

RESOLUTION NUMBER R- 294309

ADOPTED ON NOV 27 2000

WHEREAS, Barbara O. Clews, Christian Q. Clews, Deeana W. Clews and Marvin Del Carmel, a General Partnership (hereafter referred to collectively as "CLEWS"), have requested an exchange of real property; and

WHEREAS, the City Manager has certified that the value to the City of San Diego (hereafter referred to as "CITY") and to the CLEWS of the property rights to be exchanged are equal; and

WHEREAS, the proposed exchange will exchange 38.6 acres of former farm land, identified as a remnant parcel acquired in conjunction with the Route 56/Carmel Valley Restoration Enhancement Program, for 80 acres of pristine undisturbed mesa top habitat. The Del Mar Mesa area is ranked second of the CITY's acquisition projects for the MSCP Preserve. The acquisition of this 80 acre parcel will reduce the CITY's commitment of MSCP acquisition on Del Mar Mesa to only 155 acres; NOW, THEREFORE,

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

1. That the City Manager is authorized and empowered to accept that deed from the CLEWS, executed in favor of The City of San Diego, conveying to CITY the real property known as Assessor Parcel No. 305-041-03, as more particularly described in said deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 294309, upon complete satisfaction of the terms and conditions of the escrow established for the exchange.

2. That the City Manager or his designee is authorized and empowered to execute, for and on behalf of CITY, a deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 294309, conveying to CLEWS, all of the CITY's right, title and interest in the real property known as Assessor Parcel Number 307-040-73 and a portion of Assessor Parcel No. 307-040-32, as more particularly described in the deed. Further, that the deed and escrow instructions shall contain a specific deed restriction which shall limit the use of the developable area to equestrian and related uses only.

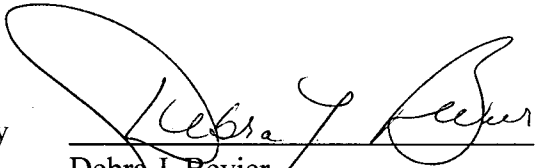
3. That the Neighborhood 8 Precise Plan shall be amended to clearly establish MHPA boundaries over the 38.6 acre parcel being deeded to CLEWS. The City MHPA documents establish that most of Neighborhood 8 is in the MHPA and any treatment/development by CLEWS must follow the 25% development area provisions. This includes the restriction that the planned horse ranch shall not fence off the remaining 75% open space nor use it to accommodate horses or livestock.

4. As is required for the land use entitlement process, the CITY shall have site planning and design guidelines discretion over the horse ranch plans. Although equestrian usage is allowed in the MSCP process, the site is highly visible both from afar and close-up, from many public places in Carmel Valley, including SR 56, and the hiking and biking trails along CVREP and within the community's primary open space corridor. This necessitates particular attention to detail. Applicant shall comply with all required permit processes necessary for land use entitlements. The Carmel Valley Community Planning Board, as is the normal process, shall be involved in the planning review process.

5. That the City Clerk is authorized and directed to deliver both deeds, and a certified copy of this resolution, attested by him under seal, to the Real Estate Assets Department for further handling.

APPROVED: CASEY GWINN, City Attorney

By


Debra J. Bevier
Deputy City Attorney

DJB:jc
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