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RESOLUTION NUMBER R- 304866

DATE OF FINAL PASSAGE MAY 14 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO ACCEPTING A DELEGATION OF POWERS AND JURISDICTION FROM THE STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR THE ACQUISITION OF REAL PROPERTY OR INTERESTS THEREIN IN REGARD TO THE CARROLL CANYON ROAD EXTENSION PROJECT.

WHEREAS, the City of San Diego [City] and the State of California Department of Transportation [Caltrans] desire to work cooperatively on the Carroll Canyon Road Extension Project; that this project will include the extension of Carroll Canyon Road under Interstate 805 from I-5 to Carroll Canyon Road, and construction of a northerly Direct Access Ramp from the Carroll Canyon Road extension to the HOV lanes; and that this project will complete a continuous 10-mile HOV lane in each direction from Mira Mesa Boulevard on I-805 to Manchester Avenue on I-5; and

WHEREAS, pursuant to California Streets and Highway Code section 116, Caltrans may delegate to City part of the powers and jurisdiction vested by law in Caltrans with respect to any portion of any state highway located within the City; and

WHEREAS, pursuant to California Streets and Highway Code section 113, upon a request from Caltrans, City may acquire any real property or interest therein needed for state highway purposes and lying with the City; and

WHEREAS, Caltrans has requested that City's governing body, the San Diego City Council, accept a delegation of powers and jurisdiction from Caltrans in order to acquire any real property or interest therein needed for the Carroll Canyon Road Extension Project; and

WHEREAS, accepting such powers and jurisdiction from Caltrans for the acquisition of any real property or interest therein requires that the City Council be willing to conduct a resolution of necessity hearing(s), for the acquisition of any real property or interest therein, if such a hearing(s) should become legally appropriate; and

WHEREAS, by stating its willingness to conduct a resolution of necessity hearing(s), the City Council would merely be committing itself to conduct such a hearing(s), not to a specified outcome from such a hearing(s); and

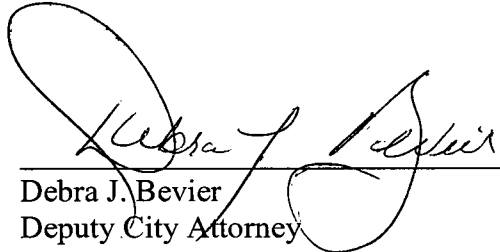
WHEREAS, by separate action, authorization from the City Council will be sought to allow the City to enter into a cooperative agreement with Caltrans; and

WHEREAS, working cooperatively with Caltrans will enable City to take advantage of Federal Stimulus Package monies that are being made available at this time for this particular project; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to forward to Caltrans' Headquarters Right-of-Way this resolution declaring that the City intends to work cooperatively with Caltrans on the Carroll Canyon Road Extension Project; that pursuant to California Streets and Highway Code sections 113 and 116, the City is willing to accept a delegation of powers and jurisdiction from Caltrans to acquire any real property or interest therein needed for state highway purposes and lying within the City; that such delegation of powers and jurisdiction may include acquiring real property or interest

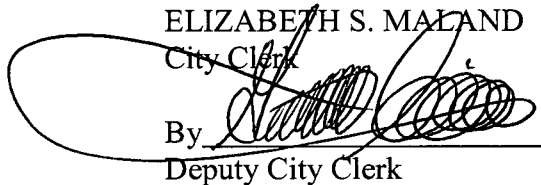
therein for said project; and that, should it become legally appropriate, the City Council is willing to conduct public hearing(s) regarding possible resolution(s) of necessity for the acquisition of real property or interests therein for said Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Debra J. Bevier  
Deputy City Attorney

DJB:mm  
04/15/09  
Or.Dept: READ  
R-2009-1073  
MMS #8721

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 05 2009.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved: 5-14-09  
(date)

  
JERRY SANDERS, Mayor

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

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