

ORDINANCE NUMBER O- 19249 (NEW SERIES)

ADOPTED ON JAN 13 2004

AN ORDINANCE SETTING ASIDE AND DEDICATING CITY-OWNED LAND, KNOWN AS HOME AVENUE PARK SITE IN THE CITY OF SAN DIEGO, CALIFORNIA, FOR A PUBLIC PARK.

WHEREAS, San Diego Charter section 55 [Charter] provides that all real property owned in fee by the City that is dedicated by ordinance for park and recreation purposes shall not be used for any but park and recreation purposes without a changed use or purpose being authorized by a two-thirds vote of the people; and

WHEREAS, in accordance with the Charter and Council Policy 700-17, the Park and Recreation Board [Board] has reviewed the City's inventory of park lands to determine which parks have met the requirements for dedication by ordinance; and

WHEREAS, the Board has identified the open space park known as Home Avenue Park Site as meeting the Charter and Policy requirements, and recommends that this property be dedicated by ordinance; and

WHEREAS, a California registered land surveyor has reviewed and approved the legal description and map incorporated herein as Exhibits A and B, respectively, as accurate; NOW, THEREFORE,

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

Section 1. That the parcel of City-owned land known as Home Avenue Park Site, which is more particularly described in Exhibits A and B, attached hereto and incorporated herein by this reference, is set aside and dedicated in perpetuity for park and recreational purposes.

Section 2. That the City Council of the City of San Diego hereby specifically reserves the right to establish underground public service easements under, through and across the dedicated property so long as the construction and maintenance of the subject easement do not substantially negatively impact the availability of the property for use for park and recreational purposes.

Section 3. That in the event of any discrepancy between the property identified in the legal description and any record of any other agency, the legal description shall control for purposes of determining the area dedicated.

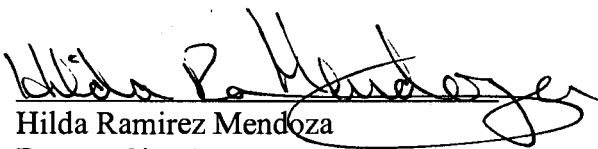
Section 4. That the City Clerk is authorized and directed to record in the office of the San Diego County Recorder a certified copy of this ordinance.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By


Hilda Ramirez Mendoza
Deputy City Attorney

HRM:cdk
11/21/03
Or.Dept: Pk.&Rec.
O-2004-66

LEGAL DESCRIPTION -EXHIBIT "A"
HOME AVENUE APN: 476-581-02-00

Lot 24 of WADSWORTH OLIVE GROVE ADDITION, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 482, filed in the Office of the County Recorder of San Diego County, February 10, 1988.

EXCEPTING THEREFROM that portion of said lot lying Northwesterly of a line described as follows:

BEGINNING at the intersection of the South line of said Lot 24 with a line which is parallel with and 40.00 feet Southeasterly of, measured at right angles to the Northwesterly line of said lot 24, being the Southeasterly line of that certain easement described in deed to the City of San Diego recorded September 30, 1938 in Book 840, Page 17 of Official Records; thence North 40° 35' 53" East along said parallel line, a distance of 859.63 feet to the beginning of a tangent 1,040.00 foot radius curve, concave Northwesterly in said Southeasterly line; thence Northeasterly along the arc of said curve, a distance of 289.37 feet to the intersection with the Northwesterly line of Lot, 25 of said Wadsworth Olive Grove.

ALSO EXCEPTING THEREFROM that portion of said lot lying Southeasterly of a line described as follows:

BEGINNING at the intersection of the Southerly line of said lot with the Northwesterly boundary of Delta Heights Annex Unit No.2, according to Map thereof No. 3049, filed in the Office of the County Recorder of San Diego County, January 6, 1954; thence along said Northwesterly boundary and along the Northwesterly boundary of said Delta Heights, the following bearings and distances; North 38° 10' 28" East, 326.70 feet; North 24° 42' 33" East, 438.55 feet; North 34° 20' 20" East to the Northerly line of said lot.

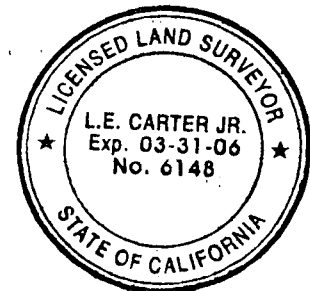
The above described parcel containing 5.76 Acres.



Lester E. Carter Jr., PLS 6148
Sr. Land Surveyor, E&CP - Field Engineering Division
My registration expires: 3/31/2006

8-8-2003

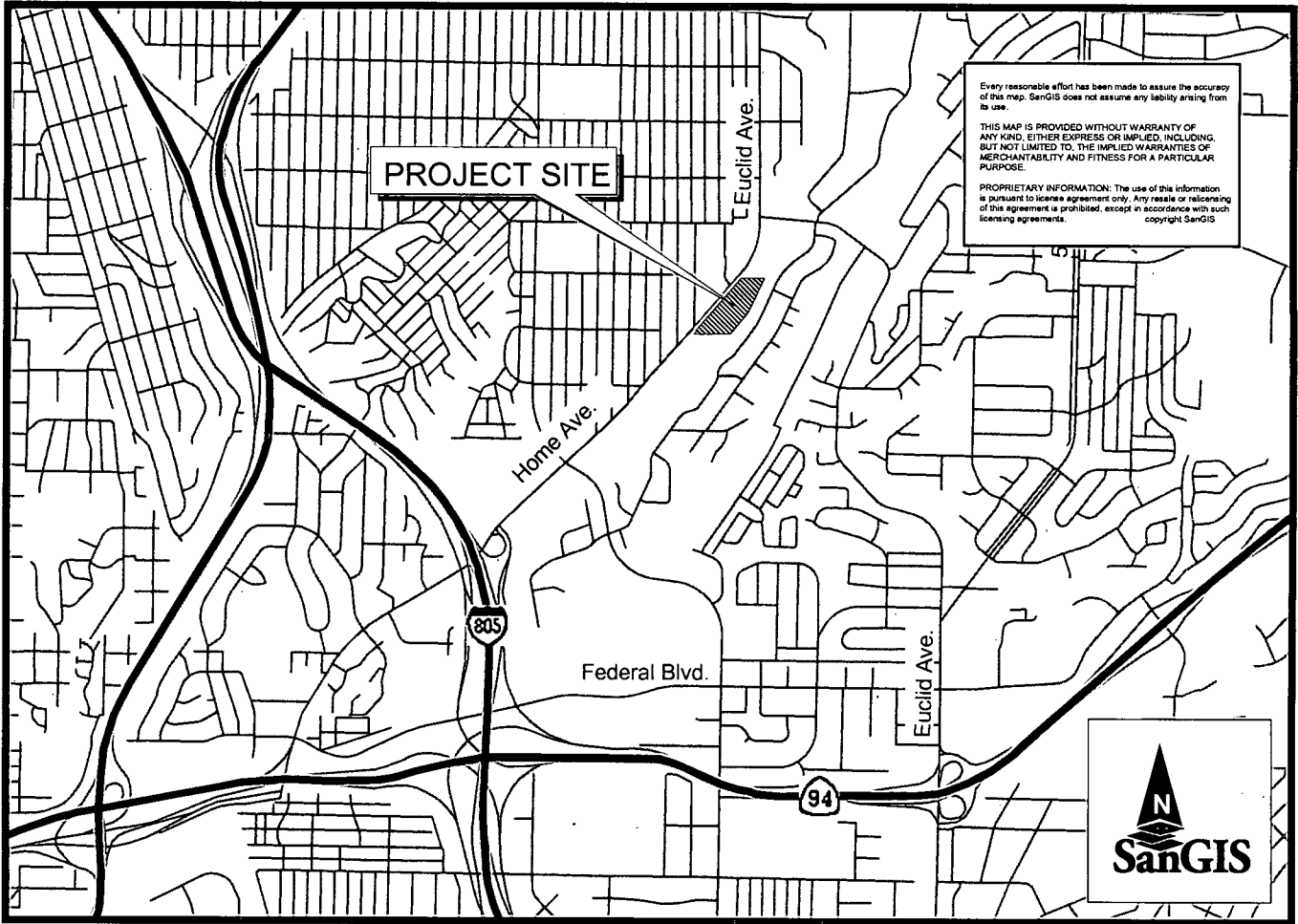
Date



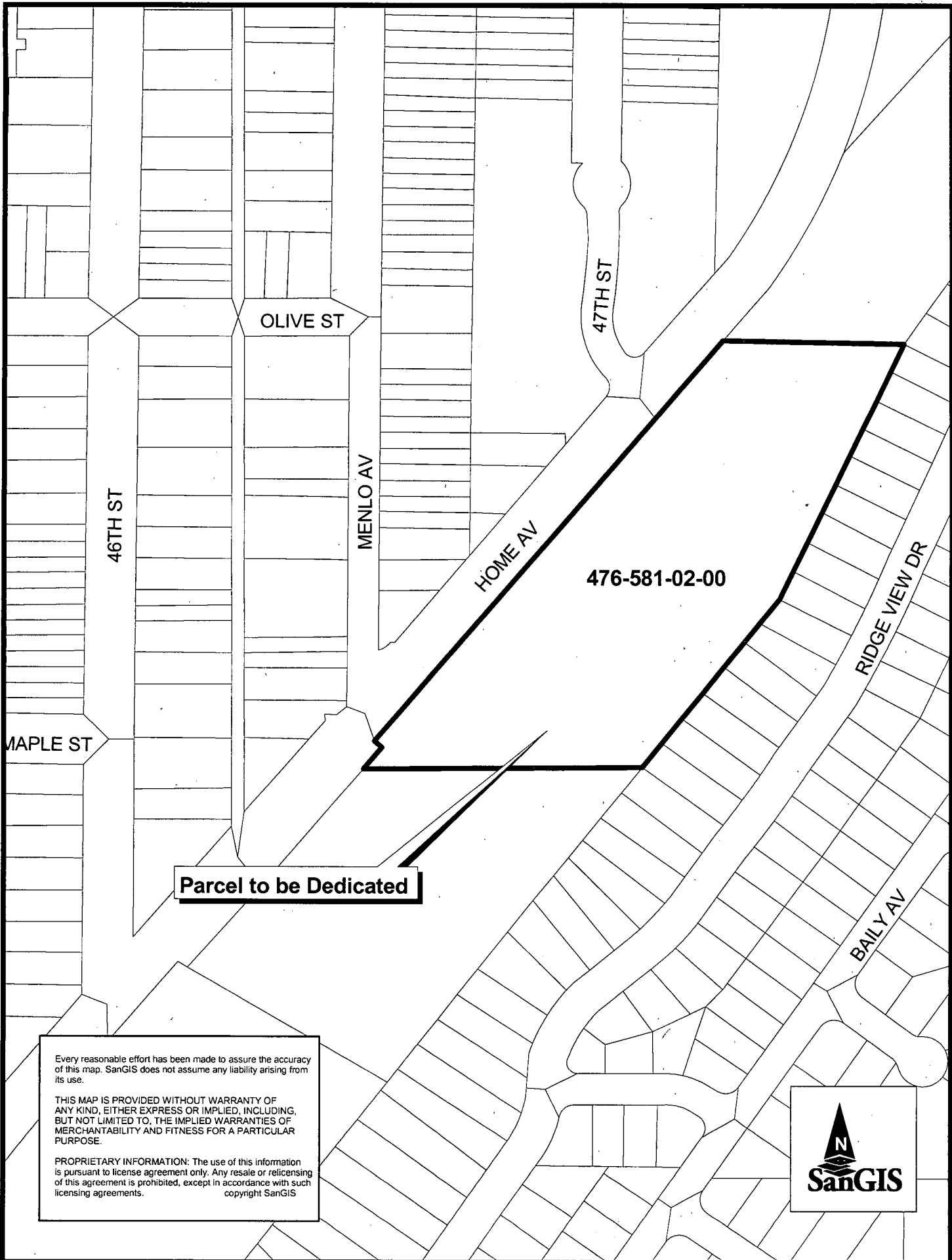
Filename: 47658102.LGL
W.O.: 020084 - 8/08/2003 (lec)

○ 19249

EXHIBIT "B"



Vicinity Map for Home Avenue Park Site



Parcel to be Dedicated

Every reasonable effort has been made to assure the accuracy of this map. SanGIS does not assume any liability arising from its use.

THIS MAP IS PROVIDED WITHOUT WARRANTY OF ANY KIND, EITHER EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

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