

1/29 (104)

(R-2008-551)

RESOLUTION NUMBER R- 303364

DATE OF FINAL PASSAGE **FEB 11 2008**

WHEREAS, on June 27, 2008, the City of San Diego only entered into a settlement agreement with the Plaintiffs only in San Diego County Superior Court Case Number GIC861914, entitled *Coastal Law Enforcement Action Network v. City of San Diego, et al.*; *City of San Diego v. Air California Adventure, LLC., et al.* [litigation]; and

WHEREAS, the settlement agreement requires the City to

- (1) Pay the Plaintiffs \$20,000; and
- (2) Enforce the lease agreement for the Torrey Pines Gliderport, including any restoration of native vegetation required by the California Coastal Commission; and in the event City's lessee fails to comply, terminate the lease and turn off all irrigation on the property, cap all run-off pipes on the property, and obtain and comply with permits for all unpermitted structures or their removal, consistent with the requirements of the Coastal Act; and
- (3) Prepare a General Development Plan for the Torrey Pines City Park, taking into consideration the historic value of the property; and
- (4) Establish a Torrey Pines City Park Advisory Board whose members shall be appointed within 120 days of the date of the agreement and who shall include representatives of the following Gliderport user groups: (1) paragliders, (2) hanggliders, (3) sailplane gliders, and (4) radio-controlled model sailplane gliders as well as at least two representatives from non-profit environmental groups.

WHEREAS, on FEB 11 2008, all parties to the action entered into a settlement agreement to resolve the litigation;


WHEREAS, the settlement agreement requires the City's lessee of the Torrey Pines Gliderport to (1) reimburse the City for its \$20,000 payment to the Plaintiff which was required by the June 27, 2007, agreement between the City and the Plaintiff, (2) pay CLEAN \$5,000, and (3) obtain permits for all unpermitted development or for their removal.

WHEREAS, the settlement agreement requires the City to (1) comply with the terms of the June 27, 2007, agreement with the Plaintiff and (2) appoint a Park and Recreation Department liason for the Torrey Pines City Park to work with the community and serve as a liason to the Torrey Pines City Park Advisory Board.

WHEREAS, the settlement agreement requires the Plaintiff to (1) comply with the terms of the June 27, 2007, and to (2) dismiss the litigation with prejudice.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized and empowered to execute, for and on behalf of the City of San Diego, as referenced in the Settlement Agreement adopted by the City Council on December 4, 2007.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

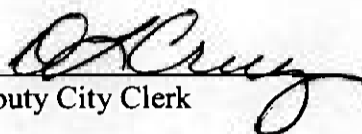
By   
Malinda D. Dickenson  
Deputy City Attorney

MRD:ms  
Aud. Cert.  
12/27/07  
Or.Dept: READ  
R-2008-551

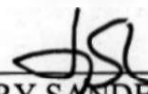
(R-2008-551)

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of June 19, 2007.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 2.11.07  
(date)

  
JERRY SANDERS, Mayor

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

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