

(O-2004-41)

ORDINANCE NO. O-¹⁹²⁶⁸ (NEW SERIES)

ADOPTED ON MAR 22 2004

AN ORDINANCE SETTING ASIDE AND DEDICATING CITY-OWNED LAND, KNOWN AS BLACK MOUNTAIN PARK 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 Black Mountain Park as meeting the Charter and Policy requirements, and recommends that the park 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 various parcels of City-owned land known as Black Mountain Park 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 recreation 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 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 4. 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 5. 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 Mendoza
Deputy City Attorney

HRM:ai:cfq
11/24/03
Or.Dept:Park&Rec
O-2004-41

ATTACHMENT "A"
BLACK MOUNTAIN OPEN SPACE PARK DEDICATION
LEGAL DESCRIPTION

THAT PORTION OF RANCHO LOS PENASQUITOS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP ACCOMPANYING THE PATENT TO SAID RANCHO, RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN BOOK 2, PAGE 385 OF PATENTS, AND OF SECTION 7, IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS A WHOLE AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF PENASQUITOS GOLF VIEWS, ACCORDING TO MAP THEREOF NO. 8713, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTH 21°30'00" WEST 34.50 FEET ALONG SAID WESTERLY LINE OF SAID CUCA STREET TO THE MOST NORTHERLY CORNER OF LOT 1 OF PENASQUITOS GARDENS, ACCORDING TO MAP THEREOF NO. 6390, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE CONTINUING SOUTH 21°30'00" WEST 372.95 FEET ALONG SAID WESTERLY LINE OF SAID CUCA STREET TO THE MOST SOUTHEASTERLY CORNER OF PENASQUITOS GOLF VIEWS UNIT NO. 2, ACCORDING TO MAP THEREOF NO 9545, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING AN INTERSECTION OF THE WESTERLY SIDELINE OF CUCA STREET AND THE SOUTHERLY SIDELINE OF BERNABE DRIVE AS DEDICATED PER SAID MAP NO. 9545; THENCE SOUTHWESTERLY ALONG THE SOUTHEASTERLY BOUNDARY OF SAID MAP 9545, TO AN ANGLE POINT IN LOT 2 OF SAID MAP 9545, BEING THE MOST SOUTHERLY CORNER OF SAID MAP, ALSO BEING THE MOST NORTHERLY CORNER OF PARCEL 1 OF PARCEL MAP NO. 7186, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE NORTHWESTERLY AND SOUTHWESTERLY BOUNDARY OF SAID PARCEL 1, TO AN INTERSECTION WITH THE NORTHWESTERLY LINE OF CARMEL MOUNTAIN ROAD AS DEDICATED PER PENASQUITOS VILLAS UNIT NO. 2, ACCORDING TO MAP THEREOF NO. 6793, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY LINE OF CARMEL MOUNTAIN ROAD TO THE NORTHEASTERLY BOUNDARY LINE OF PENASQUITOS VILLAS UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 9250,

AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ALSO BEING THE NORTHEASTERLY CORNER OF LOT 39 OF SAID MAP; THENCE NORTHWESTERLY, SOUTHWESTERLY AND SOUTHEASTERLY ALONG THE BOUNDARY LINE OF SAID MAP NO. 9250, TO AN ANGLE POINT IN THE BOUNDARY OF SAID MAP, ALSO BEING THE SOUTHWESTERLY CORNER OF LOT 5 OF SAID MAP; THENCE NORTH 57°19'13" WEST 714.17 FEET ALONG THE NORTHWEST BOUNDARY OF PARCEL 1 OF PARCEL MAP NO. 15496, AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTH 32°40'47" EAST 260.32 FEET ALONG THE BOUNDARY OF SAID PARCEL 1 TO THE NORTHWESTERLY SIDELINE OF CARMEL MOUNTAIN ROAD AS DEDICATED PER DOCUMENT RECORDED MARCH 8, 1971, AS FILE PAGE NO. 43072, BOOK 1971, O.R.; THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY SIDELINE OF CARMEL MOUNTAIN ROAD TO THE SOUTHEASTERLY CORNER OF PENASQUITOS KNOLLS EAST ACCORDING TO MAP THEREOF NO. 9039 AS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTHERLY AND NORTHWESTERLY ALONG SAID BOUNDARY, TO AN ANGLE POINT IN SAID BOUNDARY ALSO BEING A POINT ON THE CENTERLINE OF PASEO VALDEAR AS DEDICATED PER SAID MAP; THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID PASEO VALDEAR TO THE MOST EASTERLY CORNER OF LOT 4 OF PENASQUITOS SCHOOL SITES, ACCORDING TO MAP THEREOF NO. 7582, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTH 23°55'06" WEST ALONG THE EASTERLY BOUNDARY OF SAID MAP 7582, TO AN INTERSECTION WITH THE NORTHEASTERLY SIDELINE OF OVIEDO WAY AS DEDICATED PER DOCUMENT NO. 85-142711, RECORDED APRIL 25, 1985, AS SHOWN ON BLACK MOUNTAIN VIEW ESTATES, ACCORDING TO MAP THEREOF NO. 11373, AS FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY; THENCE CONTINUING NORTHWESTERLY ALONG THE NORTHEASTERLY SIDELINE OF SAID OVIEDO WAY TO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 20.00 FEET; THENCE NORTHERLY AND NORTHEASTERLY ALONG SAID CURVE A DISTANCE OF 35.55 FEET, THROUGH A CENTRAL ANGLE OF 101°50'00" TO THE SOUTHEASTERLY SIDELINE OF MCENTEE STREET AS DEDICATED PER SAID MAP NO. 11373; THENCE NORTHEASTERLY ALONG SAID SOUTHEASTERLY SIDELINE TO THE SOUTHWESTERLY CORNER OF LOT 64 OF SAID MAP NO. 11373, ALSO BEING AN ANGLE POINT IN THE BOUNDARY OF SAID MAP; THENCE NORTHEASTERLY, NORTHERLY, NORTHWESTERLY AND SOUTHWESTERLY ALONG SAID BOUNDARY TO THE NORTHWESTERLY CORNER OF LOT 101 OF SAID

MAP, ALSO BEING THE NORTHEASTERLY CORNER OF LOT 19 OF PENASQUITOS BLUFFS EAST, UNIT NO. 1, ACCORDING TO MAP THEREOF NO. 11192, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTHERLY ALONG SAID BOUNDARY TO THE NORTHEASTERLY CORNER OF LOT 202 OF SAID MAP 11192, ALSO BEING THE SOUTHEASTERLY CORNER OF LOT 383 OF PENASQUITOS BLUFFS EAST UNIT NO. 2 ACCORDING TO MAP THEREOF NO. 11193, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTHERLY AND NORTHWESTERLY ALONG THE EASTERLY BOUNDARY OF SAID MAP 11193 TO THE NORTHEASTERLY CORNER OF LOT 391 OF SAID MAP 11193, LOT 391 BEING AN OPEN SPACE EASEMENT GRANTED THEREON, SAID NORTHEASTERLY CORNER ALSO BEING AN INTERSECTION WITH THE NORTH LINE OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 2 WEST AS SHOWN ON RECORD OF SURVEY NO. 8487, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AND THE SOUTHERN BOUNDARY LINE OF BLACK MOUNTAIN NORTH UNIT NO. 7, ACCORDING TO MAP THEREOF NO. 11724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 7, AND SAID SOUTHERLY BOUNDARY OF SAID MAP NO 11724, TO THE SOUTHEASTERLY CORNER OF SAID MAP, SAID SOUTHEASTERLY CORNER ALSO BEING THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.M., AS SHOWN ON ABOVE SAID RECORD OF SURVEY MAP NO. 8487; THENCE CONTINUING EASTERLY ALONG THE NORTH LINE OF SAID SECTION 7 TO THE NORTHEAST CORNER THEREOF, ALSO BEING THE SOUTHWEST CORNER OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 2 WEST, S.B.M.; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 5 TO THE SOUTHEAST CORNER THEREOF, ALSO BEING THE SOUTHWEST CORNER OF SECTION 4 AS SHOWN ON THE ABOVE SAID RECORD OF SURVEY MAP NO. 8487; THENCE CONTINUING EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 4, TO A POINT OF INTERSECTION WITH THE WESTERLY BOUNDARY LINE OF PENASQUITOS GOLF VIEWS, ACCORDING TO MAP THEREOF NO. 8713, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, SAID POINT OF INTERSECTION BEING ON THE WESTERLY BOUNDARY OF LOT 21 OF SAID MAP NO 8713, DISTANT THEREON NORTH 0°44'48" EAST 31.95 FEET, FROM THE SOUTHWEST CORNER OF SAID LOT 21;

THENCE SOUTH 0°44'48" WEST 1,108.08 FEET TO THE SOUTHWEST CORNER OF LOT 1 OF SAID MAP; THENCE SOUTH 68°30'00" EAST 381.28 FEET TO THE SOUTHEASTERLY CORNER OF LOT 1 OF SAID MAP, BEING THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE DESCRIBED LAND LYING WITHIN PENASQUITOS GOLF VIEWS, UNIT NO. 2, ACCORDING TO MAP THEREOF NO. 9545, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY ON 4 FEBRUARY, 1980, AS FILE NO. 80-039570.

ALSO EXCEPTING THEREFROM ALL THAT PORTION OF THE ABOVE DESCRIBED LAND LYING WITHIN PARCEL 3 OF PARCEL MAP NO. 14128, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY ON 27 JANUARY, 1986, FILE NO. 86-033077.

THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, CONVEYED PER DEED TO CITY OF SAN DIEGO FOR OPEN SPACE RECORDED MAY 2, 2001 AS DOCUMENT 2001-0277331, IS ENCOMPASSED IN THE ABOVE METES AND BOUNDS DESCRIPTION.

FILE CODE: F502-10, 11 & 13

ASSESSOR'S PARCEL NOS.: 312-030-03; 312-030-35; 312-040-12, 13, 19 & 22;
313-030-54 & 59; 315-020-40 & 56.

TOGETHER WITH

ALL THAT REAL PROPERTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IDENTIFIED AS LOT 162, OF BLACK MOUNTAIN NORTH UNIT NO. 7. PER MAP NO. 11724, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 20, 1987

FILE CODE: F502-4

ASSESSOR'S PARCEL NO.: 312-010-34

TOGETHER WITH

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, IDENTIFIED AS FOLLOWS:

LOT 3 AND THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 4, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM ALL COAL AND OTHER MINERALS AS RESERVED IN THAT CERTAIN PATENT DEED RECORDED AUGUST 10, 1939 IN BOOK 937, PAGE 22 OF OFFICIAL RECORDS;

LOTS 7 AND 8 AND THE NORTH HALF OF THE SOUTHEAST QUARTER OF SECTION 5, ALL IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF.

EXCEPT THEREFROM ALL COAL AND OTHER MINERALS AS RESERVED IN THAT CERTAIN PATENT DEED RECORDED AUGUST 10, 1939 IN BOOK 937, PAGE 22 OF OFFICIAL RECORDS; AND SUBJECT TO ALL CONDITIONS, COVENANTS, RESTRICTIONS, RESERVATIONS, EASEMENTS, RIGHTS, RIGHTS-OF-WAY AND OTHER MATTERS OF RECORD.

FILE CODE: F502-9

ASSESSOR'S PARCEL NOS.: 312-010-17 & 18; 313-010-04

TOGETHER WITH

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

LOTS 101, 102 AND 103 OF BLACK MOUNTAIN VIEW ESTATES, ACCORDING TO MAP THEREOF NO. 11373, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO, NOVEMBER 22, 1985, BEING IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, SUBJECT TO THE FOLLOWING COVENANTS:

CITY OF SAN DIEGO, HEREINAFTER REFERRED TO AS "CITY", FOR AND ON BEHALF OF ITSELF, AND ON BEHALF OF EACH SUCCESSIVE OWNER, DURING ITS, HIS, HER OR THEIR OWNERSHIP OF ANY PORTION OF THE LAND (HEREINAFTER REFERRED TO AS THE "AFFECTED LAND") HEREIN GRANTED BY GENSTAR DEVELOPMENT INC., A NEW YORK CORPORATION ("GENSTAR SOUTHWEST DEVELOPMENT"), HEREINAFTER REFERRED TO AS "GENSTAR", TO CITY, AND EACH PERSON HAVING ANY INTEREST IN THE AFFECTED LAND DERIVED THROUGH ANY SUCH OWNER, COVENANTS AND AGREES THAT GENSTAR SHALL HAVE THE RIGHT TO OBTAIN, AND THAT CITY AND/OR ANY UTILITY AGENCY(S) OF CITY SHALL HAVE THE RIGHT TO ACCEPT AND/OR DEDICATE, ANY OF THE FOLLOWING DESCRIBED IMPROVEMENTS OR CONVEYANCES, TO WIT:

1. FACILITIES AND EASEMENTS FOR THE CONSTRUCTION AND MAINTENANCE OF SEWER LINES, WATER LINES, DRAINAGE LINES, STRUCTURES AND SILTATION ABATEMENT DEVICES, UNDERGROUND POWER, TELEPHONE AND TELEVISION LINES, AND APPURTENANCES TO ALL THE ABOVE FACILITIES, ANYWHERE WITHIN THE SUBJECT PROPERTY. ANY SUCH FACILITIES AND EASEMENTS MUST BE APPROVED BY THE CITY MANAGER FROM TIME TO TIME EMPLOYED BY CITY, BUT SUCH APPROVAL SHALL NOT BE UNREASONABLY WITHHELD. HOWEVER, NO SUCH FACILITY OR EASEMENT SHALL UNREASONABLY OR MATERIALLY INTERFERE WITH THE CHARACTER AND USE OF CITY'S PROPERTY FOR OPEN SPACE PARK AND RECREATIONAL PURPOSES.

2. ROADWAYS AND SUPPORTING SLOPES AND EMBANKMENTS AS SHOWN ON THE BLACK MOUNTAIN VIEW ESTATES IMPROVEMENT PLANS. SUCH ROADWAYS AND SUPPORTING SLOPES AND EMBANKMENTS SHALL BE LIMITED TO THOSE SHOWN ON SAID BLACK MOUNTAIN VIEW ESTATES IMPROVEMENT PLANS. FURTHERMORE, THE CONSTRUCTION OF SAID ROADWAYS AND SUPPORTING SLOPES AND EMBANKMENTS SHALL NOT UNREASONABLY INTERFERE WITH CITY'S USE OF THE REMAINING PROPERTY FOR PARK AND RECREATIONAL OPEN SPACE PURPOSES.

EACH SUCCESSIVE OWNER, DURING ITS, HIS, HER OR THEIR OWNERSHIP OF ANY PORTION OF THE AFFECTED LAND, AND EACH PERSON HAVING ANY INTEREST IN THE AFFECTED LAND DERIVED THROUGH ANY SUCH OWNER, SHALL BE BOUND HEREBY FOR THE BENEFIT OF THE BENEFITTED LAND.

THE COVENANTS CONTAINED ARE FOR THE BENEFIT OF THE BENEFITTED LAND AND HAVE BEEN MADE WITH THE INTENT OF SATISFYING THE REQUIREMENTS OF SECTION 1468 OF THE CALIFORNIA CIVIL CODE.

IN THE EVENT ANY TERM, COVENANT, CONDITION, PROVISION HEREIN CONTAINED IS HELD TO BE INVALID, VOID OR OTHERWISE UNENFORCEABLE BY ANY COURT OF COMPETENT JURISDICTION, THE INVALIDITY OF ANY SUCH TERM, COVENANT, CONDITION, PROVISION OR AGREEMENT SHALL IN NO WAY AFFECT THE VALIDITY OF ANY OTHER TERM, COVENANT, CONDITION, PROVISION OR AGREEMENT HEREIN CONTAINED.

FILE CODE: F502-8 & G513-1

ASSESSOR'S PARCEL NOS.: 312-221-46 & 47; 312-222-56

TOGETHER WITH

THE FOLLOWING DESCRIBED REAL PROPERTY IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA;

THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 5, LOT 6 OF SECTION 5 AND A PORTION OF LOT 5 OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AS SAID PROPERTIES WERE DESCRIBED IN DEED TO THE CITY OF SAN DIEGO RECORDED JUNE 15, 1999, AS DOCUMENT 1999-0419363, SAID PORTION OF LOT 5 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 5 AS SHOWN ON RECORD OF SURVEY NO. 10451 ON FILE IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND STATE; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT SOUTH $87^{\circ}09'49''$ WEST 704.84 FEET; THENCE LEAVING SAID SOUTHERLY BOUNDARY NORTH $00^{\circ}05'37''$ EAST 1036.24 FEET; THENCE ALONG BOUNDARIES OF THE ABOVE-MENTIONED DEED, NORTH $88^{\circ}34'40''$ EAST 124.44 FEET; THENCE NORTH $00^{\circ}05'37''$ EAST 295.20 FEET; THENCE NORTH $88^{\circ}34'40''$ EAST 584.27 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE ALONG THE EASTERLY BOUNDARY OF SAID LOT 5 SOUTH $00^{\circ}17'29''$ WEST 1,314.17 FEET TO THE POINT OF BEGINNING.

FILE CODE: F502-12

ASSESSOR'S PARCEL NOS.: 312-010-13 & 40.

TOGETHER WITH

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF LOT 5 OF SECTION 5 AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, ALL IN TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO,

STATE OF CALIFORNIA AS DESCRIBED IN DEED TO CITY OF SAN DIEGO FOR OPEN SPACE RECORDED MAY 2, 2002 AS DOCUMENT 2001-0277331, SAID PORTION OF LOT 5 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 5 AS SHOWN ON RECORD OF SURVEY 10451 ON FILE IN THE OFFICE OF THE RECORDER OF SAID COUNTY AND STATE; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT SOUTH 87°09'49 WEST 704.84 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHERLY BOUNDARY NORTH 00°05'37" EAST 1,036.24 FEET; TO A POINT ON THE SOUTHERLY BOUNDARY OF THE LAND DESCRIBED IN DEED TO SHEA HOMES LIMITED PARTNERSHIP RECORDED MAY 4, 1998 AS DOCUMENT 1998-0254616; THENCE ALONG SAID DEED BOUNDARY SOUTH 88°34'40" WEST 170.76 FEET; THENCE ALONG SAID LINE NORTH 00°05'37" EAST 295.20 FEET TO A POINT ON THE NORTHERLY BOUNDARY LINE OF SAID LOT 5; THENCE ALONG THE BOUNDARY LINE OF SAID LOT 5 SOUTH 88°34'40" WEST 435.15 FEET; THENCE SOUTH 00°05'37" WEST 1,346.41 FEET; THENCE NORTH 87°09'49" EAST 603.06 (606.49) FEET TO THE TRUE POINT OF BEGINNING.

ALSO RESERVING AN EASEMENT FOR ROADWAY PURPOSES OVER A STRIP OF LAND, 20 FEET WIDE, TOGETHER WITH THE RIGHT TO MAINTAIN SLOPES, FILLS AND CUTS AS MAY BE NECESSARY WITHIN OR BEYOND THE LIMITS OF SAID STRIP OF LAND, 20 FEET WIDE, LYING WITHIN LOTS 5 AND 6 OF SECTION 5, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY AND COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, THE CENTER LINE OF SAID STRIP OF LAND, 20 FEET WIDE, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 5, SAID CORNER BEING A TWO INCH IRON PIPE WITH A BRASS CAP AS SHOWN ON RECORD OF SURVEY MAP NO. 6204, RECORDS OF SAID SAN DIEGO COUNTY; THENCE NORTH 20°21'30" EAST ON A TRUE BEARING 1,228.30 FEET; THENCE NORTH 0°20'03" WEST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 5, 208.71 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 5, SAID POINT BEARING SOUTH 18°40'57" EAST 1,378.73 FEET, MORE OR LESS, FROM THE WEST ONE-QUARTER CORNER OF SAID SECTION 5, SAID CORNER BEING A P.K. NAIL IN AN EIGHT INCH BY TWENTY-TWO INCH BY TWENTY-FOUR INCH STONE AS

SHOWN ON RECORD OF SURVEY MAP No.5714, RECORDS OF SAID SAN DIEGO COUNTY; THENCE ALONG SAID NORTH LINE OF SAID LOT 5, NORTH 88°09'57" EAST 208.78 FEET; THENCE SOUTH 0°20'03" EAST PARALLEL WITH THE WESTERLY LINE OF SAID LOT 5, 156.09 FEET TO THE TRUE POINT OF BEGINNING; SAID TRUE POINT OF BEGINNING BEING ALSO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 54.29 FEET; A RADIAL LINE THROUGH SAID TRUE POINT OF BEGINNING BEARS NORTH 19°30'20" EAST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 56°14'17" AN ARC LENGTH OF 53.29 FEET; THENCE SOUTH 14°15'23" EAST 75.19 FEET; THENCE SOUTH 4°43'00" WEST 50.24 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 78°30'05" AND AN ARC LENGTH OF 68.51 FEET; THENCE SOUTH 83°13'05" WEST 33.46 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°12'49" AND AN ARC LENGTH OF 26.37 FEET; THENCE THE FOLLOWING COURSES AND DISTANCES: NORTH 66°34'06" WEST 85.33 FEET; NORTH 54°55'31" WEST 109.04 FEET; NORTH 49°51'01" WEST 92.25 FEET; NORTH 25°43'07" WEST 102.62 FEET; NORTH 26°56'14" WEST 27.46 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHWESTERLY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 164°48'21" AND AN ARC LENGTH OF 143.82 FEET; THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 11°44'35" EAST 92.28 FEET; SOUTH 33°20'05" EAST 96.76 FEET; SOUTH 40°17'10" EAST 96.71 FEET; SOUTH 25°51'20" EAST 103.85 FEET; SOUTH 12°23'25" EAST 100.17 FEET; SOUTH 10°29'20" EAST 102.35 FEET; SOUTH 35°26'15" EAST 97.49 FEET; SOUTH 37°40'20" EAST 100.49 FEET; SOUTH 82°02'20" EAST 90.83 FEET; NORTH 82°26'00" EAST 101.89 FEET; NORTH 74°27'10" EAST 98.16 FEET; NORTH 68°50'05" EAST 202.74 FEET; NORTH 74°37'30" EAST 101.07 FEET; NORTH 65°02'45" EAST 99.95 FEET; NORTH 42°11'25" EAST 101.89 FEET; NORTH 24°36'55" EAST 105.13 FEET; NORTH 30°52'55" EAST 98.97 FEET; NORTH 34°43'25" EAST 103.02 FEET; NORTH 19°11'15" EAST 102.02 FEET; NORTH 12°13'00" WEST 100.33 FEET; NORTH 0°56'20" WEST 33.42 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE NORTHEASTERLY AND SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 125°57'25" AND AN ARC LENGTH OF 109.92 FEET;

THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 54°58'55" EAST 48.48 FEET; SOUTH 30°18'20" EAST 97.21 FEET; SOUTH 1°54'45" WEST 99.54 FEET; SOUTH 12°51'30" WEST 48.19 FEET; SOUTH 26°56'05" WEST 149.45 FEET; SOUTH 20°59'55" WEST 55.91; SOUTH 27°35'05" EAST 55.91 FEET; SOUTH 31°00'45" EAST 93.68 FEET; SOUTH 5°09'15" WEST 100.48 FEET; SOUTH 20°24'35" WEST 106.12 FEET; SOUTH 24°58'10" WEST 92.25 FEET; SOUTH 38°05'40" WEST 51.12 FEET; SOUTH 3°58'10" WEST 51.12 FEET; SOUTH 14°43'45" EAST 86.52 FEET; SOUTH 25°58'05" WEST 45.98 FEET; SOUTH 31°12'10" WEST 49.72 FEET; SOUTH 63°22'35" WEST 60.13 FEET; SOUTH 80°57'45" WEST 35.63 FEET; NORTH 78°29'40" WEST 99.16 FEET; NORTH 40°45'40" WEST 56.39 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 67°09'45" AND AN ARC LENGTH OF 58.61 FEET; THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 72°04'35" WEST 75.05 FEET; SOUTH 53°20'50" WEST 103.98 FEET; SOUTH 16°26'00" WEST 52.76 FEET; SOUTH 28°07'20" EAST 52.76 FEET; SOUTH 8°06'25" EAST 18.44 FEET, MORE OR LESS, TO A POINT IN THE SOUTHERLY LINE OF SAID LOT 5, SAID POINT BEARING NORTH 86°44'34" EAST 1,006.14 FEET FROM SAID SOUTHWEST CORNER OF SAID SECTION 5.

ALSO RESERVING AN EASEMENT FOR ROADWAY PURPOSES OVER A STRIP OF LAND 20 FEET WIDE, TOGETHER WITH THE RIGHT TO MAINTAIN SLOPES, FILLS AND CUTS AS MAY BE NECESSARY WITHIN OR BEYOND THE LIMITS OF SAID STRIP OF LAND, 20.00 FEET WIDE, LYING WITHIN THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 14 SOUTH, RANGE 2 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY AND COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY THE CENTER LINE OF SAID STRIP OF LAND 20 FEET WIDE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 7, SAID CORNER BEING A TWO INCH IRON PIPE WITH A BRASS CAP AS SHOWN ON RECORD OF SURVEY MAP No.6204, RECORDS OF SAID SAN DIEGO COUNTY; THENCE SOUTH 0°24'14" WEST ON A TRUE BEARING ALONG THE EASTERLY LINE OF SAID FRACTIONAL SECTION 7, 825.62 FEET TO THE TRUE POINT OF BEGINNING; THENCE THE FOLLOWING COURSES AND DISTANCES; NORTH 60°21'40" WEST 259.63 FEET;

NORTH 56°37'40" WEST 96.93 FEET; NORTH 21°21'30" WEST 50.73 FEET; NORTH 5°27'07" EAST 100.74 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 75.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69°54'52" AND AN ARC LENGTH OF 91.52 FEET; THENCE NORTH 64°27'45" WEST 33.11 FEET; THENCE NORTH 29°23'15" WEST 13.69 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 69°56'05" AND AN ARC LENGTH OF 61.03 FEET; THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 80°40'40" WEST 40.50 FEET; SOUTH 50°41'50" WEST 42.38 FEET; SOUTH 60°56'05" WEST 207.45 FEET; SOUTH 83°54'35" WEST 24.01 FEET; NORTH 75°11'20" WEST 20.40 FEET; NORTH 53°21'25" WEST 32.14 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 50.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 93°49'05" AND AN ARC LENGTH OF 81.87 FEET;

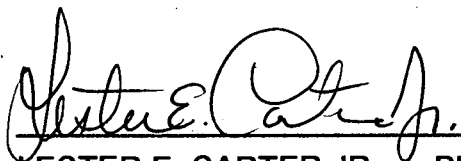
THENCE THE FOLLOWING COURSES AND DISTANCES: SOUTH 32°49'30" WEST 140.49 FEET; SOUTH 25°41'50" WEST 102.68 FEET; SOUTH 31°14'20" WEST 99.58 FEET; SOUTH 62°50'20" WEST 96.14 FEET; NORTH 89°07'00" WEST 98.08 FEET; NORTH 57°25'55" WEST 97.51 FEET; NORTH 38°21'00" WEST 74.95 FEET, MORE OR LESS, TO A POINT IN THE WESTERLY LINE OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID FRACTIONAL SECTION 7, SAID POINT BEARING SOUTH 0°24'00" WEST 743.91 FEET, MORE OR LESS, FROM THE NORTHWEST CORNER OF SAID NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SAID FRACTIONAL SECTION 7.

FILE CODE: F502-13

ASSESSOR'S PARCEL NO'S.: 312-010-03 & 39

BASED ON CALCULATIONS OF AVAILABLE LAND RECORDS, THE TOTAL AREA FOR THE ABOVE DESCRIBED OPEN SPACE PARK DEDICATION HAS BEEN DETERMINED TO BE 1,101.76 ACRES.

SEE CITY OF SAN DIEGO DRAWING NO. 32625-D, "BLACK MOUNTAIN OPEN SPACE PARK DEDICATION", DATED OCTOBER 15, 2003. A COPY IS FILED IN THE OFFICE OF THE CITY OF SAN DIEGO LAND SURVEY SECTION, FIELD ENGINEERING DIVISION, 9485 AERO DRIVE, SAN DIEGO, CA. 92123.



2-4-2004

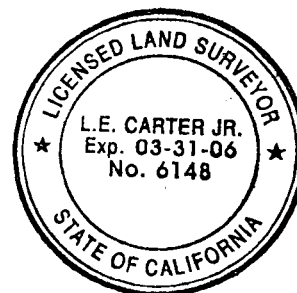
LESTER E. CARTER JR., PLS 6148

DATE

SR. LAND SURVEYOR, FIELD ENGINEERING

MY REGISTRATION EXPIRES 3/31/2006

PH: 858-627-3220



FILENAME: BLACKMTN_OPENSOURCE_LGL.WPD

W.O. 020084 - 2/4/2004 (rev-1ec)

Black Mountain Park

Previously
Dedicated

Parcels to be Dedicated

1. 312-010-03
2. 312-010-13
3. 312-010-17
4. 312-010-18
5. 312-010-34
6. 312-010-39
7. 312-010-40
8. 312-030-03
9. 312-030-35
10. 312-040-12
11. 312-040-13
12. 312-040-19
13. 312-040-22
14. 312-221-46
15. 312-221-47
16. 312-222-56
17. 313-010-04
18. 313-030-54
19. 313-030-59
20. 315-020-40
21. 315-020-56