

RESOLUTION NUMBER R- 296467

ADOPTED ON MAY 07 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE EXPENDITURE OF FUNDS  
FOR THE ACQUISITION OF PROPERTY RIGHTS FOR  
CARMEL MISSION PARK AND SETTLEMENT OF RELATED  
LEGAL ACTION.

WHEREAS, Carmel Mission Park is a seven acre park located at the intersection of  
Carmel Country Road and Carmel Mission Road in the community of Carmel Valley; and

WHEREAS, the City owns the northern four acres of the park in fee title, and title to the  
southern 2.93 acres (Lot 54) is in dispute; and

WHEREAS, this action would authorize the expenditure of \$112,600 to acquire the  
necessary property rights for undisputed fee title ownership to Lot 54 and to settle the  
outstanding issues of ownership of the parcel raised in the complaint filed by the City in the San  
Diego County Superior Court, *City of San Diego v. NM Homes One, LLC, et al.*; and

WHEREAS, Lot 54 of Carmel Mission Park is currently a developed park area  
containing paved walking trails that connect the neighborhoods of the community and other  
amenities, and is maintained by the City for the use of and actively used by the public for park  
and recreation purposes; NOW THEREFORE,

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

1. That the Council authorizes the City Auditor and Comptroller to expend \$58,000 from the Public Liability Fund, Fund No. 81140, for the settlement of all claims of property rights between the parties to the action entitled, *City of San Diego v. NM Homes One, LLC, et al.*, San Diego Superior Court Case No. GIC 785332, to the property described therein and commonly known as Carmel Mission Park.
2. That the Council authorizes the City Auditor and Comptroller to expend \$54,600 from Public Liability Fund, Fund No. 81140, to acquire property rights for Carmel Mission Park.
3. That the Council states for the record that this action is exempt from CEQA pursuant to State CEQA Guidelines, section 15061(b)(3).

APPROVED: CASEY GWINN, City Attorney

By   
for Carrie L. Gleeson  
Deputy City Attorney

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