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RESOLUTION NUMBER R- 303253

DATE OF FINAL PASSAGE DEC 18 2007

A RESOLUTION APPROVING A "DECLARATION OF THE DEDICATION OF LAND," SETTING ASIDE 6,600 ACRES OF CITY-OWNED LANDS AS DEDICATED OPEN SPACE.

WHEREAS, the San Diego Charter section 55 [Charter] provides that all real property owned in fee by the City may be dedicated in perpetuity by ordinance of the Council or by statute of the State Legislature for park and recreation purposes; and

WHEREAS, California Fish and Game Code section 2831 (Senate Bill No. 373) [SB 373] provides that lands designated as of January 1, 2008, as open-space lands and approved by a resolution of the San Diego City Council [Council], are dedicated land under the Charter; and

WHEREAS, SB 373 further provides that such dedication is to be by resolution of the Council in the same manner in which the Council processes the approval of open space, reserving to the Council the authority to grant easements for utility purposes in, under and across dedicated property, if those easements and facilities to be located thereon do not significantly interfere with the park and recreational use of the property; and

WHEREAS, such reservation of authority grants Council no more authority than is granted under the Charter with respect to allowing a particular use of dedicated parkland; and

WHEREAS, the Charter provides that all property so dedicated 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; and


WHEREAS, the Board has identified over 6,600 acres of City-owned open space that best meet the Charter and Council Policy requirements on the Declaration of the Dedication of Land [Declaration], a copy of which Declaration is on file in the Office of the City Clerk as Document No. RR- 303253 and recommends that those open space lands be dedicated pursuant to SB 373; NOW THEREFORE,

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

1. That the City-owned open-space lands listed in the Declaration of the Dedication of Land are set aside and dedicated in perpetuity for park and recreational purposes.
2. That the City Council of San Diego specifically reserves the authority to grant public service easements through the dedicated property so long as such easements do not significantly interfere with the park and recreational use of the property.

3. That this activity is not a "project" and therefore not subject to CEQA per CEQA Guidelines Section 15060 (c) (3).

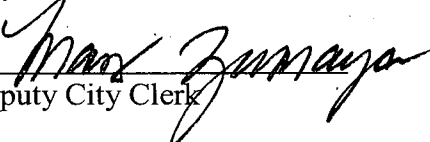
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By   
Kimberly Ann Davies  
Deputy City Attorney

KAD:ca  
11/28/2007  
Aud. Cert. N/A  
Or. Dept. Intergovernmental Relations  
R-2008-488 CORR. COPY  
11/29/2007

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 04 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12.18.07  
(date)

  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor