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(R-2007-1285)

7/17

RESOLUTION NUMBER R- 302852

DATE OF FINAL PASSAGE JUL 26 2007

AUTHORIZING THE MAYOR TO EXECUTE A GRANT OF EASEMENT AND AGREEMENT FOR A NONEXCLUSIVE SUBSURFACE EASEMENT FOR A TIE-BACK ANCHOR SYSTEM BENEATH LA JOLLA NATURAL PARK ADJACENT TO 7674 HILLSIDE DRIVE IN LA JOLLA; PROJECT NO. 87275.

WHEREAS, a nonexclusive, subsurface easement [Easement] for the installation, maintenance, and repair of a tie-back anchor system has been requested for the development of a single-family residence [Residence], located at 7674 Hillside Drive, in La Jolla; and

WHEREAS, the development of the Residence was previously approved on appeal by the City Council on October 4, 2004, by Resolution No. 299734 (Coastal Development Permit and Hillside Review Permit, Project No. 37375); and

WHEREAS, a portion of the tie-back anchor system will be located beneath the La Jolla Natural Park; and

WHEREAS, the subject tie-backs will not visually or functionally impair the City's property; and

WHEREAS, all costs associated with the processing of this project are paid from a deposit account maintained by the applicant; and

WHEREAS, a Geotechnical Report related to the project found that both a tie-back system and a caisson system would meet geologic requirements; however, the caisson system is more expensive and the tie-back system is considered a superior construction method; and

WHEREAS, the tie-back system is believed to offer some benefit to the City by stabilizing a portion of unstable slope located on City property; and

WHEREAS, the fair market value of the Easement is Two Thousand Five Hundred Dollars (\$2,500), as determined by an appraisal performed by the Valuation Division of the City's Real Estate Assets Department on May 31, 2007; and

WHEREAS, the grant of easement will include a hold-harmless and indemnification agreement as required by the City's Planning Commission; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego that the granting of a nonexclusive, subsurface easement [Easement] to COUNTRY CLUB DRIVE, LLC, a Nevada limited liability company [CCD], for the installation, maintenance, and repair of a tie-back anchor system beneath the La Jolla Natural Park is approved; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized and empowered to execute and deliver a GRANT OF EASEMENT AND AGREEMENT by and between the City and CCD, a copy of which is filed in the Office of the City Clerk as Document No.

RR: 302852; and

BE IT FURTHER RESOLVED, the Auditor and Comptroller is authorized to accept an easement fee in the amount of Two Thousand Five Hundred Dollars (\$2,500) for the grant of the Easement, and deposit said fee into Fund 302453, Capital Outlay Fund, Revenue Account 78335.

By 
Brock Ladewig
Chief Deputy City Attorney

BL:bas
06/22/07
Or.Dept:DSD

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MMS #4993

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 17 2007.

ELIZABETH S. MALAND
City Clerk

By *Ara Richard*
Deputy City Clerk

Approved: 7-26-07
(date)

JR
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

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