

RESOLUTION NUMBER R- 297462

ADOPTED ON DEC 09 2002

WHEREAS, Maintenance Warehouse, a subsidiary of Home Depot, has applied for an easement through City-owned, designated open space land in the Los Penasquitos Canyon Preserve for the purpose of constructing and installing a communication/data transmission facility from its call center to the Sabre Springs Parkway Right-of-way. The communication facility will consist of conduits and a private data transmission line servicing Maintenance Warehouse's facility only, and will not be shared, franchised, leased, rented or sold to any other users; and

WHEREAS, the facility contained within the approximate 5,820 square foot (0.134 acre) easement will be 85% underground; an approximate 79 linear foot section of the facility will be above-ground and attached to the existing bridge that crosses the Los Penasquitos Canyon Creek in order to avoid disturbing the creek bed. Although the easement will run through an open space area, the easement follows the alignment of an existing dirt path/road, which runs through an already disturbed portion of the Preserve; and

WHEREAS, the San Diego Planning Commission approved the Site Development and Public Right-of-way Use Permits for the facility, along with the associated Mitigated Negative Declaration on October 31, 2002; and

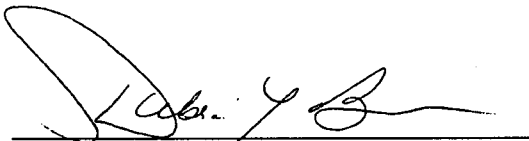
WHEREAS, Maintenance Warehouse will pay \$5,000, plus a \$400 easement processing fee, for the easement; NOW, THEREFORE,

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 of San Diego, a deed conveying to Maintenance Warehouse, a communication facility easement for the purpose of constructing and installing a communication/data transmission facility, for a fiber optic data line, affecting a portion of Lot 7 of Creekview South, Parcels 23 through 27, Unit No. 1, according to Map thereof No. 12258 filed in the Office of the County Recorder of San Diego County on November 8, 1988, as more particularly described in said easement deed on file in the office of the City Clerk as Document No. RR- 297462.

BE IT FURTHER RESOLVED, that it is stated for the record that the Final Mitigated Negative Declaration was reviewed and considered prior to approving the project, and that the City Clerk is directed to file a Notice of Determination.

APPROVED: CASEY GWINN, City Attorney

By



Debra J. Bevier
Deputy City Attorney

DJB:mm
11/15/02
Or.Dept:REA
R-2003-706