

RESOLUTION NUMBER R- 304134

DATE OF FINAL PASSAGE SEP 23 2008

A RESOLUTION OF THE SAN DIEGO CITY COUNCIL AUTHORIZING THE MAYOR TO EXECUTE, DELIVER AND RECORD AN ENVIRONMENTAL COVENANT WITH THE SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH) RESTRICTING THE FUTURE USES OF TAILGATE PARK AND REQUIRING MAINTENANCE OF THE ASPHALT CAP ENCLOSING CONTAMINATED SOILS.

WHEREAS, since March 2004, the City of San Diego and the Redevelopment Agency have made available to Petco Ballpark fans a parking and tailgating venue close to the stadium known as Tailgate Park; and

WHEREAS, the soil located below the paved surface parking lot contains hazardous materials such as burn ash, lead, petroleum hydrocarbons and polynuclear aromatic hydrocarbons; and

WHEREAS, remedial action has contained the contaminants within a preexisting subsurface concrete pad which provides a barrier underneath the soil; and

WHEREAS, DEH has determined that the use of the property with these hazardous substances in place does not present an unacceptable threat to humans or the environment so long as the materials are covered with paving and said paving cap is properly maintained; and

WHEREAS, DEH is the administering agency for the mitigation of environmental conditions at the property pursuant to California Health and Safety Code § 25260, et seq.; and

WHEREAS, DEH has determined that the future uses of the property must preclude any modification to the asphalt cap and soil disturbance. Further, that it cannot be used for

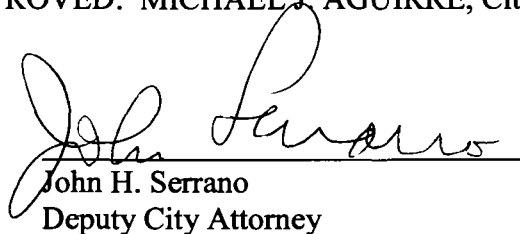
residential, hospital, school or day care purposes to protect human health, safety and the environment; and

WHEREAS, DEH requires an environmental covenant, in perpetuity, as a condition precedent to determining that the Property Mitigation Plan has been completed and that the indicated safeguards will be maintained in the future; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute, deliver and record the Covenant to Restrict Use of Property Environmental Restriction between The City of San Diego and the County of San Diego for the property bounded by K Street, Imperial Avenue, 12th Avenue and 14th Street in the City of San Diego, State of California, a copy of which is filed in the office of the City Clerk as Document No. kk 304134 (Covenant to Restrict Use of Property Environmental Restriction).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


John H. Serrano
Deputy City Attorney

JHS:ar
04/08/08
07/16/08 CORR.COPY
Or.Dept:City Attorney
R-2008-896
MMS #6124

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 16 2008.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 9-23-08
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

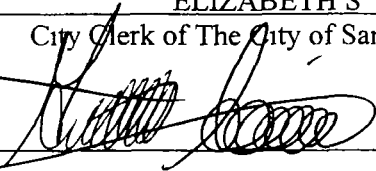
Passed by the Council of The City of San Diego on SEP 16 2008, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 23 2008

AUTHENTICATED BY JERRY SANDERS
Mayor of The City of San Diego, California

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 304134