

10/19
104

RESOLUTION NUMBER R- 306237

DATE OF FINAL PASSAGE OCT 26 2010

RESOLUTION AUTHORIZING THE CITY OF SAN DIEGO'S
CONSENT TO THE COUNTY OF SAN DIEGO'S
RESOLUTION DECLARING PORTIONS OF OVERLAND
AVENUE TO BE A COUNTY HIGHWAY FOR THE
COUNTY'S PURPOSES OF ACQUISITION OF EASEMENTS
AND IMPROVEMENTS TO OVERLAND AVENUE.

WHEREAS, the County of San Diego [County] is currently constructing Phase 1A of its County Operations Center and Annex Redevelopment Project [Project], located at 5555 Overland Avenue in Kearny Mesa; and

WHEREAS, the City of San Diego [City] is requiring the County to construct certain improvements, including the widening of Overland Avenue, to mitigate traffic impacts resulting from the Project; and

WHEREAS, the affected portion of Overland Avenue is located north of Clairemont Mesa Boulevard in Council District 6, and the property needed to widen Overland Avenue is owned in fee by San Diego Gas & Electric [SDG&E]; and

WHEREAS, Division 2, Chapter 9, Articles 3 and 5, of the Streets and Highways [S&H] Code, Section 1700 *et. seq.*, provides a procedure for cooperation between a city and county to declare a city street as a county highway for purposes of acquisition and improvements; and

WHEREAS, following the stated S&H Code procedures, on April 27, 2010, the County of San Diego Board of Supervisors passed Resolution No. 10-058 (titled "Resolution of the Board of Supervisors Declaring a Portion of City Street Overland Avenue to be a County Highway for Purposes of Acquisition and Improvement and Requesting the Consent of the City

of San Diego” and attached hereto as “Attachment 1”) providing: “That it is of general County interest that the portions of Overland Avenue, as shown on Exhibits “A” and “B”, be made a County highway for purposes of acquisition and improvement, which improvement includes widening the street from two to four lanes, installing left-turn lanes, installing a new three-way traffic signal at the intersection of Overland Avenue and Farnham Street, constructing new sidewalks, under-grounding existing utilities, and installing landscape improvements.” and declared the described property to be a County highway for purposes of allowing the County to acquire the easements and construct the improvements; and

WHEREAS, the County Board of Supervisors’ Resolution No. 10-058 further resolved that “after acquisition and improvement, said easements will become part of the City street system”; and

WHEREAS, pursuant to the S&H Code, the County now needs the City’s consent to the County’s inclusion of city streets into its County highway system for acquisition and improvement purposes; and

WHEREAS, as it is a requirement of the City’s Development Services Department that the County construct certain improvements, including the widening of Overland Avenue, it is in the City’s general interest that said portion of Overland Avenue be made a County highway for purposes of acquisition of the right-of-way easements and construction of the improvements, in accordance with City-approved plans and permits; and

WHEREAS, all costs and expenses associated with the County’s action(s) shall be borne by the County; NOW, THEREFORE,

BE IT RESOLVED, that the City Council consents to the County's inclusion of a portion of Overland Avenue (as shown on Attachment 1, Exhibits "A" and "B") as part of the County's highway system for acquisition and improvement purposes.

BE IT FURTHER RESOLVED, that the City's consent is contingent upon, and this Resolution and the City's consent shall not become effective until: (a) the City is listed as an additional insured on all insurance policies issued for the County's Project; (b) the City is fully indemnified and held harmless against any and all claims and liability which may result from the County's Project; and (c) a writing(s) setting forth a City-approved indemnification and hold harmless agreement is delivered to the City.

BE IT FURTHER RESOLVED, that the City's consent is further contingent upon the County's agreement, upon completion of its Project, that the County shall adopt another resolution declaring that the affected portion of Overland Avenue is no longer a County highway, returning the affected portion of Overland Avenue to the City's street system, along with the acquired right-of-way easement rights.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this Resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

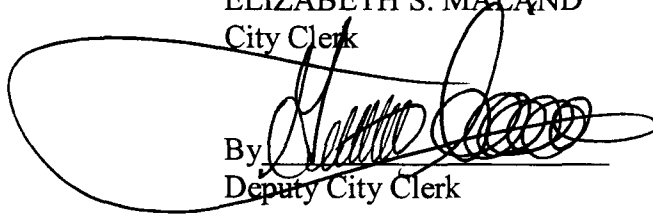
By:


Debra J. Beyier
Deputy City Attorney

DJB:mm
05/20/2010
Or.Dept: READ
R-2010-843
MMS#12237

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 19 2010.

ELIZABETH S. MALAND
City Clerk



By _____
Deputy City Clerk

Approved: 10.26.10
(date)



JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor