

RESOLUTION NUMBER R- 291223

ADOPTED ON FEB 01 1999

WHEREAS, on December 12, 1996, The City of San Diego [City] and Pardee Construction Company [Pardee] entered into a Settlement Agreement, on file in the office of the City Clerk as Document Nos. RR-288265 and RR-288265-1, in which the City agreed to transfer certain City-owned property to Pardee for construction of a public street to serve Pardee's subdivision, Del Mar Highlands Estates; and

WHEREAS, the City was unable to deed the property to Pardee for street purposes, because it was encumbered with a deed restriction preventing its use as a street, which was reserved by the former owner, WISD, Inc.; and

WHEREAS, on October 6, 1998, the City entered into a Subdivision Offsite Acquisition Agreement with Pardee, providing for the purchase of WISD, Inc.'s deed restriction on the City-owned property; and

WHEREAS, the Council, by Resolution No. R-290816, dated October 6, 1998, authorized the use of Eminent Domain for the acquisition of the WISD, Inc. interest and, as a result of the Eminent Domain action, the parties have agreed to enter into a Settlement and Release Agreement which will clear the title to the property, and the City will be able to deed the property to Pardee as required by the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager or his designee is authorized and empowered to execute, for and on behalf of the City, a Settlement and Release Agreement with Pardee Construction Company and WISD, Inc., in connection with


Del Mar Highlands Estates access, under the terms and conditions set forth in the Settlement and Release Agreement on file in the office of the City Clerk as Document No.

RR- 291223-1

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized and empowered to execute, for and on behalf of the City, a First Amendment to Real Property Covenants, Conditions and Restrictions, as required by the Settlement and Release Agreement, to clear title to the property, under the terms and conditions set forth in the First Amendment on file in the office of the City Clerk as Document No. RR- 291223-2

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized and empowered to execute, for and on behalf of the City, a Grant Deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 291223-3 to Pardee Construction Company, in compliance with and under the terms and conditions of the Settlement and Release Agreement, granting 1.20 acres of irregularly shaped, sloping unimproved land located south of San Dieguito Road, East of El Camino Real, as more particularly described in the Grant Deed.

APPROVED: CASEY GWINN, City Attorney

By 
for Prescilla Dugard
Deputy City Attorney

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