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RESOLUTION NUMBER R- 305039

DATE OF FINAL PASSAGE JUL 08 2009

RESOLUTION OF THE SAN DIEGO CITY COUNCIL DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF PROPERTY RIGHTS FOR PUBLIC USE FOR THE CAROL CANYON ROAD EXPANSION PROJECT AND AUTHORIZING THE CITY ATTORNEY TO COMMENCE PROCEEDINGS IN EMINENT DOMAIN AND ACQUIRE IMMEDIATE POSSESSION THEREOF.

WHEREAS, on June 11, 2009, the City of San Diego [City] and the State of California, Department of Transportation [Caltrans] entered into a Cooperative Agreement [Agreement] (filed with the City Clerk as Document No. RR-304921), pursuant to California Streets & Highway Code §§114 and 130, for improvement to the State highway system within the City's jurisdiction; and

WHEREAS, Caltrans has undertaken, as part of the improvement to the State highway system, the construction of high occupancy vehicle lanes and direct access ramps on Interstate 805, at Carroll Canyon Road, and an extension of Carroll Canyon Road from Scranton Road to Sorrento Valley Road [collectively hereinafter referred to as the "Project"]; and

WHEREAS, the City is vested with the power of eminent domain by Section 19 of Article I of the California Constitution, California Government Code §37350.5, and San Diego City Charter §220 to acquire property necessary for a public purpose; and

WHEREAS, pursuant to terms of the Agreement, City agreed to exercise its powers of eminent domain to acquire by condemnation any property rights within the City's jurisdiction found to be necessary for the Project; and

WHEREAS, the Project requires the acquisition of certain property rights, held under two separate ownerships, for the extension of Carroll Canyon Road from Scranton Road to Sorrento Valley Road, all within the jurisdiction of the City of San Diego; and

WHEREAS, the specific property right sought from the first landowner, Creekside Property Holdings, LLC [Creekside], is a temporary construction easement upon, over and across that portion of Parcel 1 of Parcel Map No 12099, in the City of San Diego, identified here as Parcel 33345-1, and as more particularly described and depicted in Exhibits A-1, A-2 and A-3 attached hereto; and

WHEREAS, Parcel 1 of Parcel Map No 12099, owned in fee simple by Creekside, a Delaware limited liability company, whose business address within the City is 525 "B" Street, Suite 220, San Diego, California 92101; and

WHEREAS, the specific property rights sought from the second landowner, Caryon Properties LLC [Caryon], are the following easements upon, over and across portions of Lot 74 of Lusk Industrial Park Unit No 1, according Map No 9694, in the City of San Diego, and which are more specifically described and depicted in Exhibits B-1, B-2, B-3, B-4, B-5, B-6, B-7 and B-8 attached hereto: (1) an easement for public highway purposes, identified here as Parcel 34337-1; (2) a permanent easement for wall and footing purposes, identified here as Parcel 34337-2; (3) and a temporary easement for construction purpose, identified here as Parcel 34337-3; and

WHEREAS, further specific property rights sought from Caryon are the followings easements upon, over and across portions of Lot 75 of Lusk Industrial Park Unit No 1, according Map No 9694, in the City of San Diego, which are more specifically described and depicted in Exhibits B-1, B-2, B-3, B-4, B-5, B-9, B-10, B-11, B-12, B-13, B-14, B-14 and B-16 attached

hereto: (1) an easement for public highway purposes, identified here as Parcel 33340-1; (2) an easement for wall and footing purposes, identified here as Parcel 33340-2; (3) a temporary easement for construction purposes, identified here as Parcel 33340-3; (4) an easement for gas pipeline purposes, identified here as Parcel 33340-4; (5) a temporary easement for construction purposes, identified here as Parcel 33340-5; and (6) a drainage easement, identified here as Parcel 33340-6; and

WHEREAS, Lot 74 of Lusk Industrial Park Unit No 1, according Map No 9694, and Lot 75 of Lusk Industrial Park Unit No 1, according Map No 9694, are owned in fee simple by Caryon, a California Limited Liability Company, whose business address is P.O. Box 910064, San Diego, California 92191; and

WHEREAS, offers to purchase the property interests described herein were made to Creekside and Caryon, at amounts that are not less than the appraised fair market value in compliance with Government Code Section 7267.2(a), and the owners of the property interests have not accepted said offers or otherwise conveyed the property interests to City as of the date of this Resolution; and

WHEREAS, on June 10, 2009, City mailed a notice of hearing, and of its intent to adopt a resolution of necessity, to Creekside, Caryon, and all other persons who may have an ownership interest in the property interests sought, as designated in California Code of Civil Procedure [CCP] Section 1245.235; which notice of hearing advised said persons of their right to be heard on the matters referred to therein on the date and at the time and place stated therein, as set forth in CCP Section 1240.030; and

WHEREAS, the hearing set out in said notice of hearing was held on JUL 06 2009, at the time and place stated therein, and all interested parties were given an opportunity to be heard on the following matters: (a) whether the public interest and necessity require the

Project; (b) whether the Project is planned or located in a manner which is most compatible with the greatest public good and the least private injury; (c) whether the property interests proposed to be acquired are necessary for the Project; (d) whether the offer meeting the requirements of Government Code Section 7267.2 has been given; and (e) whether all other prerequisites for the exercise of eminent domain to acquire the property interests have been met; and

WHEREAS, the City Council, as a result of such hearing, has determined that the public health, safety, and welfare require the City to acquire the property interests described herein for the stated purposes; NOW, THEREFORE,

BE IT RESOLVED, that the public interest, convenience and necessity of the City of San Diego, and the inhabitants thereof, require the acquisition of the following property interests:

- a) a temporary construction easement upon, over and across that portion of Parcel 1 of Parcel Map No 12099, in the City of San Diego, identified here as Parcel 33345-1, and as more particularly described and depicted in Exhibits A-1, A-2, and A-3 attached hereto; and
- b) easements upon, over and across portions of Lot 74 of Lusk Industrial Park Unit No 1, according Map No 9694, in the City of San Diego, and which are more specifically described and depicted in Exhibits B-1, B-2, B-3, B-4, B-5, B-6, B-7, and B-8 attached hereto: (1) an easement for public highway purposes, identified herein as Parcel 34337-1; (2) a permanent easement for wall and footing purposes, identified herein as Parcel 34337-2; (3) and a temporary easement for construction purpose, identified herein as Parcel 34337-3; and
- c) easements upon, over and across portions of Lot 75 of Lusk Industrial Park Unit No 1, according Map No 9694, in the City of San Diego, which are more

specifically described and depicted in Exhibits B-1, B-2, B-3, B-4, B-5, B-9, B-10, B-11, B-12, B-13, B-14, B-15 and B-16 attached hereto: (1) an easement for public highway purposes, identified herein as Parcel 33340-1; (2) an easement for wall and footing purposes, identified herein as Parcel 33340-2; (3) a temporary easement for construction purposes, identified herein as Parcel 33340-3; (4) an easement for gas pipeline purposes, identified herein as Parcel 33340-4; (5) a temporary easement for construction purposes, identified herein as Parcel 33340-5; and (6) a drainage easement, identified herein as Parcel 33340-6.

BE IT FURTHER RESOLVED, that the City of San Diego has the power of eminent domain pursuant to, inter alia, Section 220, of the Charter of the City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410 of the Code of Civil Procedure; Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code; and Sections 37350.5, 37353, and 40404 of the Government Code.

BE IT FURTHER RESOLVED, that the taking and acquiring of the property interests described herein are deemed necessary for the construction, improvement, operation and maintenance of a public highway and incidents and appurtenances thereto to serve the City of San Diego and the inhabitants thereof, for municipal purposes; that such use is a public use authorized by law (inter alia, Section 220, Charter of the City of San Diego; Sections 1240.010, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410 of the Code of Civil Procedure; Sections 37350.5, 37353, and 40404 of the Government Code; and Sections 4090, 5101, 5102, 5023 and 5023.1 of the Streets and Highways Code); that for such public use, it is necessary that the City of San Diego condemn and acquire said property interests.

BE IT FURTHER RESOLVED, that the proposed project for which this acquisition is being sought is part of improvements to the State highway system, the construction of high

occupancy vehicle lanes and direct access ramps on Interstate 805, at Carroll Canyon Road, and an extension of Carroll Canyon Road from Scranton Road to Sorrento Valley Road [collectively hereinafter referred to as the "Project"]; and that the acquisition will enable the City of San Diego to provide a safer, more efficient street system for the community in the area.

BE IT FURTHER RESOLVED, that the taking and acquisition of the property interests sought and described herein are necessary in order to proceed with the construction, improvement, operation and maintenance of the Project and incidents and appurtenances thereto, which are planned and located in a manner most compatible with the greatest public good and the least private injury.

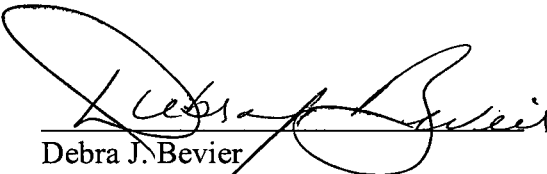
BE IT FURTHER RESOLVED, that an offer to acquire the property interests, pursuant to Government Code Section 7267.2, at the appraised fair market value, has been made to each party claiming said interest(s).

BE IT FURTHER RESOLVED, that the City Attorney of the City of San Diego be, and he is hereby authorized and directed to commence an action in the Superior Court of the State of California, in and for the County of San Diego, in the name of and on behalf of the City of San Diego, against all claimants with any interest(s) in the above-described property interests, and to seek immediate possession thereof pursuant to California Code of Civil Procedure Section 1255.410.

BE IT FURTHER RESOLVED, that the deposit of the probable amount of compensation, to be paid by the State of California, into the State Treasury's State Condemnation Fund, is authorized.

BE IT FURTHER RESOLVED, that the City of San Diego, as Responsible Agency under CEQA, has reviewed and considered a Mitigated Negative Declaration/Environmental Assessment [MND/EA] prepared by Caltrans as Lead Agency covering this activity.

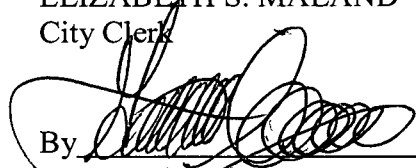
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:mm
06/24/09
Or.Dept:READ
R-2009-1329
MS#9682

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 06 2009.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7-8-09
(date)

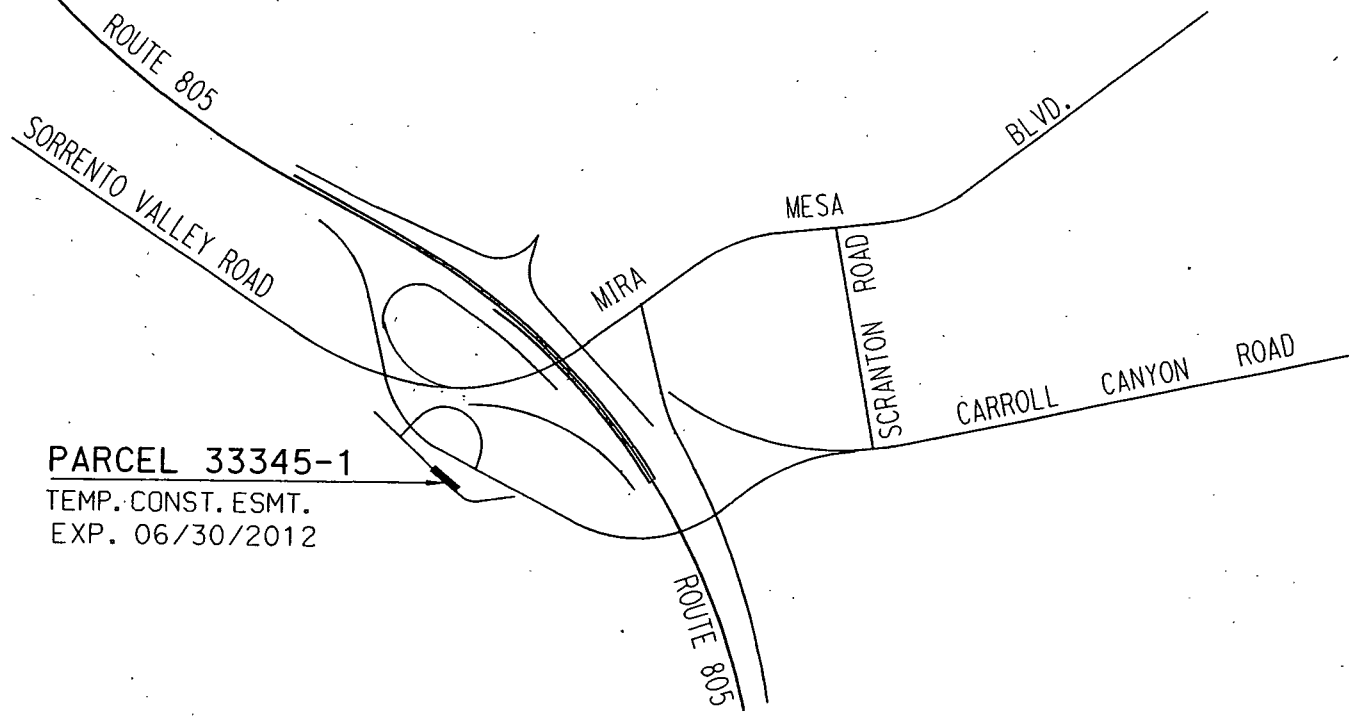

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

L. 305039


CITY OF SAN DIEGO



PARCEL 33345-1
TEMP. CONST. ESMT.
EXP. 06/30/2012



EXHIBIT "A-1"

	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT II		
	RESOLUTION OF NECESSITY KEY MAP		
EXHIBIT A	RIGHT OF WAY MAP NO.	Por. 45160A	
E.A. 2T0402	COUNTY SD	ROUTE 805	KILOMETER POST 43.3
			SCALE NONE
			SHEET 1 OF 2

DATE PLOTTED:	TIME PLOTTED:	USER ID:	FILE PATH:
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CITY OF SAN DIEGO

PUEBLO LANDS OF SAN DIEGO

PM 15635

PM 12099

PM 27.7
KP 44.7

PARCEL 33345-1
TEMP. CONST. ESMT.
EXPIRES 06-30-2012

PARCEL 1

SORRENTO VALLEY ROAD

EXHIBIT "A-2"



EXISTING RAILROAD R/W

DATA TABLE			
NO.	RADIUS	DELTA/BEARING	LEN/DIST
1	560.559 m		101 m
2	718.238 m		8 m
3	962.731 m		8 m
4	1451.720 m		8 m
5	2918.676 m		8 m
6		N58°47'24"W	8 m
7	3473.072 m		10 m
8	1744.154 m		10 m
9	1167.850 m		10 m
10	873.793 m		50 m

	STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT II			
	RESOLUTION OF NECESSITY MAP			
EXHIBIT A*	RIGHT OF WAY MAP NO.	Por. 45160A		
E.A. 2T0402	COUNTY	ROUTE	KILOMETER POST	SCALE
	SD	805	43.3	NONE
				SHEET 2 OF 2

R-305039

ASSESSOR'S PARCEL NO. 343-130-17

1 PARCEL 33345-1

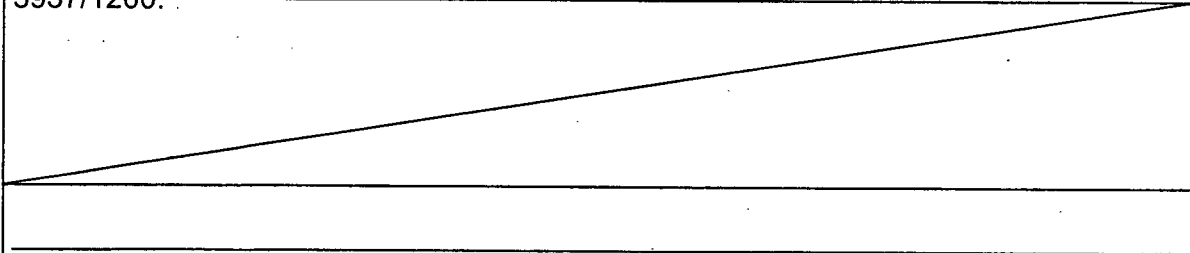
2 For public highway purposes, unto the City of San Diego, its successors or
3 assigns, a TEMPORARY CONSTRUCTION EASEMENT upon, over and across that
4 portion of Parcel 1 of Parcel Map No. 12099, in the City of San Diego, County of San
5 Diego, State of California, filed in the office of the County Recorder of said County May
6 7, 1982, as conveyed in grant deed to Creekside Property Holdings, LLC, a Delaware
7 limited liability company, recorded July 30, 2007 as Document No. 2007-0508334 of
8 Official Records in said office of the Recorder, described as follows:

9 BEGINNING at a point on the Northeasterly line of said Parcel 1, said point
10 bears N.49°22'58"W. (N.49°21'24"W. per said Map), 8.224 meters from the Easterly
11 corner of said Parcel 1; thence (1) along said Northeasterly line N.49°22'58"W., 40.514
12 meters; thence (2) leaving said line S.15°16'59"E., 5.693 meters; thence (3)
13 S.40°37'05"W., 2.199 meters; thence (4) S.49°22'44"E., 35.812 meters; thence (5)
14 N.40°29'09"E., 5.393 meters to the POINT OF BEGINNING.

15 Containing 201 square meters, more or less

16 It is understood that above said EASEMENT is TEMPORARY and shall
17 terminate either upon completion of construction of that portion of Carroll Canyon Road
18 lying adjacent to the above described parcel or June 30, 2012, whichever date occurs
19 first. It is also understood that upon said termination date the City of San Diego shall
20 have no further obligation or liability in connection with said parcel.

21 The bearings and distances used in the above description are based on the
22 California Coordinate System of 1983, Zone 6, HPGN Epoch 1991.35. DISTANCES
23 ARE IN METERS unless otherwise noted. Multiply distances by 1.0000164 to obtain
24 ground level distances. To convert meters to the U.S. Survey foot multiply distances by
25 3937/1200.



R. 305039

CITY OF SAN DIEGO



ROUTE 805

BLVD.

MESA

MIRA

SCRANTON ROAD

CARROLL CANYON ROAD

ROUTE 805

Parcels 34337-1,2,3
Parcels 33340-1,2,3,4,5,6

R-305039



STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DISTRICT II

RESOLUTION OF NECESSITY KEY MAP

EXHIBIT "B"

RIGHT OF WAY MAP NO. Por. 45159.1A

E.A. 2T0402

COUNTY	ROUTE	KILOMETER POST	SCALE
SD	805	43.3	NONE

SHEET 1 OF 5

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EXHIBIT "B-1"

CITY OF SAN DIEGO

LUSK INDUSTRIAL PARK

UNIT NO. 1 MAP NO. 9694

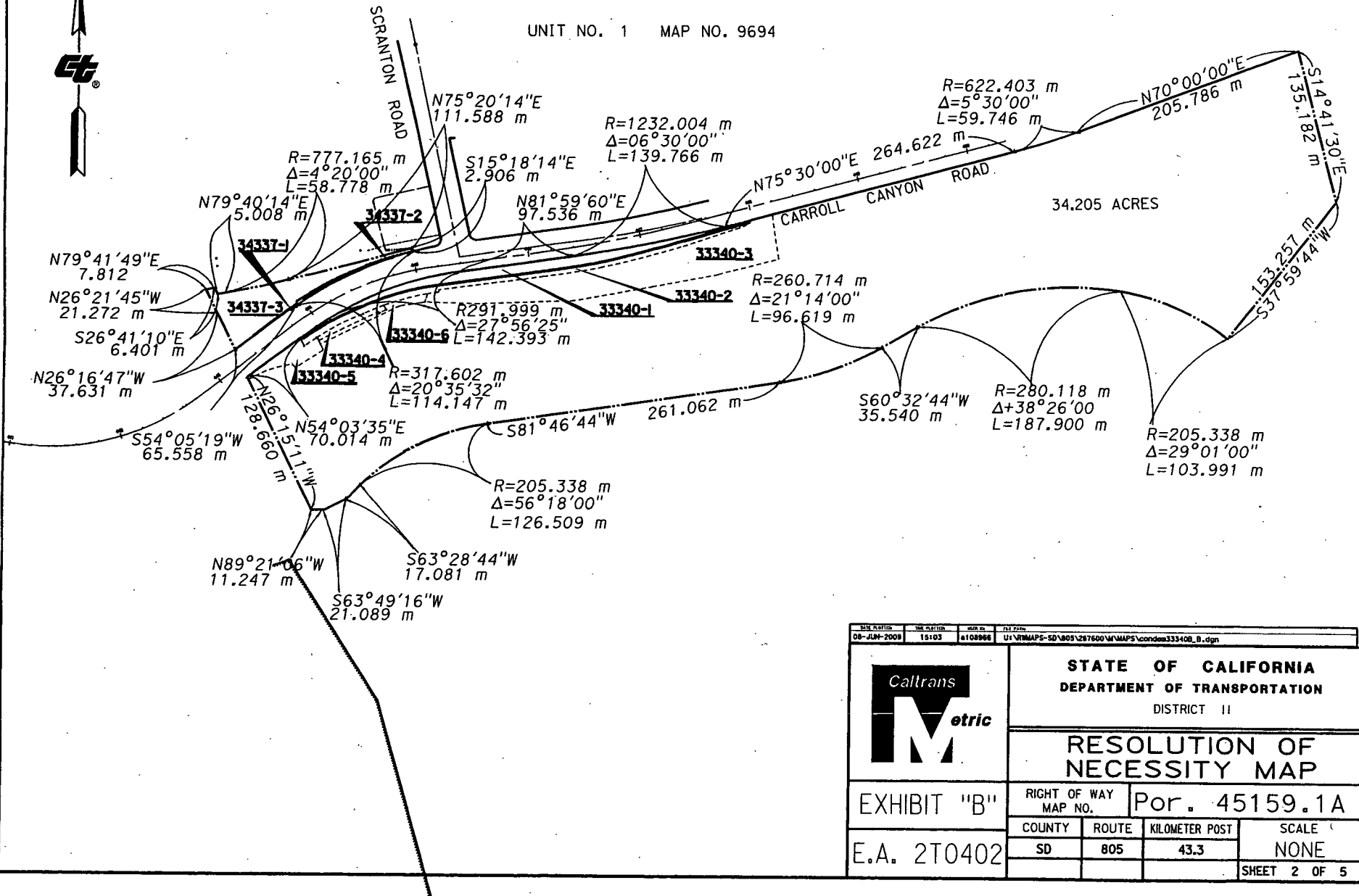
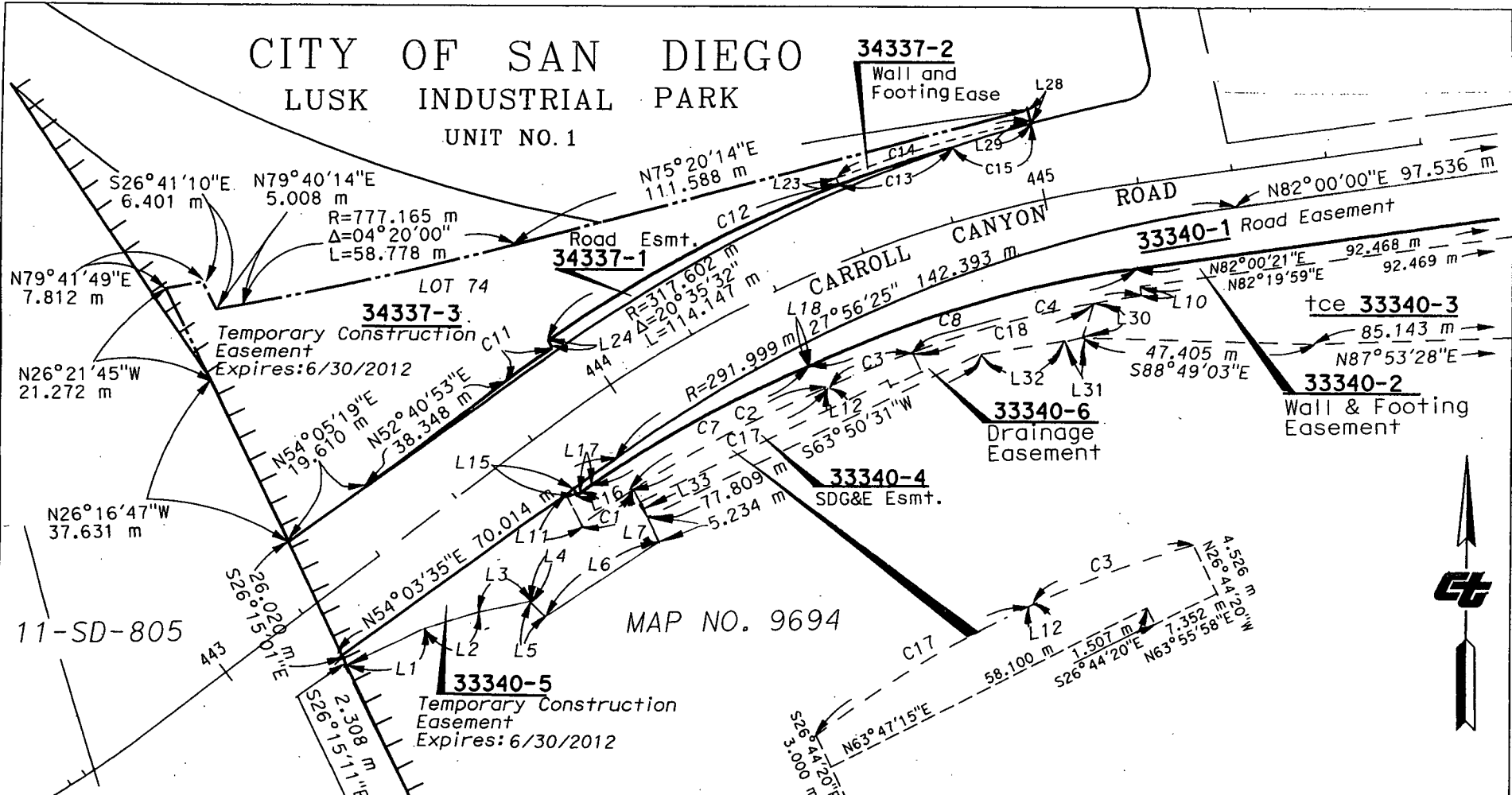


EXHIBIT "B-2"

R 305039

DATE PLOTTED 08-JUN-2008		MAP DATE 12-03	MAP NO. 1108966	FILE NAME U:\V\MAPS-SD\805\247600\W\MAPS\condem333408_B.dgn
STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION DISTRICT II				
RESOLUTION OF NECESSITY MAP				
EXHIBIT "B"		RIGHT OF WAY MAP NO.	Por. 45159.1A	
COUNTY	ROUTE	KILOMETER POST	SCALE	
SD	805	43.3	NONE	
E.A. 2T0402				SHEET 2 OF 5

CITY OF SAN DIEGO
LUSK INDUSTRIAL PARK
UNIT NO. 1



PARCEL#	TITLE CODE	GRANTOR	TOTAL	REQUIRED ① [UF]
34337-1	E	CARYON PROPERTIES LLC	3724.0	194.0
34337-2	E	CARYON PROPERTIES LLC		56.0
34337-3	TCE	CARYON PROPERTIES LLC		3474.0
33340-1	E	CARYON PROPERTIES LLC	13.840 Ha	2628.0
33340-2	E	CARYON PROPERTIES LLC		1988.0
33340-3	TCE	CARYON PROPERTIES LLC		7864.0
33340-4	E	CARYON PROPERTIES LLC		285.0
33340-5	TCE	CARYON PROPERTIES LLC		738.0
33340-6	E	CARYON PROPERTIES LLC		439.0

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION
DISTRICT II

RESOLUTION OF NECESSITY MAP

EXHIBIT "B"		RIGHT OF WAY MAP NO.	Por. 45159.1A	
COUNTY	ROUTE	KP/PM	SCALE	
SD	805	43.3/25.9	NONE	
			SHEET 3 OF 5	

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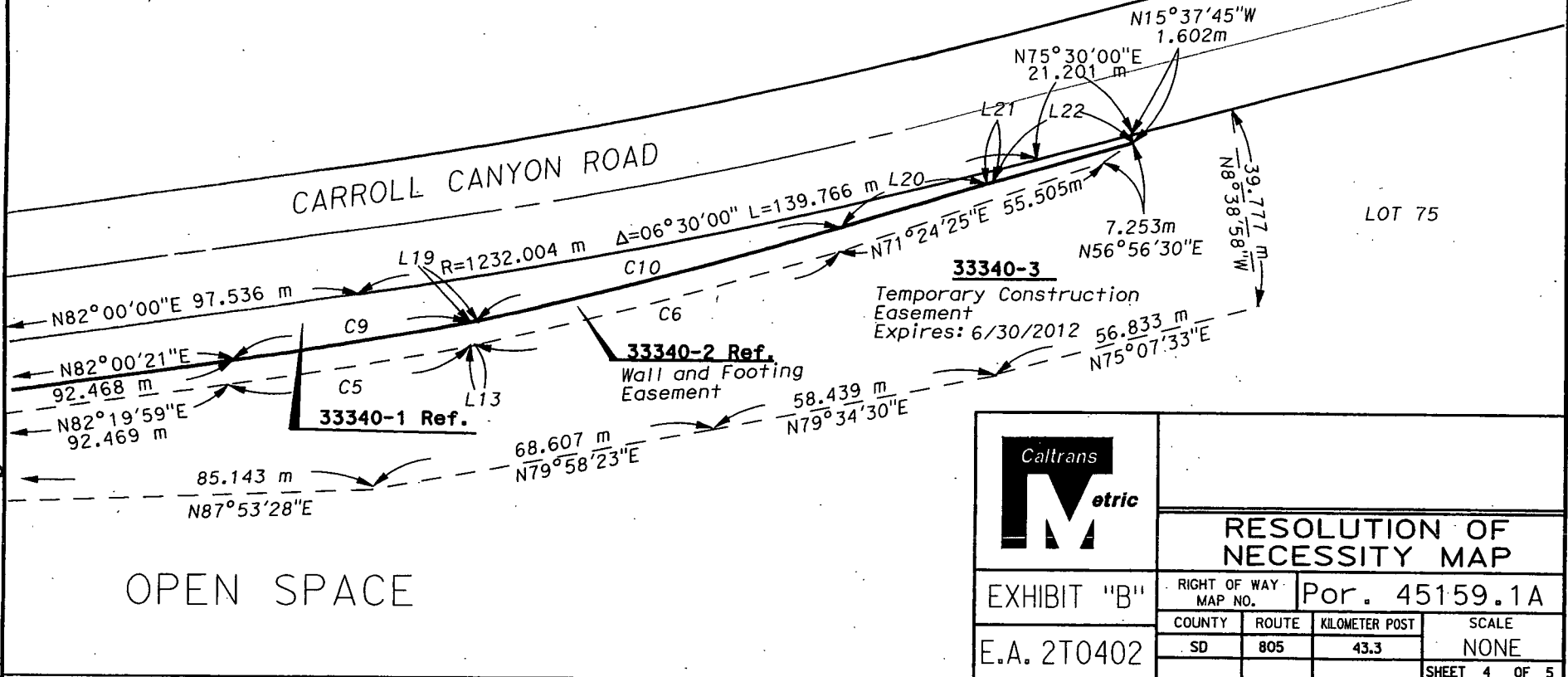
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EXHIBIT "B-3"

CITY OF SAN DIEGO

LUSK INDUSTRIAL PARK

UNIT NO. 1 MAP NO. 9694



305039

EXHIBIT "B-4"

	RESOLUTION OF NECESSITY MAP			
	RIGHT OF WAY MAP NO.		Por. 45159.1A	
EXHIBIT "B"	COUNTY	ROUTE	KILOMETER POST	SCALE
	SD	805	43.3	NONE
E.A. 2T0402				SHEET 4 OF 5

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LINE DATA TABLE		
NO.	BEARING	DISTANCE
L1	N64°19'42"E	17.530 m
L2	N72°50'56"E	11.808 m
L3	N78°26'39"E	11.444 m
L4	-N33°46'59"W	0.034 m
L5	S45°33'21"E	4.388 m
L6	N56°30'03"E	28.118 m
L7	N26°44'20"W	8.230 m
L8		
L9	N75°42'55"E	4.050 m

LINE DATA TABLE		
NO.	BEARING	DISTANCE
L20	N73°35'18"E	32.535 m
L21	N72°59'26"E	0.041 m
L22	N74°22'17"E	29.141 m
L23	N27°38'08"W	1.511 m
L24	N26°50'34"W	1.771 m
L30	S14°38'50"W	7.114 m
L31	S75°42'55"W	4.050 m
L32	S80°52'15"W	18.564 m
L33	N26°44'20"W	3.495 m

DATA TABLE				
NO.	RADIUS	DELTA/BEARING	LEN/DIST	RADIAL/WEST END
C16	6.096 m	90°56'28"	9.676 m	S 11°34'55" E
C17	317.602 m	03°44'14"	20.717 m	N 15°19'09" W
C18	291.999 m	04°28'45"	22.827 m	S 02°48'35" E
C19	291.999 m	03°06'43"	15.859 m	S 00°18'09" W
L25		N15°00'32"W	4.378 m	
L26		N72°43'55"E	15.415 m	
L27		S12°31'23"E	3.059 m	
L28		N15°18'14"W	2.906 m	
L29		S15°18'14"E	0.521 m	

LINE DATA TABLE		
NO.	BEARING	DISTANCE
L10	N07°59'47"W	1.840 m
L11	S26°50'35"E	7.691 m
L12	N60°16'24"E	0.268 m
L13	N47°12'38"E	0.237 m
L15	S26°50'37"E	1.523 m
L16	N55°00'13"E	0.214 m
L17	N55°03'07"E	3.519 m
L18	N66°20'59"E	0.066 m
L19	N78°27'26"E	0.049 m

CURVE DATA TABLE					
NO.	RADIUS	DELTA	LENGTH	NO.	RADIAL AT WEST END
C1	238.072 m	3°03'54"	12.736 m	C1	N 36°27'15" W
C2	238.072 m	10°59'29"	45.670 m	C2	N 33°23'21" W
C3	237.158 m	4°51'00"	20.076 m	C3	N 24°55'18" W
C4	237.158 m	12°04'38"	49.990 m	C4	N 20°04'17" W
C5	1121.240 m	2°35'51"	50.834 m	C5	S 07°59'38" E
C6	1119.634 m	3°53'59"	76.203 m	C6	S 12°28'25" E
C7	244.131 m	12°27'53"	53.111 m	C7	N 34°51'39" W
C8	243.195 m	16°54'35"	71.775 m	C8	N 24°54'15" W
C9	1116.806 m	2°36'25"	50.815 m	C9	Tangent
C10	1114.853 m	3°55'34"	76.392 m	C10	S 12°29'00" E
C11	273.523 m	2°08'29"	10.223 m	C11	N 37°17'11" W
C12	275.403 m	14°25'34"	69.342 m	C12	N 35°05'32" W
C13	275.403 m	5°15'08"	25.245 m	C13	N 20°39'58" W
C14	276.903 m	8°51'46"	42.833 m	C14	N 20°42'14" W
C15	317.602 m	3°06'52"	17.264 m	C15	N 18°26'01" W
C16	238.072 m	0°06'09"	0.426 m		
C17	238.072 m	10°53'19"	45.244 m		
C18	237.158 m	9°33'08"	39.539 m		

	RESOLUTION OF NECESSITY MAP		
	RIGHT OF WAY MAP NO.		Por. 45159.1A
EXHIBIT "B"	COUNTY	ROUTE	SCALE
	SD	805	NONE
E.A. 2T0402	KILOMETER POST	SHEET 5 OF 5	
	43.3		

R-305039

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ASSESSOR'S PARCEL NO. 341-321-37

1 PARCEL 34337-1

2 For public highway purposes, unto the City of San Diego, its successors or
3 assigns, an EASEMENT FOR PUBLIC HIGHWAY PURPOSES upon, over and across
4 that portion of Lot 74 of Lusk Industrial Park Unit No. 1, in the City of San Diego,
5 County of San Diego, State of California, according to Map thereof No. 9694, filed in
6 the office of the County Recorder of said County, June 27, 1980, lying Southeasterly of
7 the following described line:

8 COMMENCING at the Southwesterly corner of said Lot 74, said corner also
9 being on the Northerly right of way line of Carroll Canyon Road as shown on said Map
10 9694; Thence along the Southerly line of said Lot 74 and said Northerly right of way line
11 N.54°05'19"E. (N.54°09'35"E. per said Map 9694), 19.610 meters to the POINT OF
12 BEGINNING; thence (1) leaving said line N.52°40'53"E., 38.348 meters to the
13 beginning of a non-tangent 273.523 meter radius curve concave Southeasterly, a radial
14 to said point bears N.37°17'11"W.; thence (2) Northeasterly along said curve, through a
15 central angle of 02°08'29", an arc distance of 10.223 meters; thence (3) non-tangent to
16 said curve N.26°50'34"W., 1.771 meters to the beginning of a non-tangent 275.403
17 meter radius curve concave Southeasterly, a radial to said point bears N.35°05'32"W.;
18 thence (4) Northeasterly along said curve, through a central angle of 19°40'42", an arc
19 distance of 94.587 meters to the POINT OF TERMINUS, said point being on said
20 Southerly line of Lot 74 and said Northerly right of way line.

21 Containing 194 square meters, more or less.

22 PARCEL 34337-2

23 For public highway purposes, unto the City of San Diego, its successors or
24 assigns, an EASEMENT FOR WALL AND FOOTING PURPOSES upon, over and
25 across that portion of Lot 74 of Lusk Industrial Park Unit No. 1, in the City of San Diego,
26 County of San Diego, State of California, according to Map thereof No. 9694, filed in
27 the office of the County Recorder of said County, June 27, 1980, lying Southerly of the
28 following described line:

R- 305039

ASSESSOR'S PARCEL NO. 341-321-37

1 COMMENCING at the Westerly terminus of course "(4)" described in PARCEL
 2 34337-1, being the beginning of a non-tangent 275.403 meter radius curve concave
 3 Southeasterly, a radial to said point bears N.35°05'32"W.; thence Northeasterly along
 4 said course and curve, through a central of 14°25'34", an arc distance of 69.342 meters
 5 to the POINT OF BEGINNING; thence (1) non-tangent to said curve N.27°38'08"W.,
 6 1.511 meters to the beginning of a non-tangent 276.903 meter radius curve concave
 7 Southerly, a radial to said point bears N.20°42'14"W.; thence (2) Easterly along said
 8 curve, through a central angle of 08°51'46", an arc distance of 42.833 meters to the
 9 POINT OF TERMINUS, said point being on the Easterly line of said Lot 74.

10 EXCEPTING THEREFROM that portion of said Lot 74 described in PARCEL
 11 34337-1.

12 Containing 56 square meters, more or less.

13 PARCEL 34337-3

14 For public highway purposes, unto the City of San Diego, its successors or
 15 assigns, a TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES upon, over
 16 and across Lot 74 of Lusk Industrial Park Unit No. 1, in the City of San Diego, County of
 17 San Diego, State of California, according to Map thereof No. 9694, filed in the office of
 18 the County Recorder of said County, June 27, 1980.

19 EXCEPTING THEREFROM those portions of said Lot 74 described in PARCEL
 20 34337-1 and PARCEL 34337-2.

21 Containing 3,474 square meters, more or less.

22 It is understood that the above said EASEMENT is TEMPORARY and shall
 23 terminate either upon completion of construction of that portion of Carroll Canyon Road
 24 lying adjacent to the above described parcel or June 30, 2012, whichever date occurs
 25 first. It is also understood that upon said termination date the City of San Diego shall
 26 have no further obligation or liability in connection with said parcel.

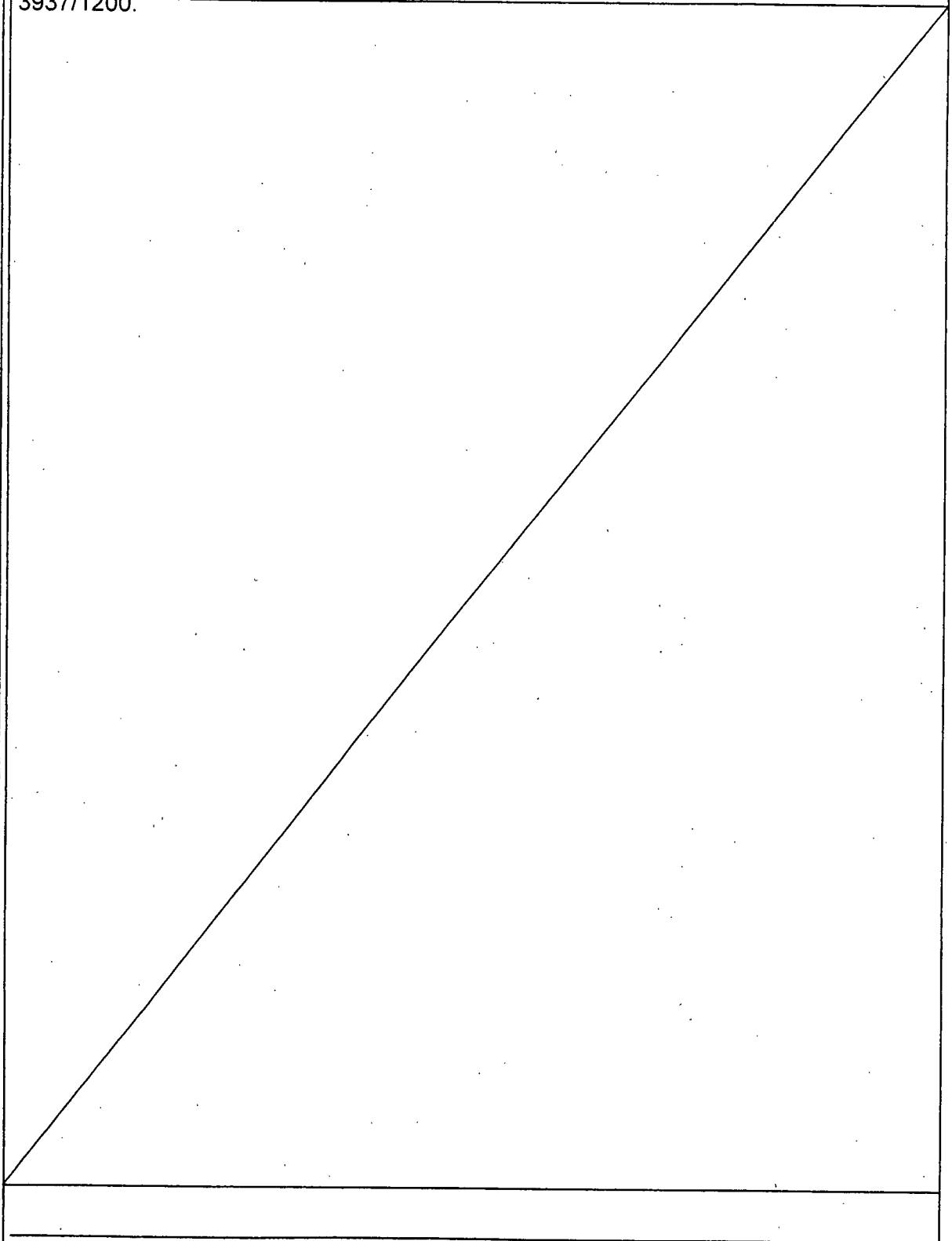
27 The bearings and distances used in the above descriptions are based on the
 28 California Coordinate System of 1983, Zone 6, HPGN Epoch 1991.35. DISTANCES

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ASSESSOR'S PARCEL NO. 341-321-37

1 ARE IN METERS unless otherwise noted. Multiply distances by 1.0000164 to obtain
2 ground level distances. To convert meters to the U.S. Survey foot multiply distances by
3 3937/1200.

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ASSESSOR'S PARCEL NO. 343-010-19

1 PARCEL 33340-1

2 For public highway purposes, unto the City of San Diego, its successors or
3 assigns, an EASEMENT FOR PUBLIC HIGHWAY PURPOSES upon, over and across
4 that portion of Lot 75 of Lusk Industrial Park Unit No. 1, in the City of San Diego,
5 County of San Diego, State of California, according to Map thereof No. 9694, filed in
6 the office of the County Recorder of said County, June 27, 1980, lying Northerly of the
7 following described line:

8 COMMENCING at the Northwesterly corner of said Lot 75, said corner also
9 being on the Southerly right of way line of Carroll Canyon Road as shown on said Map
10 9694; thence along the Northerly line of said Lot 75 and said Southerly right of way line
11 N.54°03'35"E. (N.54°09'35"E. per said Map 9694), a distance of 59.249 meters to the
12 POINT OF BEGINNING; thence (1) leaving said line S.26°50'37"E., a distance of 1.523
13 meters; thence (2) N.55°00'13"E., a distance of 0.214 meters; thence (3)
14 N.55°03'07"E., a distance of 3.519 meters to the beginning of a non-tangent 244.131
15 meter radius curve to the right; a radial to said point bears N.34°51'39"W.; thence (4)
16 Northeasterly along said curve, through a central angle of 12°27'53", an arc distance of
17 53.111 meters; thence (5) non-tangent to said curve N.66°20'59"E., a distance of 0.066
18 meters to the beginning of a non-tangent 243.195 meter radius curve to the right, a
19 radial to said point bears N.24°54'15"W.; thence (6) Northeasterly along said curve,
20 through a central angle of 16°54'35", an arc distance of 71.775 meters; thence (7)
21 N.82°00'21"E., a distance of 92.468 meters to the beginning of a 1,116.806 meter
22 radius curve to the left; thence (8) Easterly along said curve, through a central angle of
23 02°36'25", an arc distance of 50.815 meters; thence (9) non-tangent to said curve
24 N.78°27'26"E., a distance of 0.049 meters to the beginning of a non-tangent 1,114.853
25 meter radius curve to the left, a radial to said point bears S.12°29'00"E.; thence (10)
26 Easterly along said curve, through a central angle of 03°55'34", an arc distance of
27 76.392 meters; thence (11) non-tangent to said curve N.73°35'18"E., a distance of
28 32.535 meters; thence (12) N.72°59'26"E., a distance of 0.041 meters; thence (13)

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ASSESSOR'S PARCEL NO. 343-010-19

1 N.74°22'17"E., a distance of 29.141 meters; thence (14) N.15°37'45"W., a distance of
 2 1.602 meters to the POINT OF TERMINUS, said point being on said Northerly line of
 3 Lot 75 and said Southerly right of way line of Carroll Canyon Road.

4 Containing 2,628 square meters, more or less.

5 PARCEL 33340-2

6 For public highway purposes, unto the City of San Diego, its successors or
 7 assigns, an EASEMENT FOR WALL AND FOOTING PURPOSES upon, over and
 8 across that portion of Lot 75 of Lusk Industrial Park Unit No. 1, in the City of San Diego,
 9 County of San Diego, State of California, according to Map thereof No. 9694, filed in
 10 the office of the County Recorder of said County, June 27, 1980, lying Northerly of the
 11 following described line:

12 COMMENCING at the Northwesterly corner of said Lot 75, said corner also
 13 being on the Southerly right of way line of Carroll Canyon Road as shown on said Map
 14 9694; thence along the Northerly line of said Lot 75 and said Southerly right of way line
 15 N.54°03'35"E. (N.54°09'35"E. per said Map 9694), a distance of 57.223 meters to the
 16 POINT OF BEGINNING; thence (1) leaving said line S.26°50'35"E., a distance of 7.691
 17 meters to the beginning of a non-tangent 238.072 meter radius curve to the right, a
 18 radial to said point bears N.36°27'15"W.; thence (2) Northeasterly along said curve
 19 through a central angle of 14°03'23", an arc distance of 58.406 meters; thence (3) non-
 20 tangent to said curve N.60°16'24"E., a distance of 0.268 meters to the beginning of a
 21 non-tangent 237.158 meter radius curve to the right, a radial to said point bears
 22 N.24°55'18"W.; thence (4) Northeasterly along said curve, through a central angle of
 23 16°55'38", an arc distance of 70.066 meters; thence (5) non-tangent to said curve
 24 N.07°59'47"W., a distance of 1.840 meters; thence (6) N.82°19'59"E., a distance of
 25 92.469 meters to the beginning of a non-tangent 1,121.240 meter radius curve to the
 26 left, a radial to said point bears S.07°59'38"E.; thence (7) Easterly along said curve,
 27 through a central angle of 02°35'51", an arc distance of 50.834 meters; thence (8) non-
 28 tangent to said curve N.47°12'38"E., a distance of 0.237 meters to the beginning of a

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ASSESSOR'S PARCEL NO. 343-010-19

1 non-tangent 1,119.634 meter radius curve to the left, a radial to said point bears
 2 S.12°28'25"E.; thence (9) Easterly along said curve, through a central angle of
 3 03°53'59", an arc distance of 76.203 meters; thence (10) non-tangent to said curve
 4 N.71°24'25"E., a distance of 55.505 meters; thence (11) N.56°56'30E., a distance of
 5 7.253 meters; thence (12) N.15°37'45"W., a distance of 1.602 meters to the POINT OF
 6 TERMINUS, said point being on said Northerly line of Lot 75 and said Southerly right of
 7 way line of Carroll Canyon Road.

8 EXCEPTING THEREFROM that portion of said Lot 75 described in PARCEL
 9 33340-1.

10 Containing 1,988 square meters, more or less.

11 PARCEL 33340-3

12 For public highway purposes, unto the City of San Diego, its successors or
 13 assigns, a TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES upon, over
 14 and across that portion of Lot 75 of Lusk Industrial Park Unit No. 1, in the City of San
 15 Diego, County of San Diego, State of California, according to Map thereof No. 9694,
 16 filed in the office of the County Recorder of said County, June 27, 1980, lying Northerly
 17 of the following described line:

18 COMMENCING at the Easterly terminus of course "(4)" described in PARCEL
 19 33340-2, being a non-tangent 237.158 meter radius curve to the left, a radial to said
 20 point bears N.07°59'39"W.; thence Westerly along said course "(4)" and curve, through
 21 a central angle of 07°21'50", an arc distance of 10.452 meters to the POINT OF
 22 BEGINNING; thence (1) leaving said curve S.14°38'50"W., a distance of 7.114 meters;
 23 thence (2) S.88°49'03"E., a distance of 47.405 meters; thence (3) N.87°53'28"E., a
 24 distance of 85.143 meters; thence (4) N.79°58'23"E., a distance of 68.607 meters;
 25 thence (5) N.79°34'30"E., a distance of 58.439 meters; thence (6) N.75°07'33"E., a
 26 distance of 56.833 meters; thence (7) N.08°38'58"W., a distance of 39.777 meters to
 27 the POINT OF TERMINUS, said point being on said Northerly line of Lot 75 and said
 28 Southerly right of way line of Carroll Canyon Road.

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ASSESSOR'S PARCEL NO. 343-010-19

1 EXCEPTING THEREFROM those portions of said Lot 75 described in PARCEL
2 33340-1 and PARCEL 33340-2.

3 Containing 7,864 square meters, more or less.

4 It is understood that the above said EASEMENT is TEMPORARY and shall
5 terminate either upon completion of construction of that portion of Carroll Canyon Road
6 lying adjacent to the above described parcel or June 30, 2012, whichever date occurs
7 first. It is also understood that upon said termination date the City of San Diego shall
8 have no further obligation or liability in connection with said parcel.

9 PARCEL 33340-4

10 For public highway purposes, unto the City of San Diego, its successors or
11 assigns, an EASEMENT FOR GAS PIPELINE PURPOSES and right of way in, upon,
12 over, under and across the lands hereinafter described, to erect, construct, change the
13 size of, improve, reconstruct, relocate, repair, maintain and use facilities consisting of:

14 1. Pipelines and appurtenances for any and all purposes.

15 2. Communications facilities, and appurtenances.

16 The above facilities will be installed at such locations and elevations upon, along
17 over and under the hereinafter described easement as the City of San Diego, its
18 successors or assigns may now or hereafter deem convenient or necessary. The City
19 of San Diego, its successors or assigns also has the right of ingress and egress, to,
20 from and along this easement in, upon, over and across the hereinafter described
21 lands. The City of San Diego, its successors or assigns further has the right, but not the
22 duty to clear and keep this easement from explosives, buildings, structures and
23 materials.

24 The property in which this easement and right of way is hereby granted is
25 situated in the City of San Diego, County of San Diego, State of California, being a
26 portion of Lot 75 as said Lot is shown on Map No. 9694, filed in the office of the County
27 Recorder of San Diego County on June 27, 1980, as Lusk Industrial Park Unit No. 1,
28 lying Northwesterly of the following described line:

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ASSESSOR'S PARCEL NO. 343-010-19

1 COMMENCING at the Southwesterly terminus of course "(2)" described in
2 PARCEL 33340-2, being the beginning of a non-tangent 238.072 meter radius curve to
3 the right, a radial to said point bears N.36°27'15"W.; thence Northeasterly along said
4 curve through a central angle of 03°10'03", an arc distance of 13.162 meters to the
5 POINT OF BEGINNING; thence (1) non-tangent to said curve, S.26°44'20"E., a
6 distance of 3.000 meters; thence (2) N.63°47'15"E., a distance of 58.100 meters;
7 thence (3) S.26°44'20"E., a distance of 1.507 meters; thence (4) N.63°55'58"E., a
8 distance of 7.352 meters; thence (5) N.26°44'20"W., a distance of 4.526 meters to a
9 point on course "(4)" described in PARCEL 33340-2 and the POINT OF TERMINUS,
10 said point being on a non-tangent 237.158 meter radius curve to the right, a radial to
11 said point bears N.20°04'18"W.

12 EXCEPTING THEREFROM those portions of said Lot 75 described in PARCEL
13 33340-1 and PARCEL 33340-2.

14 Containing 285 square meters, more or less.

15 The bearings and distances used in the above description are based on the
16 California Coordinate System of 1983, Zone 6, HPGN Epoch 1991.35. DISTANCES
17 ARE IN METERS unless otherwise noted. Multiply distances by 1.0000164 to obtain
18 ground level distances. To convert meters to the U.S. Survey foot multiply distances by
19 3937/1200.

20 The Owner shall not erect, place or construct, nor permit to be erected, placed
21 or constructed, any building or other structure, plant any tree, drill or dig any well, within
22 this instrument.

23 The Owner shall not increase nor decrease the ground surface elevations within
24 this easement after installation of the City of San Diego, its successors or assigns
25 facilities, without prior written consent of the City of San Diego, its successors or
26 assigns, which consent shall not unreasonably be withheld.

27 The Owner further grants to the City of San Diego, its successors or assigns the
28 assign any or all of the rights granted in this easement in whole or in part to other

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ASSESSOR'S PARCEL NO. 343-010-19

1 companies providing utility or communication facilities/services.

2 The Owner further grants to the City of San Diego, its successors or assigns the
3 assign any or all of the rights granted in this easement in whole or in part to other
4 companies providing utility or communication facilities/services.

5 The City of San Diego, its successors or assigns shall have the right but not the
6 duty, to trim or remove trees and brush along or adjacent to this easement and remove
7 roots from within this easement whenever the City of San Diego, its successors or
8 assigns deems it necessary. Said right shall not relieve the Owner of the duty as Owner
9 to trim or remove trees and brush to prevent danger or hazard to property or persons.

10 PIPELINES MAY CARRY VOLATILE MATERIALS, therefore the Owner shall
11 not make or allow any excavation or fill to be made within this easement WITHOUT
12 FIRST NOTIFYING SAN DIEGO GAS & ELECTRIC COMPANY, and OBTAINING
13 PERMISSION.

14 This easement shall be binding upon and inure to the benefit of successors,
15 heirs, executors, administrators, permittees, licensees, agents or assigns of the Owner
16 and the City of San Diego, its successors or assigns.

17 PARCEL 33340-5

18 For public highway purposes, unto the City of San Diego, its successors or
19 assigns, a TEMPORARY EASEMENT FOR CONSTRUCTION PURPOSES upon, over
20 and across that portion of Lot 75 of Lusk Industrial Park Unit No. 1, in the City of San
21 Diego, County of San Diego, State of California, according to Map thereof No. 9694,
22 filed in the office of the County Recorder of said County, June 27, 1980, lying
23 Northwesterly of the following described line:

24 BEGINNING at the Northwesterly corner of said Lot 75, said corner also being
25 on the Southerly right of way line of Carroll Canyon Road as shown on said Map 9694;
26 thence (1) along the Southwesterly line of said Lot 75, S.26°15'11"E., (N.26°15'41"E.
27 per said Map 9694), a distance of 2.308 meters; thence (2) leaving said line
28 N.64°19'42"E., a distance of 17.530 meters; thence (3) N.72°50'56"E., a distance of

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ASSESSOR'S PARCEL NO. 343-010-19

1 11.808 meters; thence (4) N.78°26'39"E., a distance of 11.444 meters; thence (5)
 2 N.33°46'59"W., a distance of 0.034 meters; thence (6) S.45°33'21"E., a distance of
 3 4.388 meters; thence (7) N.56°30'03"E., a distance of 28.118 meters to the
 4 Southeasterly prolongation of course "(1)" described in PARCEL 33340-4; thence (8)
 5 along said Southeasterly prolongation and course "(1)", N.26°44'20"W., a distance of
 6 11.729 meters to the Northwesterly terminus of said course "(1)" and the POINT OF
 7 TERMINUS.

8 EXCEPTING THEREFROM those portions of said Lot 75 described in PARCEL
 9 33340-1 and PARCEL 33340-2.

10 Containing 738 square meters, more or less.

11 It is understood that the above said EASEMENT is TEMPORARY and shall
 12 terminate either upon completion of construction of that portion of Carroll Canyon Road
 13 lying adjacent to the above described parcel or June 30, 2012, whichever date occurs
 14 first. It is also understood that upon said termination date the City of San Diego shall
 15 have no further obligation or liability in connection with said parcel.

16 PARCEL 33340-6

17 For public highway purposes, unto the City of San Diego, its successors or
 18 assigns, a DRAINAGE EASEMENT upon, over and across that portion of Lot 75 of
 19 Lusk Industrial Park Unit No. 1, in the City of San Diego, County of San Diego, State of
 20 California, according to Map thereof No. 9694, filed in the office of the County Recorder
 21 of said County, June 27, 1980, lying Northwesterly of the following described line:

22 BEGINNING at a point on course "(8)" described in PARCEL 33340-5, said
 23 point being the Southeasterly terminus of course "(1)" described in PARCEL 33340-4;
 24 thence (1) along said course "(8)", S.26°44'20"E., a distance of 3.495 meters; thence
 25 (2) leaving said course N.63°50'31"E., a distance of 77.809 meters; thence (3)
 26 N.80°52'15"E., a distance of 18.564 meters; thence (4) N.75°42'55"E., a distance of
 27 4.050 meters to the Southerly terminus of course "(1)" described in PARCEL 33340-3;
 28 thence (5) along said course "(1)", N.14°38'50"E., a distance of 7.114 meters to the

ASSESSOR'S PARCEL NO. 343-010-19

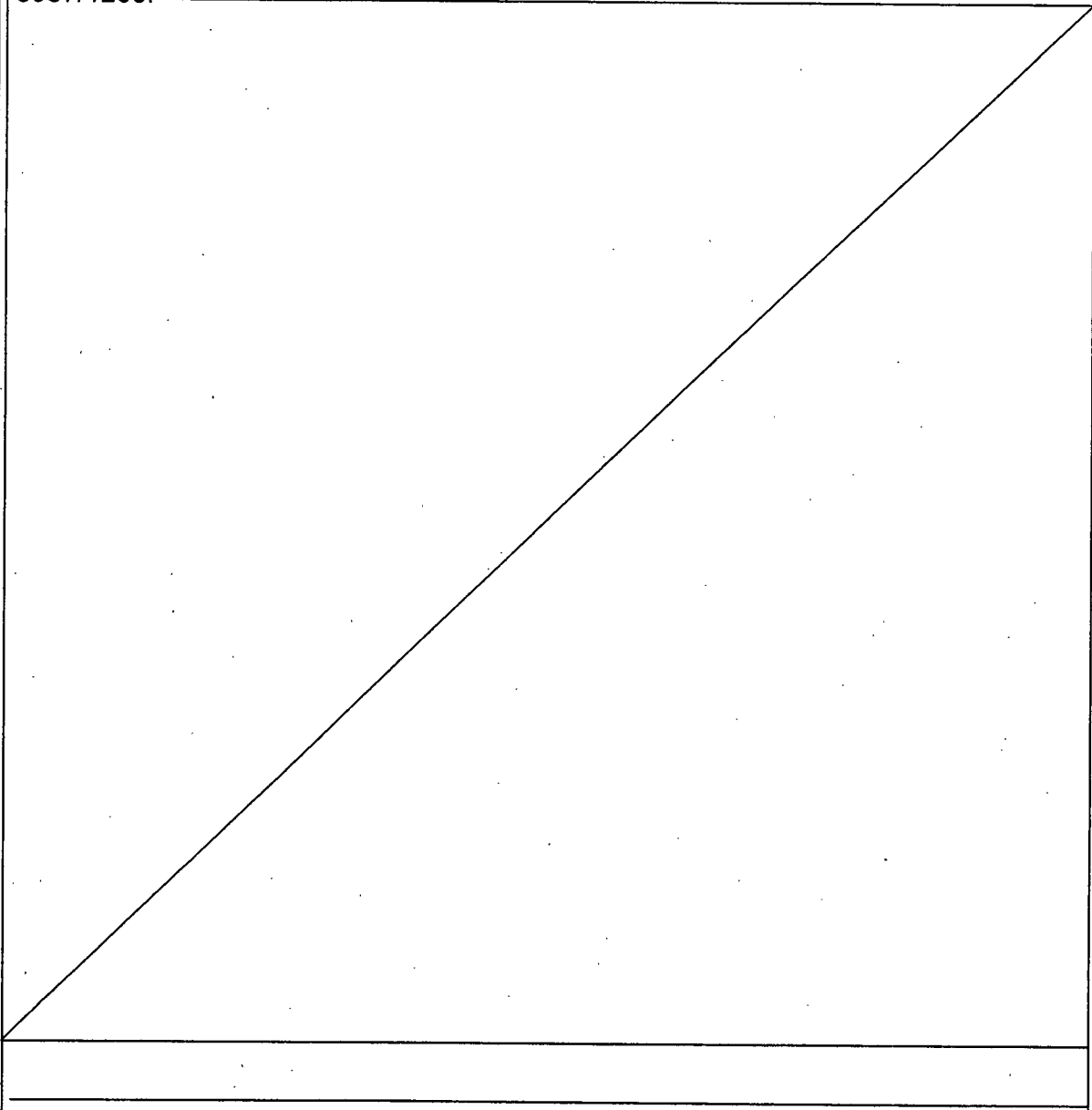
1 Northerly terminus thereof and the POINT OF TERMINUS.

2 EXCEPTING THEREFROM those portions of said Lot 75 described in PARCEL
3 33340-1, PARCEL 33340-2 and PARCEL 33340-4.

4 Containing 439 square meters, more or less.

5 The bearings and distances used in the above descriptions are based on the
6 California Coordinate System of 1983, Zone 6, HPGN Epoch 1991.35. DISTANCES
7 ARE IN METERS unless otherwise noted. Multiply distances by 1.0000164 to obtain
8 ground level distances. To convert meters to the U.S. Survey foot multiply distances by
9 $3937/1200$.

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