

RESOLUTION NUMBER R- 298590

ADOPTED ON NOV 17 2003

WHEREAS, the City of San Diego is the owner of certain real property described on attached Exhibit "A"; and

WHEREAS, the Justine B. Fenton Irrevocable Trust [the Trust] has filed a tentative map (TM4979 RPL4) which requires a minor realignment of the access road from the Fenton Ranch residential development to Bandy Canyon Road; and

WHEREAS, in 1992, the Trust acquired an access easement [the 1992 Easement], but the design of the current development necessitates a minor realignment of the easement; and

WHEREAS, the Trust has requested an exchange of easements with the City; and

WHEREAS, the Development Services Department has requested that the City accept the 1992 Easement from the Trust, and grant a new easement to the Trust for road purposes; and

WHEREAS, the herein-described property is surplus to City needs; and

WHEREAS, this action is exempt from the provisions of the California Environmental Quality Act of 1970 under City guidelines for implementation of the Act, as amended; and

WHEREAS, the City desires to negotiate the sale of the easement to the Justine B. Fenton Irrevocable Trust, under the provisions of Section 22.0902 of the San Diego Municipal Code, which permit the sale of real property belonging to the City of San Diego by negotiation; and

WHEREAS, the sale of such an interest in real property as this may reasonably be accomplished by negotiation; and

WHEREAS, the City valuation staff has reviewed the proposed transaction and has concurred with the independent fee appraisal value of \$390 for the approximately 1,690 feet net difference between the parcel to be granted by the City and the parcel to be quitclaimed to the City. The Justine B. Fenton Irrevocable Trust has agreed to pay \$2,500 minimum sale amount for the easement; and

WHEREAS, no real estate broker's commission shall be paid; and

WHEREAS, the exchange and sale of the aforementioned property is consistent with the public interest; NOW, THEREFORE,

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

1. That certain real property right described in that deed on file in the office of the City Clerk as Document No. RR- 298590-1, is determined to be surplus, and an easement therein is authorized to be sold by negotiation for \$2,500 to the Justine B. Fenton Irrevocable Trust.


2. The City Manager or his designee is authorized and empowered to execute, for and on behalf of the City of San Diego, an easement deed, a copy of which is on file in the office of the City Clerk as Document No. RR- 298590-1, granting to the Justine B. Fenton Trust, an easement for access, as more particularly described in attached Exhibit "A."

3. The City Manager is authorized to accept a quitclaim deed of the Justine B. Fenton Irrevocable Trust, executed in favor of the City of San Diego, bearing date of October 16, 1984 a copy of which is on file in the office of the City Clerk as Document No. RR- 298590-2, quitclaiming to the City a road easement, as more particularly described in attached Exhibit "B."

4. No broker's commission shall be paid by City on the negotiated sale.

5. The City Clerk is authorized and directed to deliver both deeds, and a certified copy of this resolution to the Real Estate Assets Department for further handling.

APPROVED: CASEY GWINN, City Attorney

By   
Prescilla Dugard  
Deputy City Attorney

PD:dm  
09/18/03  
Or.Dept:READ  
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