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RESOLUTION NUMBER R- 307521

DATE OF FINAL PASSAGE JUN 28 2012

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO ENTER INTO AN ACQUISITION AGREEMENT WITH SCRIPPS MESA DEVELOPERS, LLC, FOR THE ACQUISITION OF REQUIRED RIGHT-OF-WAY AND EASEMENT RIGHTS.

WHEREAS, on January 6, 2009, the San Diego City Council (City Council) adopted Resolution R-304582 approving Vesting Tentative Tract Map No. 481936 and Easement Vacation No. 368513; this action was for the subdivision of real property consisting of approximately 41.31 acres of land located on the east side of Westview Parkway, north of Mira Mesa Boulevard, the vacation of certain public service easements within said property, and the development on said property of 1,848 residential condominium units and related improvements (the Casa Mira View Project); and

WHEREAS, on January 6, 2009, pursuant to the requirements of the San Diego Municipal Code, the City Council further adopted Resolution R-304583 approving Planned Development Permit No. 294375 and Site Development Permit No. 294373 for the Casa Mira View Project; and

WHEREAS, the City of San Diego (City) required, as a condition of Resolution R-304583, that prior to the issuance of a building permit for the Casa Mira View Project, that Scripps Mesa Developers, LLC (SMD), assure the construction of a northbound right-turn lane at the intersection of Mira Mesa Boulevard and Black Mountain Road (the Offsite Improvement Project); and

WHEREAS, the Offsite Improvement Project requires the acquisition by SMD, and dedication to the City, of right-of-way and temporary construction easements at the southeast corner of Mira Mesa Boulevard and Black Mountain Road that consist of 1,317 square feet of real property required for a permanent street easement and 3,765 square feet of real property required for a temporary construction easement (the Offsite Right-of-Way); and

WHEREAS, SMD has received the approval and recordation of the final subdivision map for the Casa Mira View Project; however, SMD has been unable to acquire the Offsite Right-of-Way as required by City; and

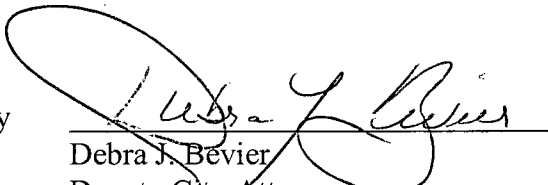
WHEREAS, because it is of mutual benefit to both SMD and City that the Offsite Improvement Project be constructed, it is proposed that SMD and City enter into a “Subdivision Offsite Right-of-Way Acquisition Agreement For Construction of Public Street Improvements Along the East Side of Black Mountain Road, South of Mira Mesa Boulevard (Casa Mira View Project No. 91647 – Vesting Tentative Map No. 481936/Easement Vacation No. 368513/Planned Development Permit No. 294375/Site Development Permit No. 294373)” (Acquisition Agreement); and

WHEREAS, the Acquisition Agreement provides that SMD will continue its efforts to acquire the certain property rights through negotiation; that, if necessary, the City will further negotiate with the applicable property owner(s) to acquire the certain property rights; and, if neither party can acquire the certain property rights through negotiation, and subject to a public hearing and requisite findings, the respective obligations the City and SMD will agree to undertake; NOW, THEREFORE,

BE IT RESOLVED, that the Mayor, or his designee, is hereby authorized to enter into and execute the “Subdivision Offsite Right-of-Way Acquisition Agreement For Construction of

Public Street Improvements Along the East Side of Black Mountain Road, South of Mira Mesa Boulevard (Casa Mira View Project No. 91647 – Vesting Tentative Map No. 481936/Easement Vacation No. 368513/Planned Development Permit No. 294375/Site Development Permit No. 294373)”, between the City of San Diego and Scripps Mesa Developers, LLC, for the Casa Mira View Project No. 91647, Vesting Tentative Map No. 481936.

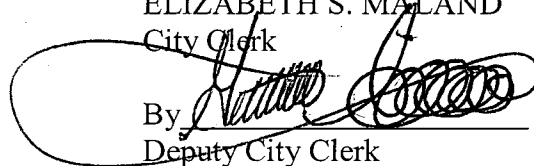
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Debra J. Bevier
Deputy City Attorney

DJB:mcm
May 30, 2012
Or.Dept: Real Estate Assets Department
Doc. No. 378266
PL#2012-10101

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 19 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6.28.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor