

(105)
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RESOLUTION NUMBER R- 304870

DATE OF FINAL PASSAGE MAY 14 2009

A RESOLUTION FOR THE CITY COUNCIL AUTHORIZING AN AGREEMENT TO CONSTRUCT A DRAINAGE IMPROVEMENT AND TO ABANDON ACCESS EASEMENT AND TRANSFER MAINTENANCE OBLIGATIONS FROM THE CITY TO TORREY GLENN HOMEOWNER'S ASSOCIATION.

WHEREAS, the City of San Diego's Metropolitan Wastewater Department currently maintains a drainage structure with Watson Creek and its existing sewer access easement; and

WHEREAS, the drainage structure currently allows sediment to accumulate upstream, creating a pool and marshy area with potential for breeding mosquitoes; and

WHEREAS, to prevent the breeding of mosquitoes, and to otherwise alleviate a potentially dangerous condition, the City and The Torrey Glenn Homeowner's Association [HOA] agree the solution is to improve of the drainage by constructing a box culvert; and

WHEREAS, after the completion of a box culvert the City will no longer require access along the sewer access easement and access road to maintain the sewer; and

WHEREAS, this action will authorize the execution of an agreement between the City of San Diego and HOA, whereby the City will improve the drainage by installing a box culvert and the HOA will assume responsibility for maintenance of the access road and drainage improvements following installation of the drainage improvements; and

WHEREAS, in accordance with the agreement between the City and the HOA, the City will execute a quitclaim deed and abandon all rights to the easement area and paved road after the completion of the drainage improvement;

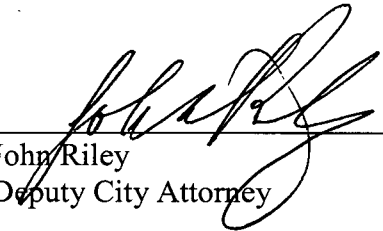
BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized and empowered to execute, for and on behalf of the City of San Diego, an "Agreement to Abandon Access Easements and Transfer Maintenance Obligations" [Agreement] between the City and the Torrey Glenn Homeowner's Association, form of which is attached,

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized, upon completion of the project, to execute a quitclaim deed, conveying all the City's right, title and interest in the unneeded slope easements and sewer access easement on that portion of Lot "A" of Torrey Glenn in the City of San Diego, County of San Diego, according to Map thereof No. 14273, filed in the office of the County Recorder on September 20, 2001, as described on Exhibit "B" and as depicted on Exhibit "C", City of San Diego Engineering Drawing No. 20969, form of which is attached to the Agreement.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee is authorized to execute a quitclaim deed, conveying all the City's right, title, and interest in the unneeded slope easements and sewer access easement on that portion of Lot "C" of Greystone-Garden Amended in the city of San Diego, County of San Diego, according to Map thereof No. 14236, filed in the office of the County of Recorder on June 29, 2001 as described on Exhibit "A" and as depicted on Exhibit "C", City of San Diego Engineering Drawing No. 20969, form of which is attached to the agreement.

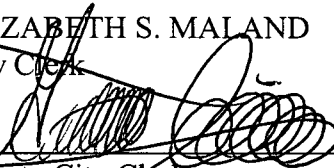
BE IT FURTHER RESOLVED, that this activity was addressed as part of the Watson Culvert Creek Culvert Replacement and its related environmental document and is therefore not subject to further study per the California Environmental Quality Act, CEQA Guidelines section 15162.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
John Riley
Deputy City Attorney

JR:ca
2/23/09
Or.Dept: MWWD
Aud. Cert.: n/a
R-2009-914 Corr. Copy
5/1/09
Attachments

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