

RESOLUTION NUMBER R- 287317

ADOPTED ON MAY 14 1996

A RESOLUTION AUTHORIZING THE RECORDATION OF RESTRICTIVE COVENANTS AFFECTING A PORTION OF CITY OWNED LAND FOR CONSERVATION AND BIOLOGICAL PRESERVATION PURPOSES.

WHEREAS, The City of San Diego, as owner, approved the development of Eastgate Technical Park; and

WHEREAS, said development impacted sensitive biological resources as disclosed in Environmental Impact Report No. 35-0386, and subsequent studies; and

WHEREAS, it is necessary and desirable to mitigate the biological impacts of said development by preserving lands of a similar nature; and

WHEREAS, The City of San Diego, a municipal corporation, is the owner of another parcel of undeveloped real property composed of similar sensitive lands suitable to be set aside as mitigation for said development; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that said Council hereby authorizes the City Manager to execute and cause to be recorded a Declaration of Restrictions in a form as set forth and attached to this Resolution.

BE IT FURTHER RESOLVED, that the City Clerk shall cause a certified copy of this Resolution, and the attached Declaration

of Restrictions attested by him under seal, to be recorded in the office of the County Recorder of San Diego County at no fee for the benefit of the City, with no documentary tax due.

APPROVED: JOHN W. WITT, City Attorney

By

  
Richard A. Duvernay  
Deputy City Attorney

RAD:lc:pev  
04/23/96  
05/20/96 COR.COPY  
Or.Dept:Com.&EDS  
R-96-1273  
Form=r+t

Declaration of Restrictions on file  
in the Office of the City Clerk as

Document No. RR-287317

dated MAY 14 1996

Recording Requested by:  
CITY OF SAN DIEGO  
When recorded Return to and  
Mail Tax Statements to:

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

DECLARATION OF RESTRICTIONS

This DECLARATION OF RESTRICTIONS made this 14th day of May, 1996, by The City of San Diego, hereinafter referred to as "Declarant."

WHEREAS, Declarant is the owner of a certain parcel of land (hereinafter referred to as "the Property") described in the document attached hereto, labeled as Exhibit A and incorporated herein by this reference; and

WHEREAS, Declarant finds it necessary and desirable to protect and preserve in perpetuity the biological values associated with a certain portion of the Property (hereinafter referred to as the "Mitigation Segment") described in the document attached hereto, labeled as Exhibit B and incorporated herein by this reference; NOW, THEREFORE,

Declarant declares that the Mitigation Segment shall be held, transferred, encumbered, used, sold, conveyed, leased, and occupied, subject to the covenants and restrictions hereinafter set forth expressly and exclusively for the use and benefit of the Property and of each and every person or entity who now or in the future owns any portion of the Property.

1. Declarant covenants to retain the Mitigation Segment in a natural condition and take necessary affirmative actions to preclude any use of the Mitigation Segment that will significantly impair or interfere with the biological value of the Mitigation Segment as a coastal sage scrub vegetative community and vernal pools with associated flora and fauna.

2. Declarant shall retain the right for itself, and to its personal representatives, heirs, successors, and assigns, all rights accruing from its ownership of the Mitigation Segment, including the right to engage in or permit or invite others to engage in all uses of the Mitigation Segment that are not inconsistent with the restrictions set forth above in paragraph 1.

3. In addition to those rights set forth above in paragraph 2, Declarant shall retain the right for itself, and to its personal representatives, heirs, successors, and assigns the right to use

DOCUMENT NO. RR287317

FILED MAY 14 1996

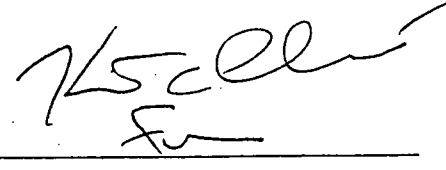
OFFICE OF THE CITY CLERK  
SAN DIEGO, CALIFORNIA

the Existing Dirt Road on the Mitigation Segment for vehicular ingress and egress, to perform necessary brush management activities for fire protection, and to construct necessary public utilities and grant easements for public utilities, provided that these activities do not significantly impact the biological value of the resources contained on the Mitigation Segment. The Existing Dirt Road is depicted in the plat map attached hereto, labeled as Exhibit C and incorporated herein by this reference.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Restrictions the day and year first above written.

Declarant:

THE CITY OF SAN DIEGO

By 

Jack McGrory  
City Manager

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EXHIBIT A

CITY OF SAN DIEGO PROPERTY

Pueblo Lot 1304 of the Pueblo Lands of San Diego, City of San Diego, County of San Diego, State of California, according to Map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder on November 14, 1921, and is known as Miscellaneous Map No. 36.

EXCEPTING, therefrom that portion thereof which was conveyed to the State of California for freeway purposes by deed recorded January 8, 1971 as File No. 3902.

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EXHIBIT B  
MITIGATION SEGMENT  
CONSERVATION PRESERVE

A portion of Pueblo Lot 1304 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to map thereof made by James Pascoe in 1870, a copy of which map was filed in the office of the San Diego County Recorder, November 14, 1921, as miscellaneous map No. 36 and more particularly described as follows:

Beginning at the southwest corner of Pueblo Lot 1304 as shown on Parcel Map No. 11842 filed in the office of the San Diego County Recorder, December 4, 1981; thence south  $89^{\circ}05'23''$  east a distance of 170.04 feet to the TRUE POINT OF BEGINNING, being a point on the southeasterly line of Shoreline Drive as dedicated to public use and recorded May 14, 1986, File Page 86-190975 O.R. and also being a point on the northerly line of subdivision map 11505, recorded January 27, 1986; thence south  $89^{\circ}05'23''$  east (south  $89^{\circ}06'09''$  east per Map No. 11505) a distance of 2030.36 feet along the northerly line of map No. 11505; thence north  $18^{\circ}22'54''$  east a distance of 644.83 feet; thence north  $49^{\circ}48'08''$  west a distance of 1079.75 feet; thence south  $40^{\circ}11'52''$  west a distance of 860.31 feet to the beginning of a tangent 2312.98 foot radius curve concave northwesterly, from which a radial line bears north  $49^{\circ}48'08''$  west; thence southwesterly along said curve through a central angle of  $24^{\circ}34'11''$ , a distance of 991.86 feet; thence along a non-tangent line north  $89^{\circ}06'16''$  west a distance of 50.27 feet to the southeasterly line of said Shoreline Drive being a non-tangent 50.00 foot radius curve concave northwesterly from which a radial line bears north  $60^{\circ}36'40''$  west; thence southwesterly along said southeasterly line through a central angle of  $35^{\circ}40'46''$ , a distance of 31.14 feet to the TRUE POINT OF BEGINNING.

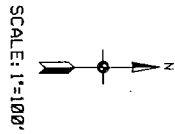
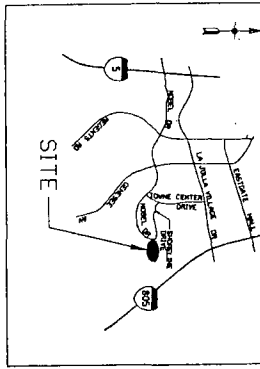
Said parcel of land contains approximately 34.09 acres.

*James F. Prescott 8-27-97*



*R-287317*

LOCATION MAP  
NOT TO SCALE



P.L. 13004

REFERENCE DRAWINGS  
PH 11842, TOWNE CENTER APARTMENTS MAP 11505, 15691-B

OWNER

BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS DRAWING IS THE EASTERN  
LINE OF PARCEL MAP NO. 11842, I.L. NO. 597E

P.L. 13004

A=34.09 ACRES

A.P.N. 345-010-03

644.83'  
N18°22'54"E



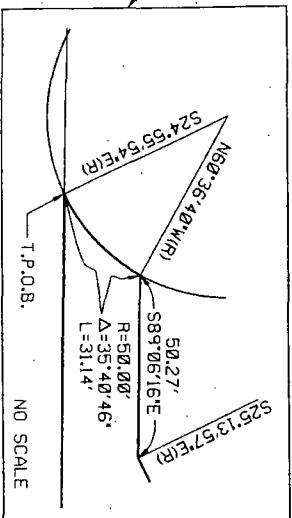
"EXHIBIT C"

MITIGATION SEGMENT IN

PUEBLO LOT 1304,

MISCELLANEOUS MAP NO. 36

CITY OF SAN DIEGO, CALIFORNIA		NO. 119039	
REGISTERED PROFESSIONAL ENGINEER			
DATE OF EXAMINATION		DATE OF EXAMINATION	
8-27-97		8-27-97	
DRAWN BY		CHECKED BY	
JARED BELCHER		JARED BELCHER	
DATE		DATE	
254-1707		254-1707	
PROJECT NO.		PROJECT NO.	
28184-1-D		28184-1-D	



NO SCALE

SILY BOUNDARY OF PL 1304  
S89°05'23"E 2030.36'  
S89°06'09"E PER MAP 11505

N00°51'51"E  
BASIS OF BEARINGS  
R2312.98'  
Δ=22°34'11"  
L=991.86'  
S25°13'57"E(R)  
NOBEL DR.  
SHORELINE DR.  
T.P.O.B.  
S89°05'23"E 170.04'

P.L. 13004

N49°48'08"W(R)  
L=991.86'

860.31'  
S40°11'52"W

1079.75'  
N49°48'08"W

P.O.B. AND  
SOUTHWEST CORNER  
OF P.L. 1304 PER P.M.  
11842.