner, Mayor O'Connor.

NAYS: None.

NOT PRESENT: Pratt.

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By MAYDELL 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 September 16, 1991, and on October 7, 1991.

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

By MAYDELL L. PONTECORVO, Deputy.

Pub. Oct. 21

234071

I, Thomas D. Kelleher, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

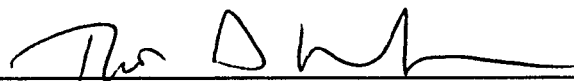
ORDINANCE NUMBER O-17698 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

OCTOBER 21

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 21ST day of OCT., 19 91.



(Signature)

4 5/16" x 2 = 118.58