

6/29
105

RESOLUTION NUMBER R- 305957
DATE OF FINAL PASSAGE JUL 13 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ACQUISITION OF AN ACCESS EASEMENT, A PIPELINE EASEMENT, AND A LICENSE FOR A TEMPORARY CONSTRUCTION AREA, RELATED TO THE MISSION CENTER CANYON SEWER "B" AND ACCESS PATH PROJECT.

WHEREAS, the Mission Center Canyon Sewer "B" and Access Path Project [Project] is part of the City of San Diego's Sewer Main Replacement Program, as mandated by the Environmental Protection Agency; and

WHEREAS, the project is located in the Serra Mesa Community and includes the construction, installation, and re-alignment of an 8-inch sewer line less than one mile in length; and

WHEREAS, the existing gravity 8-inch clay sewer pipeline acquired in January 1964 is in a deteriorated condition and must be replaced, and the existing sewer main and manholes also need to be relocated in an accessible location for maintenance purposes; and

WHEREAS, the Project proposes installing a new pipe in a new pipeline easement, a license for a temporary construction area, and a new maintenance access path easement for an existing 30-inch trunk sewer in the vicinity; and

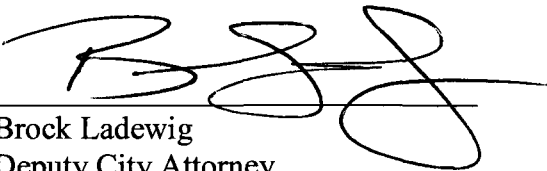
WHEREAS, acquisition of the property rights will cost \$13,500 and \$50,000 for Real Estate Assets Department labor charges, title, appraisal, and miscellaneous costs associated with the acquisition of the property rights; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego as follows:

1. The Mayor or his designee is authorized to execute and deliver such documents as may be necessary to acquire a sewer maintenance access easement [Access Easement] from CAMERON BROTHERS CONSTRUCTION CO., L.P. across portions of Pueblo Lot 1187, of the Pueblo Lands of San Diego, in the City of San Diego according the map thereof made by James Pascoe in 1870 and filed in the office of the County Recorder on November 14, 1921 as Miscellaneous Map No. 36.
2. That the Mayor or his designee is authorized to execute and deliver the Easement Purchase and Sale Agreement with AVALONBAY COMMUNITIES, INC., a Maryland corporation, on file in the Office of the City Clerk as Document No. RR- 305957 [Avalonbay Agreement], and such other agreements and documents either required by the Avalonbay Agreement or incidental thereto, on terms and conditions deemed by the Mayor or his designee to be in the best interests of the City.
3. That the Mayor is requested to initiate the vacation of the existing sewer easement acquired January 1964 according to map 5322, and the Mayor or his designee is authorized to execute and deliver a quitclaim deed related to the vacated easement if and when such vacation is approved by the Council.
4. That the Chief Financial Officer is authorized to expend an amount not to exceed \$63,500 from CIP A-JA.00001 (Legacy CIP 44-001.0), Annual Allocation Sewer Main Replacements, Fund 700000, for the purpose of acquiring the Access Easement, the rights granted by the Avalonbay Agreement, and costs related thereto, contingent

upon the City Comptroller furnishing a certificate certifying that funds necessary for such expenditures are or will be on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Brock Ladewig
Deputy City Attorney

BL:mm
05/27/10
Or.Dept: READ
R-2010-807
MMS #12130

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 29 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7.13.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor