

RESOLUTION NUMBER R- 299397

ADOPTED ON JUN 28 2004

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF AN ALL-INCLUSIVE AGREEMENT BETWEEN THE CITY AND THE SAN DIEGO COUNTY WATER AUTHORITY FOR THE CONVEYANCE OF REAL PROPERTY INTERESTS NECESSARY FOR THE SAN VICENTE EXPANSION PHASE OF THE EMERGENCY STORAGE PROJECT FOR THE SAN VICENTE RESERVOIR.

WHEREAS, the City of San Diego owns a 60.279 acre parcel located at the southwest corner of Mercy Road and Interstate 15 commonly known as a portion of Canyon Hills Park [the Property], acquired in 1989 using funds from the Mira Mesa and Miramar Ranch Facilities Benefit Assessment Funds for use as a natural open-space park; and

WHEREAS, the Property is not dedicated parkland; and

WHEREAS, on May 26, 1998, the San Diego City Council adopted Ordinance No. O-18521-1 authorizing an agreement between the San Diego County Water Authority, a public agency of the State of California [CWA] and the City for expansion of the Emergency Storage Project [ESP] for the San Vicente Reservoir and which will increase water storage capacity and benefit the San Diego Region in the event of a catastrophic interruption of imported water; and

WHEREAS, construction of the Rancho Peñasquitos Pressure Control and Hydroelectric Facility [RPPCHF] is a major component of the ESP; and

WHEREAS, CWA requires certain real property interests from the City, including fee title to part of the Property, and easement and other interests affecting portions of the Property for construction of the RPPCHF and the San Vicente Pipeline [SVP] for the ESP; and

WHEREAS, CWA owns an approximately 2.34 acre parcel of open space, APN 318-521-15 [CWA Property], adjacent to Canyon Hills Park; and

WHEREAS, CWA has offered to exchange its 2.34 acre CWA Property for two parcels of the Property owned by the City totaling approximately 2.31 acres [City Property], for the specific purpose of expansion of the ESP and construction of the RPPCHF and the SVP, with CWA reserving a pipeline easement across the CWA property [the Exchange]; and

WHEREAS, CWA also requires a permanent easement across 2.82 acres of the Property, a temporary construction easement across .76 acres, and a three year license agreement for the use of 1.8 acres for a construction staging area [the Real Property Rights]; and

WHEREAS, in consideration for these Real Property Rights, CWA has offered to pay \$400,000 to City and provide the following in-kind improvements and services at the Property: improvement of existing Alemania Road to the summit for use as a public trail; maintenance of the trail for the duration of the time that CWA requires use of the Property; installation of five concrete picnic benches at the summit; construction of a shared parking area available to the public seven days a week; and installation of a monument sign consistent with City park sign standards [collectively, the Consideration]; and

WHEREAS, the General Manager of CWA is authorized to enter into the proposed All-Inclusive Agreement and consummate the Exchange and purchase and sale of Real Property Rights as contemplated by the All-Inclusive Agreement pursuant to CWA Administrative Code Chapter 4, sections 4.00.010(b) and 4.00.020(a) and (b); and

WHEREAS, Facilities Benefit Assessment staff has determined that the Consideration to be received by the Mira Mesa and Miramar Ranch Facilities Benefit Assessment Funds in the

form of cash payment and improvements to Canyon Hills Park will adequately compensate the Funds for the property rights to be conveyed by the City in the proposed transaction; and

WHEREAS, the proposed transaction on the terms and conditions described herein and as more specifically set forth in the "All-Inclusive Agreement" on file in the Office of the City Clerk as Document No. RR- 299397 is fair and equitable and in the public interest; and

WHEREAS, all of the property affected by the Exchange of property and purchase and sale of Real Property Rights pursuant to the All-Inclusive Agreement are specifically described in the legal descriptions attached to the All-Inclusive Agreement; NOW, THEREFORE,

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

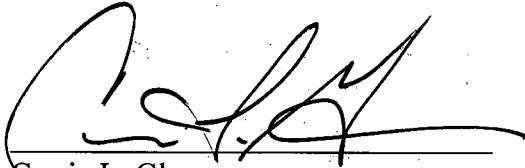
1. That the City Manager or designee is authorized to execute, for and on behalf of the City of San Diego, an All-Inclusive Agreement in substantially the form on file in the Office of the City Clerk as Document No. RR- 299397-1 , and to take all actions necessary to complete the Exchange of property and the purchase and sale of Real Property Rights with the San Diego County Water Authority for construction of the Rancho Peñasquitos Pressure Control and Hydroelectric Facility and the San Vicente Pipeline, on the terms and conditions set forth in the All-Inclusive Agreement.

2. That the City Manager or designee is authorized to execute, for and on behalf of the City of San Diego, a three-year License Agreement with the San Diego County Water Authority for a temporary construction staging area on approximately 1.8 acres at an annual rent of \$1,000 (which rent amount is part of and not in addition to the \$400,000 payment to be made by CWA under the terms of the All-Inclusive Agreement), and on such other terms and conditions as are substantially set forth in the form of License Agreement on file in the Office of the City Clerk as Document No. RR- 299397-2 .

3. That the Auditor and Comptroller is authorized and directed, upon receipt of the \$400,000 payment from CWA, to deposit \$397,000 to Facilities Benefit Assessment Fund No. 79006 and \$3,000 of pre-paid rent on the License Agreement to General Fund 100.

APPROVED: CASEY GWINN, City Attorney

By



Carrie L. Gleeson
Deputy City Attorney

CLG:mm
06/22/04
Or.Dept: READ
Job Order: 923173
R-2004-1410