

RESOLUTION NUMBER R- 295871

ADOPTED ON DEC 1 0 2001

WHEREAS, the City of San Diego is proceeding with the acquisition of right-of-way for the State Route 56 - Middle Segment (Carmel Country Road to Black Mountain Road), pursuant to Resolution of Necessity R-295205, and the amendment, R-295659;

WHEREAS, the City Council previously authorized the expenditure of amounts not to exceed \$14,500,000 and \$34,850,000 from CIP Number 52-463.0, pursuant to Resolution Numbers R-295213 and R-295204, respectively, for the acquisition of property rights, condemnation, labor, appraisal, relocation, title, escrow, and miscellaneous costs;

WHEREAS, Pardee Construction Company was identified as one of the property owners whose land, in part, would be acquired for the State Route 56 - Middle Segment (Carmel Country Road to Black Mountain Road);

WHEREAS, Pardee Construction Company and the City of San Diego have previously entered into a Development Agreement (San Diego City Clerk Document Number 00-18571), in part relating to the development of property owned by Pardee Construction Company in the area known as Pacific Highlands Ranch, formerly known as Subarea III of the North City Future Urbanizing Area;

WHEREAS, as part of the Development Agreement (San Diego City Clerk Document Number 00-18571), Pardee Construction Company agreed to forego receipt of payment from the City of San Diego for any amount in excess of Six Million Dollars (\$6,000,000) for dedication of right-of-way needed for the State Route 56 - Middle Segment (Carmel Country Road to Black

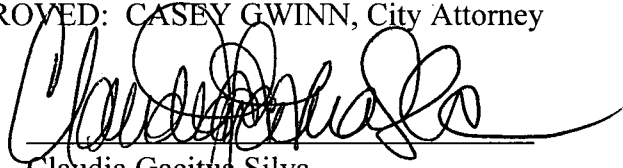
Mountain Road) upon any parcel within Subarea III controlled by Pardee Construction Company at the time the right-of-way acquisition occurs;

WHEREAS, the City of San Diego, Pardee Construction Company and the California Department of Transportation desire to cooperate regarding normalization of the right-of-way line for the State Route 56 - Middle Segment (Carmel Country Road to Black Mountain Road), and conveyance by Pardee Construction Company of the right-of-way upon any parcel they own within Subarea III to the City of San Diego;

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager be and he is hereby authorized and empowered to execute, for and on behalf of said City, a Cooperative Agreement for Normalization of State Route 56 Right-of-Way Limits with the California Department of Transportation and Pardee Construction Company to reconvey the excess right-of-way adjacent to Pardee Construction Company's properties that was acquired by the City and to provide for the sale, at fair market value, of any excess right-of-way acquired that was not covered by the Development Agreement to Pardee and other adjacent property owners, under the terms and conditions set forth in the Agreement on file in the office of the City Clerk as Document No. RR- 295871.

APPROVED: CASEY GWINN, City Attorney

By

  
Claudia Gacitua Silva  
Deputy City Attorney

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Or.Dept:REA  
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