

RESOLUTION NUMBER R- 304474

DATE OF FINAL PASSAGE DEC 15 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A GRANT OF MAINTENANCE EASEMENT AND AGREEMENT WITH SUDBERRY PROPERTIES, INC. FOR THE RUFFIN CANYON PUBLIC TRAIL TUNNEL.

WHEREAS, the City of San Diego [City] owns certain real property under Friars Road in Mission Valley, known as the Ruffin Canyon Public Trail Tunnel [Tunnel]; and

WHEREAS, the Tunnel was included as an integral component of the Mission City Specific Plan, adopted by the Council of The City of San Diego on April 21, 1998; and

WHEREAS, the Tunnel is recognized as critical to the establishment of a continuous pedestrian and biking linkage from the residential areas north of Friars Road, through commercial and office uses on the south side, and to the San Diego Trolley and the San Diego River corridor; and

WHEREAS, opening the Tunnel to the public will serve a public purpose and will benefit the public health, safety, or general welfare; and

WHEREAS, on April 7, 2004, the Mission Valley Unified Planning Committee voted 11-0-3 to support opening the Tunnel to the public; and

WHEREAS, on September 5, 2007, the Mission Valley Unified Planning Committee voted 16-0-0- to reaffirm its support for opening the Tunnel to the public, and

WHEREAS, on February 21, 2008, the Serra Mesa Planning Group voted unanimously to support the opening of the Tunnel to the public; and

WHEREAS, on October 15, 2008, the Natural Resources and Culture Committee voted 4-0-0 to support opening the Tunnel to the public; and

WHEREAS, the H. G. Fenton Company, developer of the adjacent property on the north side of Friars Road, has agreed to complete construction of the remaining improvements to the Tunnel in accordance with the terms of its Encroachment Maintenance and Removal Agreement with the City dated October 11, 2005; and


WHEREAS, Sudberry Properties, Inc., developer of the adjacent property on the south side of Friars Road, has agreed to accept the long-term maintenance responsibilities for the Tunnel; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, the Mayor or his designee is authorized to execute and deliver that GRANT OF MAINTENANCE EASEMENT AND AGREEMENT with Sudberry Properties, Inc., filed in the Office of the San Diego City Clerk as Document No. RR- 304474 ;


BE IT FURTHER RESOLVED, that the Council of the City of San Diego finds that this activity is not a project and is therefore not subject to the California Environmental Quality Act [CEQA] pursuant to State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


  
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Kimberly Ann Davies  
Deputy City Attorney

KAD:mm  
11/17/08  
Aud. Cert: N/A  
Or. Dept. P&R  
2009-649  
MMS: 7058


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I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 2 2008.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12.15.08  
(date)

  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor

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