RESOLUTION	NUMBER	279471	,
ADOPTED	ON	FEB 24 1992	

A RESOLUTION DETERMINING AND DECLARING THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY OF THE CITY OF SAN DIEGO REQUIRE THE CONSTRUCTION, OPERATION AND MAINTENANCE OF STATE ROUTE 56/CARMEL VALLEY RESTORATION AND ENHANCEMENT PLAN (CVREP) PROJECT ON PORTIONS OF SECTIONS 20 AND 30, TOWNSHIP 14 SOUTH, RANGE 3 WEST AND SECTION 25, TOWNSHIP 14 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN; AND THAT THE PUBLIC INTEREST, CONVENIENCE AND NECESSITY DEMAND THE ACQUISITION OF FEE TITLE TO AND SLOPE, DRAINAGE AND ROAD EASEMENTS IN SAID PROPERTY FOR STATE 56/CARMEL VALLEY RESTORATION AND ENHANCEMENT PLAN (CVREP) PROJECT; AND THAT THE PROPOSED PROJECT IS PLANNED IN A MANNER THAT WILL BE MOST COMPATIBLE WITH THE GREATEST PUBLIC GOOD AND THE LEAST PRIVATE INJURY; AND THAT AN OFFER TO ACQUIRE THE PROPERTY AT THE APPRAISED FAIR MARKET VALUE HAS BEEN MADE TO THE OWNERS OF RECORD OF THE PROPERTY AND REJECTED; AND DECLARING THE INTENTION OF THE CITY OF SAN DIEGO TO ACQUIRE SAID PROPERTY UNDER EMINENT DOMAIN PROCEEDINGS; AND DIRECTING THE CITY OF SAN DIEGO TO COMMENCE AN ACTION IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, FOR THE PURPOSE OF CONDEMNING AND ACQUIRING IMMEDIATE POSSESSION THEREOF.

WHEREAS, the Council of The City of San Diego has provided notice to those persons designated in Section 1245.235, of the California Code of Civil Procedure, and also has provided all persons a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030, of the California Code of Civil Procedure;

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

Section 1. That the public interest, convenience and necessity of The City of San Diego, and the inhabitants thereof, require the construction, operation and maintenance of State Route 56/Carmel Valley Restoration and Enhancement Plan (CVREP) Project, including any and all incidents thereto over, under, along and across portions of Sections 20 and 30, Township 14 South, Range 3 West, and Section 25, Township 14 South, Range 4 West, San Bernardino Meridian in the City of San Diego, County of San Diego, State of California, as more particularly described hereinafter.

Section 2. That the public interest, convenience and necessity of said City, and the inhabitants thereof, demand the acquisition and taking of fee simple absolute title to and slope, drainage and road easements in said property for the construction, operation and maintenance of State Route 56/Carmel Valley Restoration and Enhancement Plan (CVREP) Project including any and all incidents thereto, in said real property lying within the City of San Diego, County of San Diego, State of California.

Section 3. That, <u>inter alia</u>, Section 220, the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410 of the Code of Civil Procedure; Sections 37350.5, 38900 and 40404 of the Government Code; and Sections 102, 130, 4090 and 5101 of the Streets and Highways Code permit the acquisitions referenced herein.

Section 4. That the parcels of real property and the interests sought to be condemned are described as follows:

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### AMERICAN ASSETS

### Parcel 26088

That portion of Parcel 2 of Parcel Map No. 14873 filed July 7, 1987 in the Office of the County Recorder of San Diego County contained within the following described land:

Commencing at the Northwesterly terminus of that course described in deed to the State of California, recorded April 11, 1962, File No. 61711 in said Recorders Office as "thence S.39°53'18"K., 271.99 feet"; thence (1) along said course S.39°53'18"K., 33.79 feet; thence (2) leaving said course N.14°23'38"W., 181.37 feet; thence (3) N.10°05'55"W., 53.87 feet to the TRUE POINT OF BEGINNING; thence (4) continuing N.10°05'55"W., 226.54 feet; thence (5) N.47°31'35"W., 39.35 feet; thence (6) from a tangent which bears N.03°07'10"W., along a curve to the right, having a radius of 2046 feet, through a central angle of 10°30'10", a distance of 375.05 feet; thence (7) nontangent to said curve N.71°31'01"K., 22.22 feet; thence (8) N.16°01'05"K., 453.67 feet; thence (9) N.64°38'13"K., 74.83 feet; thence (10) from a tangent which bears N.28°06'03"K., along a curve to the right, having a radius of 1600 feet, through a central angle of 07°49'05", a distance of 218.32 feet; thence (11) nontangent to said curve N.72°38'52"K., 23.46 feet; thence (12) from a tangent which bears N.36°34'26"K., along a curve to the right, having a radius of 1600 feet, through a central angle of 29°09'07", a distance of 814.08 feet; thence (13) nontangent to said curve S.51°35'48"E., 68.03 feet to a point which bears S.58°20'11"R., 785.40 feet from the Northwest corner of Section 30, Township 14 South, Range 3 West, San Bernardino Meridian as shown on said Parcel Map No. 14873; thence (14) along a nontangent curve to the right, having a radius of 1239 feet, through a central angle of 48°03'22", a distance of 1039.20 feet; thence (15) tangent to said curve S.32°20'13"W., 48.32 feet to a point which bears S.18°53'43"R., 1534.19 feet from the Northwest corner of said Section 30; thence (16) N.57°39'28"W., 90.61 feet; thence (17) along a tangent curve to the left, having a radius of 75 feet, through a central angle of 67°27'43", a distance of 84.38 feet to a point of compound curvature; thence (18) along a curve to the left, having a radius of 210 feet, through a central angle of 35°21'26", a distance of 129.59 feet; thence (19) tangent to said curve S.22°31'23"W., 314.42 feet; thence (20) along a tangent curve to the right, having a radius of 100 feet, through a central angle of 54°58'42", a distance of 95.96 feet to a point of reverse curvature; thence (21) along a curve to the left, having a radius of 225 feet, through a central angle of 60°12~39", a distance of 236.45 feet; thence (22) tangent to said curve S.17°17'26"W., 18.10 feet; thence (23) along a tangent curve to the right, having a radius of 200 feet, through a central angle of 62°39'36", a distance of 218.73 feet; thence (24) tangent to said curve S.79°57'02"W., 48.93 feet to the TRUE POINT OF BEGINNING.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000370 to obtain ground level distances.

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### <u>Parcel 26187-1</u> Fee

That portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at the Northeast corner of land described in Parcel B in a deed to the City of San Diego recorded October 8, 1986 as File No. 86-452674 of Official Records of San Diego County, being also an intersection with the centerline of Carmel Valley Road as shown on Road Survey No. 758 on file in the Office of the County Engineer of said County thence along said centerline the following numbered courses: (1) along said centerline N.50°11'59"E., 467.34 feet to a tangent curve to the right; thence (2) along said curve having a radius of 1500.00 feet, through a central angle of 18°25'30", an arc distance of 482.37 feet; thence (3) N.68°37'29"E., 1278.81 feet to a tangent curve to the left; thence (4) along said curve having a radius of 1500.00 feet, through a central angle of 15°20'30", an arc distance of 401.64 feet; thence (5) N.53°16'59"E., 220.57 feet; thence leaving said centerline (6) S.33°52'06"E., 107.18 feet; thence (7) S.53°57'46"W., 132.10 feet; thence (8) S.55°51'47"W., 37.82 feet to a point hereinafter referred to as "A"; thence (9) S.55°51'47"W., 175.24 feet; thence (10) S.59°33'43"W., 87.13 feet; thence (11) S.62°40'29"W., 47.87 feet; thence (12) S.70°47′09"W., 29.32 feet; thence (13) S.63°08′40"W., 97.46 feet; thence (14) S.69°01′51″W., 213.91 feet; thence (15) S.70°41′13″W., 132.18 feet to a point hereinafter referred to as "B"; thence (16) S.70°41'13"W., 94.00 feet; thence (17) S.69°12°07"W., 72.01 feet; thence (18) S.68°26°37"W., 108.96 feet to a point hereinafter referred to as "C"; thence (19) S.68°26'37"W., 29.00 feet to a point hereinafter referred to as "D"; thence (20) S.68°26'37"W., 221.78 feet; thence (21) S.66°08'51"W., 103.22 feet to a point hereinafter referred to as "E"; thence (22) S.66°08'51"W., 25.07 feet to a point hereinafter referred to as "F"; thence (23) S.66°08'51"W., 7.16 feet; thence (24) S.69°12'52"W., 136.75 feet; thence (25) S.65°56'28"W., 153.08 feet; thence (26) S.58°24'34"W., 44.33 feet to a point hereinafter referred to as "G"; thence (27) S.58°24'34"W., 67.27 feet; thence (28) S.65°58'09"W., 73.26 feet; thence (29) S.50°55'14"W., 69.73 feet; thence (30) S.49°23'13"W., 89.10 feet; thence (31) S.46°11'35"W., 69.65 feet; thence (32) S.42°38′31″W., 111.57 feet; thence (33) S.39°53′55″W., 131.50 feet to a point hereinafter referred to as "H"; thence (34) S.39°53°55"W., 106.97 feet to a point hereinafter referred to as "I"; thence (35) S.39°53°55"W., 58.06 feet; thence (36) S.02°44°05"E., 29.36 feet; thence (37) S.47°21°14"E., 37.78 feet; thence (38) 5.23°00'04"E., 255.81 feet; thence leaving said Westerly line (39) 5.67°19'53"W., 40.41 feet to the Southeasterly corner of Parcel C as described in a deed to the City of San Diego recorded October 8, 1986 as File No. 86-452673, Official Records of San Diego County; thence (40) along the Southerly boundary of said Parcel C, S.69°25'29"W., 49.01 feet to the Southwesterly corner of said Parcel C; thence (41) from a tangent which bears N.20°34'29"W., along a curve to the left having a radius of 1000.00 feet, through a central angle of 19°14'02", an arc distance of 355.70 feet; thence (42) N.39°48'32"W., 165.76 feet to the POINT OF BEGINNING.

This conveyance is made for the purposes of a State highway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights, including access rights, appurtenant to grantor's remaining property, in and to said State highway, over and across courses (7) through (35), inclusive, hereinabove described.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

### Parcel 26187-2 Drainage Easement

An easement for drainage purposes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "I" hereinabove described in Parcel 1 (26187-1); thence (1) S.21°21'40"E., 222.08 feet; thence (2) S.47°31'56"W., 42.34 feet to an intersection on the Southerly boundary of said Parcel 1; thence (3) along said boundary N.23°00'04"W., 147.69 feet; thence (4) along said boundary N.47°21'14"W., 37.78 feet; thence (5) along said boundary N.02°44'05"W., 29.36 feet; thence (6) along said boundary N.39°53'55"E., 58.06 feet to the Point of Beginning.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

### Parcel 26187-3 Drainage Easement

An easement for drainage purposes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "G" hereinabove described in Parcel 1 (26187-1); thence (1) 5.29°35′28"E., 264.95 feet; thence (2) 5.67°15′39"W., 50.01 feet; thence (3) N.40°28′47"W., 245.88 feet to an intersection on the Southerly boundary of said Parcel 1; thence (4) along said boundary N.65°58′09"E., 29.00 feet; thence (5) along said boundary N.58°24′34"E., 67.27 feet to the Point of Beginning.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

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# <u>Parcel 26187-4</u> Drainage Easement

An easement for drainage purposes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "F" hereinabove described in Parcel 1 (26187-1); thence (1) 5.19°50′17"E., 263.30 feet; thence (2) 5.69°40′46"W., 45.01 feet; thence (3) N.21°35′37"W., 262.54 feet to an intersection on the Southerly boundary of said Parcel 1; thence (4) along said boundary N.69°12′52"E., 45.92 feet; thence (5) along said boundary N.66°08′51"E., 7.16 feet to the Point of Beginning.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

## Parcel 26187-5 Drainage Easement

An easement for drainage purposes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at Point "D" hereinabove described in Parcel 1 (26187-1); thence (1) 5.19°31'25"E., 167.20 feet; thence (2) 5.66°38'39"W., 65.03 feet; thence (3) N.21°35'37"W., 169.14 feet to an intersection on the Southerly boundary of said Parcel 1; thence (4) along said boundary N.68°26'37"E., 71.04 feet to the Point of Beginning.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

### Parcel 26187-6 Drainage Easement

An easement for drainage purposes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "A" hereinabove described in Parcel 1 (26187-1); thence (1) S.10°38′36″E., 321.89 feet; thence (2) S.76°46′09″W., 45.41 feet; thence (3) N.25°23′41″W., 282.28 feet to an intersection on the Southerly boundary of said

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Parcel 1; thence (4) along said boundary N.55°51'47"E., 127.84 feet to the Point of Beginning.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

### Parcel 26187-7 Slope Easement

An easement for highway slopes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "H" hereinabove described in Parcel 1 (26187-1); thence (1) S.37°43′30"W., 146.22 feet; thence (2) S.18°39′00"E., 97.64 feet; thence (3) S.11°30′28"E., 32.34 feet to an intersection on the Southerly boundary of said Parcel 1; thence (4) along said boundary N.23°00′04"W., 63.21 feet; thence (5) along said boundary N.47°21′14"W., 37.78 feet; thence (6) along said boundary N.02°44′05"W., 29.36 feet; thence (7) along said boundary N.39°53′55"E., 165.03 feet to the Point of Beginning.

Reserving unto grantors of the above described parcel of land, their successors or assigns, the right at any time to remove such slopes or portions thereof upon the removing of the necessity of maintaining such slopes or portions thereof or upon providing in place thereof other adequate lateral support, the design and construction of which shall be first approved by the State Department of Transportation, for the protection and support of said highway.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

## Parcel 26187-8 Slope Easement

An easement for highway slopes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "E" hereinabove described in Parcel 1 (26187-1); thence (1) S.60°56′01"W., 156.64 feet; thence (2) S.64°34′35"E., 113.00 feet; thence (3) S.87°29′52"W., 63.77 feet; to an intersection on the Southerly boundary of said Parcel 1; thence (4) along said boundary N.58°24′34"E., 6.54 feet; thence (5) along said boundary N.65°56′28"E., 153.08 feet; thence (6) along said boundary

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N.69°12'52"E., 136.75 feet; thence (7) along said boundary N.66°08'51"E., 32.23 feet to the Point of Beginning.

Reserving unto grantors of the above described parcel of land, their successors or assigns, the right at any time to remove such slopes or portions thereof upon the removing of the necessity of maintaining such slopes or portions thereof or upon providing in place thereof other adequate lateral support, the design and construction of which shall be first approved by the State Department of Transportation, for the protection and support of said highway.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

# Parcel 26187-9 Slope Easement

An easement for highway slopes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at point "C" hereinabove described in Parcel 1 (26187-1); thence (1) 5.34°21′18"W., 19.92 feet; thence (2) 5.86°42′03"W., 35.64 feet; to an intersection on the Southerly boundary of said Parcel 1; thence (3) along said boundary N.68°26′37"E., 50.35 feet to the Point of Beginning.

Reserving unto grantors of the above described parcel of land, their successors or assigns, the right at any time to remove such slopes or portions thereof upon the removing of the necessity of maintaining such slopes or portions thereof or upon providing in place thereof other adequate lateral support, the design and construction of which shall be first approved by the State Department of Transportation, for the protection and support of said highway.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

## Parcel 26187-10 Slope Easement

An easement for highway slopes in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian, according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

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Beginning at point "B" hereinabove described in Parcel 1 (26187-1); thence S.65°53′43"W., 120.04 feet; thence (2) S.74°53′21"W., 88.81 feet to intersection on the Southerly boundary of said Parcel 1; thence (3) along a boundary N.68°26′37"K., 42.24 feet; thence (4) along said boundary N.69°12′07" 72.01 feet; thence (5) along said boundary N.70°41′13"K., 94.00 feet to the Po of Beginning.

Reserving unto grantors of the above described parcel of land, the successors or assigns, the right at any time to remove such slopes or portic thereof upon the removing of the necessity of maintaining such slopes or portic thereof or upon providing in place thereof other adequate lateral support, t design and construction of which shall be first approved by the State Departme of Transportation, for the protection and support of said highway.

The bearings and distances used in the above descriptions are on the California Coordinate System of 1927, Zone 6. Multiply all distances used in the above descriptions by 1.0000325 to obtain ground level distances.

# Parcel 26187-11 Temporary Constrution Easement

A: temporary easement for state highway construction in and to that portion of Section 20, Township 14 South, Range 3 West, San Bernardino Base and Meridian according to U.S. Government Survey approved May 20, 1884, in the City of San Diego, County of San Diego, State of California, described as follows:

Beginning at course (14) of hereinabove described Parcel 1 (26187-1); a 15 foot wide strip of land lying South of, and coincident with numbered courses (14) through (35) inclusive, of said Parcel 1.

It is understood that said easement is temporary and shall terminate either upon completion of construction of that portion of State Highway Route 56 lying adjacent to the above described parcel or December 31, 1995, whichever date occurs first. It is understood that upon said termination date, the State shall have no further obligation or liability in connection with said parcel.

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Section 5. That the taking and acquiring by said City of the fee title and slope, drainage and road easement interests hereinabove described is deemed necessary for the construction, operation and maintenance of the State Route 56/Carmel Valley Restoration and Enhancement Plan (CVREP) Project, including any and all incidents thereto, in said property, by The City of San Diego and the inhabitants thereof, for municipal purposes; that such uses are public uses authorized by law (inter alia, Section 220 of the Charter of The City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.610 and 1255.410 of the Code of Civil Procedure; Sections 37350.5, 38900 and 40404 of the Government Code; and Sections 102, 130, 4090 and 5101 of the Streets and Highways Code); that for such public uses it is necessary that The City of San Diego condemn and acquire the subject property; that said subject property is to be used for the construction, operation and maintenance of State Route 56/Carmel Valley Restoration Enhancement Plan (CVREP) Project, which is planned and located in a manner most compatible with the greatest public good and the least private injury.

Section 6. The City Council hereby makes the following findings in support of the foregoing: That the proposed project for which this acquisition is being sought is State Route 56/Carmel Valley Restoration and Enhancement Plan (CVREP) Project, which will (a) provide 100-year flood protection for Carmel Valley west of Carmel Country Road; (b) reduce sediment transport to Los Penasquitos Lagoon; (c) create an enhanced riparian floodway/wildlife habitat area; and (d) provide a vital

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link in the regional transportation network and reduction of traffic congestion.

Section 7. That offers to acquire the subject properties at their appraised fair market value have been made to the owners of record and that said offers have not been accepted.

Section 8. That the City Attorney of The City of San Diego be, and he is hereby authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name and on behalf of The City of San Diego, against all owners and claimants to any interest in the above-described real property, for the purpose of condemning and acquiring fee simple absolute title to and slope, drainage and road easements in the property as hereinabove-described, and obtaining immediate possession of said parcels for the use of the City of San Diego.

APPROVED: John W. Witt, City Attorney

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Linda D. Bartz

Deputy City Attorney

LDB:sdv:djr:Lit.

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Or.Dept:Prop.

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Passed and adopted by the Council of	The City of S	an Diego on	,	FEB 24	1995
Council Members  Abbe Wolfsheimer  Ron Roberts  John Hartley	Yeas	Nays	Not Present	Ineligible	
George Stevens Tom Behr Valerie Stallings Judy McCarty Bob Filner Mayor Maureen O'Connor	विचे व व व व				
AUTHENTICATED BY:		MAUREEN O'CONNOR  Mayor of The City of San Diego, California.			
(Seal)		***************************************	CHARLES G. AB		

Office of the City Clerk, San Diego, California

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CITY CLERKS OFFICE SAN DIEGO, CA