

2/3/08
11/1/08

RESOLUTION NUMBER R-304357

DATE OF FINAL PASSAGE NOVEMBER 10, 2008

RESOLUTION AUTHORIZING THE MAYOR OR HIS
DESIGNEE TO TRANSFER AND CONVEY THE CITY'S
RIGHTS, TITLE AND INTEREST IN THAT CERTAIN REAL
PROPERTY KNOWN AS ROAD M-6 VIA QUITCLAIM DEED
TO SYCAMORE LANDFILL, INC.

WHEREAS, this action requires the affirmative vote of five members of the San Diego City Council [Council]; and

WHEREAS, the City of San Diego [City] is the fee owner of that certain real property known as Road M-6 and more particularly described in the legal description attached hereto as "Exhibit A" and depicted in the plat attached hereto as "Exhibit B"; and

WHEREAS, on February 24, 1993, the City, the California Department of Transportation [Caltrans], and the County of San Diego [County] (in its capacity as operator of the Sycamore Landfill) entered into Settlement Agreement and Release (Settlement Agreement), in which Caltrans relinquished the Road M-6 to the City via quitclaim deed, and which provided the County (as the operator of the Sycamore Landfill) exclusive rights to use Road M-6 as the landfill access road subject to several conditions; and

WHEREAS, Sycamore Landfill, Inc. [SLI] subsequently acquired the Sycamore Landfill from the County and is the current operator of the Sycamore Landfill; and

WHEREAS, due to SLI's exclusive use of Road M-6, the City has determined that its maintenance and repair of Road M-6 is an unwanted financial burden to the City; and

WHEREAS, consistent with the Settlement Agreement and in order to relieve the City of the financial burden of maintaining and repairing Road M-6, the City desires to transfer and convey its rights, title, and interest in Road M-6 to SLI via a quitclaim deed subject to the conditions identified in the Settlement Agreement; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

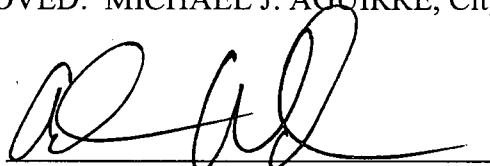
WHEREAS, the matter was set for public hearing on November 10, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that certain real property known as Road M-6 and more particularly described in the legal description attached hereto as "Exhibit A" and depicted in the plat attached hereto as "Exhibit B" may be transferred and conveyed to SLI via quitclaim deed; and

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to execute and deliver a quitclaim deed and all other agreements and documents necessary to transfer and convey the City's rights, title, and interest in Road M-6 to SLI on terms and conditions deemed by the Mayor or his designee to be reasonable and in the best interests of the City.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Adam Wander
Deputy City Attorney

ARW:cw
11/21/2008
Or.Dept: DSD
R-2009-651
MMS#6932

EXHIBIT A

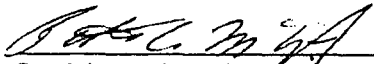
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J-14211C

All that real property relinquished to the City of San Diego, in the City of San Diego, County of San Diego, State of California per document recorded March 6, 2008 as Document No. 2008-0117850.

EXCEPTING THEREFROM:

Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708.


Patrick A. McMichael, L.S. 6187 8-27-2008
Date

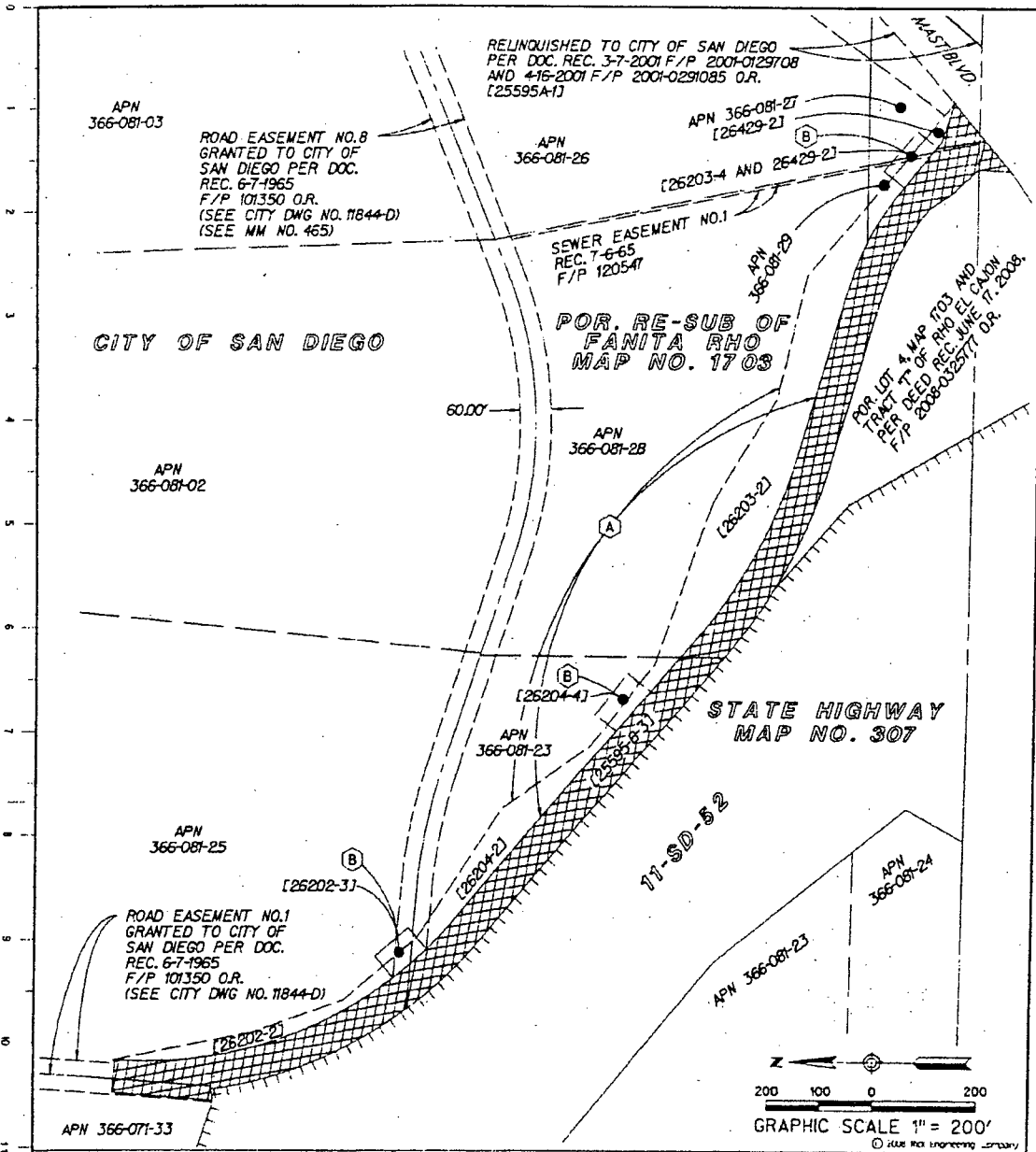
Jb/14211c.012



R 304357

EXHIBIT B

R- 304357



RICK
 ENGINEERING CONSULTANTS
 5620 FIARS ROAD, SAN DIEGO, CA 92113
 TEL: 421-1111 FAX: 421-1111
 78 AUG-2008
 14-42
 www.rickeng.com
 PATRICK A. McMICHAEL, LS 6187
 DATE 8-17-08

STREET VACATION - UNNAMED STREET
 IN A PORTION OF MAP NO. 1703

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS: 5617 JOB: 421084
ORIGINAL					SHEET 2 OF 2 SHEETS	1886 - 6321
					FOR CITY ENGINEER	DATE
						CCS NAD 83 COORDINATES
						246 - 1761
						LAMBERT COORDINATES
						20899-2-B
STATUS						

R-304357