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9/18

RESOLUTION NUMBER 307690

DATE OF FINAL PASSAGE SEP 18 2012

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

WHEREAS, on May 28, 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. R304921), 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 (HOV) lanes, 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 referenced 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 an Diego City Charter §220, to acquire property interests 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 interests within the City's jurisdiction found to be necessary for the Project; and

WHEREAS, on July 8, 2009, the City Council adopted a Resolution of Necessity (RON) (filed with the City Clerk as Document No. R-305039) authorizing the commencement of eminent domain actions to acquire certain property interests required for the Project, including three (3) temporary construction easements: one over and across portions of Lot 74 of Lusk Industrial Park Unit No 1, according to Map No. 9694 in the City of San Diego (Lot74), identified as Parcel No. 34337-3; and two (2) temporary construction easements over and across portions of Lot 75 of Luks Industrial Park Unit No. 1, according to Map No 9694 in the City of San Diego (Lot 75) identified as Parcel Nos. 33340-3 and 33340-5 (the TCEs); and

WHEREAS the TCEs are required for an additional period of time, not to exceed an additional six (6) years, up to and including June 30, 2018 (Extension of TCEs), to ensure completion of the Project and to allow re-vegetation of the areas affected by the Project; and

WHEREAS, the Lot 74 and Lot 75 are owned in fee simple by Caryon Properties LLC (Caryon), a California Limited Liability Company, whose business address is P.O. Box 910064 San Diego, California 92191; and

WHEREAS, an offer to purchase the Extension of the TCEs was made to Caryon at an amount that is not less than the appraised fair market value in compliance with Government Code Section 7267.2(a), and Caryon has not accepted said offer or otherwise conveyed, the property rights (TCEs) to City as of the date of this Resolution; and

WHEREAS, on or about August 10, 2012, City mailed a notice of hearing, and of its intent to adopt a RON to acquire the Extension of the TCEs to Caryon (Notice), 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 advised said persons of their right to be heard on the matter stated therein, as required by CCP Section 1240.030; and

WHEREAS, the hearing to adopt a RON to acquire the Extension of the TCEs was held on September 18, 2012, 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 (Extension of the TCEs) to be acquired are necessary for the Project; (d) whether an offer meeting the requirements of Government Code Section 7267.2 was made for the Extension of the TCEs; and (e) whether all other prerequisites for the exercise eminent domain to acquire the property rights (Extension of the TCEs) was 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 Extension of the TCEs for the Project described herein for the stated purposes;

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body;

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 Extensions of the TCEs for an additional time period, not to exceed six (6) years up to and including June 30, 2018 to ensure the completion of the Project:

- a) a temporary construction easement upon, over and across Lot 74 of Lusk Industrial Park Unit No 1, according to Map No. 9694 in the City of San Diego identified as Parcel No. 34337-3, as more fully described and depicted in Exhibit "A-1, and "B-1" through "B-4" hereto;

- b) a temporary construction easements over and across portions of Lot 75 of Lusk Industrial Park Unit No. 1, according to Map No 9694 in the City of San Diego identified as Parcel Nos. 33340-3, as more fully described and depicted in Exhibit “A-2” and B-1” through “B-4” hereto;
- c) a temporary construction easements over and across portions of Lot 75 of Lusk Industrial Park Unit No. 1, according to Map No 9694 in the City of San Diego (Lot 75) identified as Parcel No 33340-5, as more fully described and depicted in “A-3” and B-1” through “B-4” hereto.

BE IT FURTHER RESOLVED, 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 (Extension of the TCEs) 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 for the City of San Diego to condemn and acquire said property interests (Extension of the TCEs) to ensure the completion of the Project.

BE IT FURTHER RESOLVED, that the proposed Project for which these acquisitions are being sought is part of improvements to the State highway system, the construction of high

occupancy vehicle lanes add direct access ramps on Interstate 805, at Carroll Canyon Road, and an extension of Carroll Canyon Road from Scranton Road to Sorrento Valley Road, and that the acquisitions 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 (Extension of the TCEs) sought and described herein are necessary in order to proceed with and complete 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 (Extension of the TCEs), pursuant to Government Code Section 7267.2, at the appraised fair market value, has been made to each party claiming an interest(s) in the property interests sought.

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 (Extension of the TCEs), and to seek immediate possession of the TCEs pursuant to California Code of Civil Procedure Section 1251410.

BE IT FURTHER RESOLVED, that the deposit of the probable amount of compensation for the acquisition of the Extension of the TCEs to be paid into the State Condemnation Fund is hereby authorized.

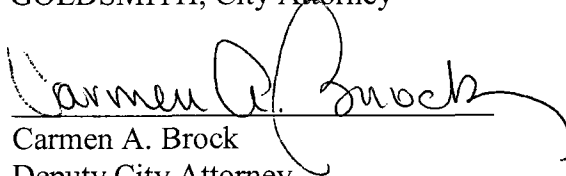
BE IT FURTHER RESOLVED that the City of San Diego, as Responsible Agency under

CEQA, has reviewed and considered a Mitigated Negative Declaration/Environmental Assessment (MND/EA) prepared by Caltrans as Lead Agency covering this activity.

APPROVED AS TO FORM:

JAN I. GOLDSMITH, City Attorney

By


Carmen A. Brock
Deputy City Attorney

CAB:mc

September 18, 2012

Or.Dept: READ

Exhibit "A-1"

EXHIBIT "A-1"

ASSESSOR PARCEL NO 341-321-37

Parcel 34337-3

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

EXCEPTING THEREFROM those portions of said Lot 74 described in PARCEL 34337-1 for and PARCEL 34337-2 (as described below)

Containing 3, 474 square meters, more or less.

It is understood that the above said EASEMENT is TEMPORARY and shall terminate either upon completion of construction of that portion of Carroll Canyon Road lying adjacent to the above described parcel on June 30, 2018, whichever date occurs first. It is also understood that upon said termination date the City of San Diego will have no further obligation or liability in connection with said parcel.

Description of Parcel 34337-1:

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

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

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EXHIBIT "A-1"

Containing 194 square meters, more or less.

Description of Parcel 34337-2

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

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

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

Containing 56 square meters, more or less.

Exhibit "A-2"

Exhibit "A-2"

ASSESSOR PARCEL NO 343-010-19

Parcel 33340-3

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

COMMENCING at the Easterly terminus of course "(4)" described in PARCEL 33340-2 (as described below) being a non-tangent 237.158 meter radius curve to the left, a radial to said point bears N.07°59'39"W.; thence Westerly along said course "(4)" and curve, through a central angle of 07°21'50", an arc distance of 10.452 meters to the POINT OF BEGINNING; thence (1) leaving said curve S. 14°38'50"W., a distance of 7.114 meters; thence (2) S.88°49'03"E., a distance of 47.405 meters; thence (3) N.87°53'28"E., a distance of 85.143 meters; thence (4) N. 79°58'23"E., a distance of 68.607 meters; thence (5) N.79°34'30"E., a distance of 58.429 meters; thence (6) N.75°07'33"E, a distance of 56.833 meters; thence (7) N.08°38'58"W., a distance of 39.777 meters to the POINT OF TERMINUS, and said point being on said Northerly line of Lot 75 and said Southerly right of way line of Carroll Canyon Road.

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

Containing 7,864 square meters, more or less.

It is understood that the above said EASEMENT is TEMPORARY and shall terminate either upon completion of construction of that portion of Carroll Canyon Road lying adjacent to the above described parcel on June 30, 2018, whichever date occurs first. It is also understood that upon said termination date the City of San Diego will have no further obligation or liability in connection with said parcel.

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ASSESSOR'S PARCEL NO. 343-010-19

PARCEL 33340-1

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

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.65°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 1,115.806 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 1,114.653
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°35'13"E., a distance of
28 32.535 meters; thence (12) N.72°59'25"E., a distance of 0.041 meters; thence (13)

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. 9594, 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 9594; 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 9594), 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 7.591
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.35°27'15"W.; thence (2) Northeastly along said curve
19 through a central angle of 14°03'23", an arc distance of 58.405 meters; thence (3) non-
20 tangent to said curve N.60°16'24"E., a distance of 0.258 meters to the beginning of a
21 non-tangent 257.158 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 15°55'38", an arc distance of 70.053 meters; thence (5) non-tangent to said curve
24 N.07°59'47"W., a distance of 1.840 meters; thence (6) N.82°18'59"E., a distance of
25 92.459 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 76.208 meters; thence (10) non-tangent to said curve
4 N.71°24'25"E., a distance of 65.505 meters; thence (11) N.56°55'30"E., 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 Camoll Canyon Road.

8 EXCEPTING THEREFROM that portion of said Lot 75 described in PARCEL

9 33340-1.

10 Containing 1,968 square meters, more or less.

Exhibit "A-3"

Exhibit "A-3"

ASSESSOR PARCEL NO 343-010-19

Parcel 33340-5

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

BEGINNING at the Northwesterly corner of said Lot 75, said corner also being on the Southerly right of way line of Carroll Canyon Road as shown on said Map 9694; thence (1) along the Southwesterly line of said Lot 75 S.26°15'11"E., (N.26°15'41"E. per said Map 9694), a distance of 2.308 meters; thence (2) leaving said line N.64°19'42"E., a distance of 17.530 meters; thence (3) N.72°50'56"E., a distance of 11.808 meters; thence (4) N. 78°26'39"E., a distance of 11.444 meters; thence (5) N.33°46'59"W., a distance of 0.034 meters; thence (6) S.45°33'21" E., a distance of 4.388 meters; thence (7) N.56°30'03"E., a distance of 28.118 meters to the Southeasterly prolongation of course "(1)" described in Parcel 33340-4 (as described herein); thence (8) along said Southeasterly prolongation and course "(1)", N. 26°44'22"W., a distance of 11.729 meters to the Northwesterly terminus of said course "(1)" and the POINT OF TERMINUS.

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

Containing 738 square meters, more or less.

It is understood that the above said EASEMENT is TEMPORARY and shall terminate either upon completion of construction of that portion of Carroll Canyon Road lying adjacent to the above described parcel on June 30, 2018, whichever date occurs first. It is also understood that upon said termination date the City of San Diego will have no further obligation or liability in connection with said parcel.

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PARCEL 33340-1

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

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°08'35"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 32.468 meters to the beginning of a 1,115.806 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.72°27'26"E., a distance of 0.049 meters to the beginning of a non-tangent 1,114.653
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°35'13"E., a distance of
28 32.535 meters; thence (12) N.72°59'25"E., a distance of 0.041 meters; thence (13)

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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. 9594, 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 9594; 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 9594), a distance of 57.223 meters to the
16 POINT OF BEGINNING; thence (1) leaving said line S.25°50'35"E., a distance of 7.591
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.35°27'15"W.; thence (2) Northeastern along said curve
19 through a central angle of 14°03'23", an arc distance of 58.405 meters; thence (3) non-
20 tangent to said curve N.50°15'24"E., a distance of 0.258 meters to the beginning of a
21 non-tangent 237.155 meter radius curve to the right, a radial to said point bears
22 N.24°55'18"W.; thence (4) Northeastern along said curve, through a central angle of
23 13°55'38", an arc distance of 70.053 meters; thence (5) non-tangent to said curve
24 N.07°59'47"W., a distance of 1.840 meters; thence (6) N.32°13'59"E., a distance of
25 92.459 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) Eastern along said curve,
27 through a central angle of 02°35'51", an arc distance of 50.334 meters; thence (8) non-
28 tangent to said curve N.47°12'33"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 75.208 meters; thence (10) non-tangent to said curve
4 N.71°24'25"E., a distance of 65.505 meters; thence (11) N.56°55'30"E., 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.

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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. 9394, 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:

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 235 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 5, HPGN Epoch 1991.35. DISTANCES
17 ARE IN METERS unless otherwise noted. Multiply distances by 1.0000134 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.

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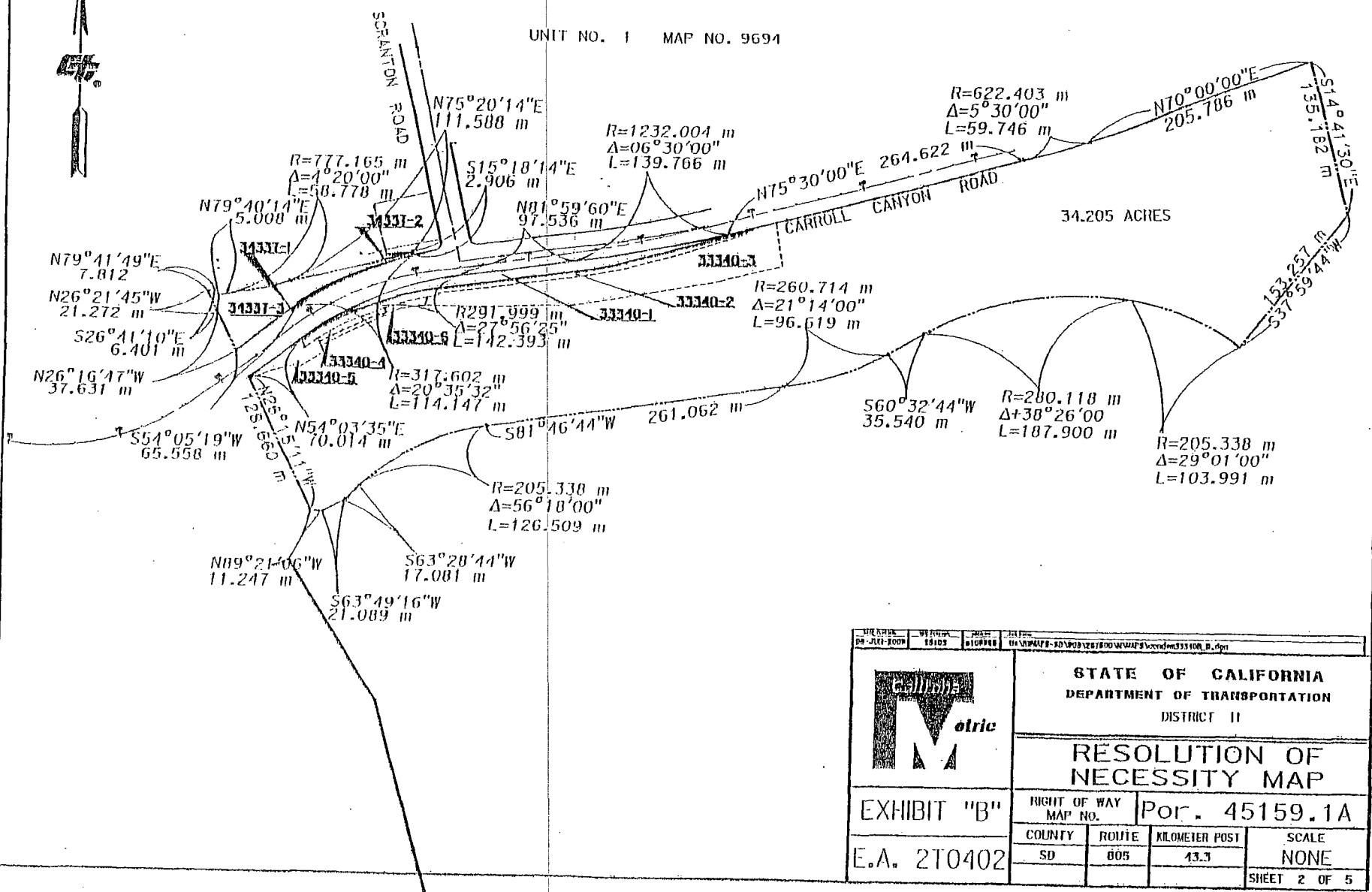
R 307690

Exhibit "B"

CITY OF SAN DIEGO

LUSK INDUSTRIAL PARK

UNIT NO. 1 MAP NO. 9694



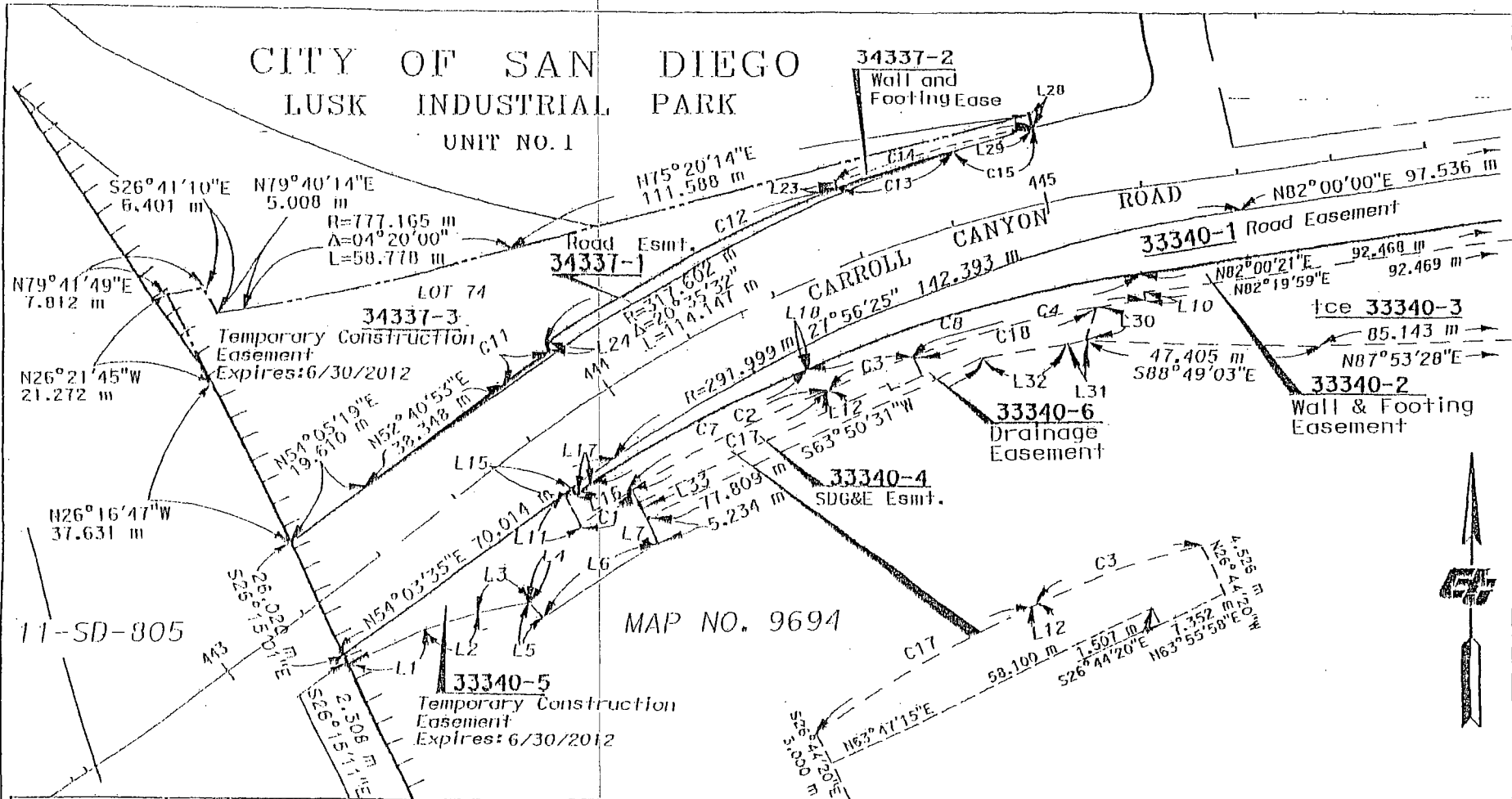
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EXHIBIT "B-1"

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

P-307690

CITY OF SAN DIEGO
LUSK INDUSTRIAL PARK
UNIT NO. 1



11-SD-805

MAP NO. 9694

EXHIBIT "B-2"

R-307690

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	13,040 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 11

RESOLUTION OF NECESSITY MAP

EXHIBIT "B"

E.A. 2T0402

RIGHT OF WAY MAP NO. Por. 45159.1A

COUNTY	ROUTE	KP/PM	SCALE
SD	805	43.3/25.9	NONE

SHEET 3 OF 5

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

LUSK INDUSTRIAL PARK

UNIT NO. 1

MAP NO. 9694

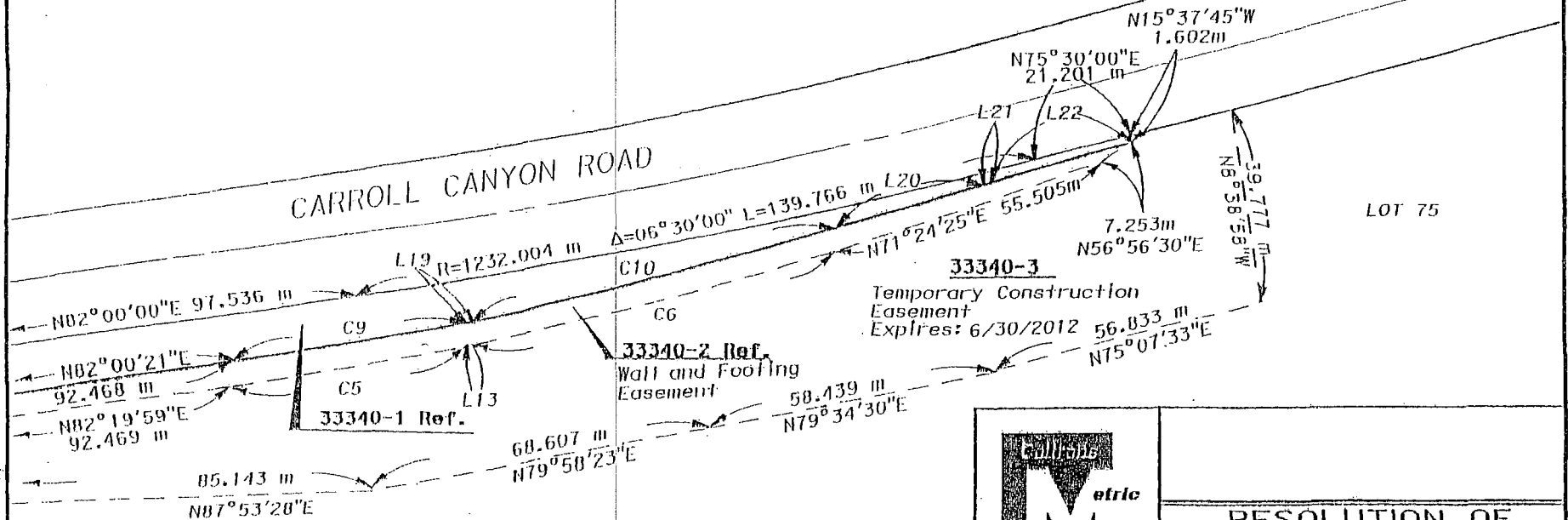
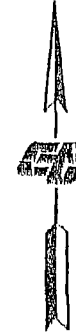


EXHIBIT "B-3"

	RESOLUTION OF NECESSITY MAP			
	RIGHT OF WAY MAP NO.		Por. 45159.1A	
COUNTY	ROUTE	KILOMETER POST	SCALE	
SD	005	43.3	NONE	
				SHEET 4 OF 5

EXHIBIT "B"
E.A. 2T0402

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P-307690


LINE DATA TABLE		
NO.	BEARING	DISTANCE
L1	N64°19'42"E	17.530 m
L2	N72°50'56"E	11.000 m
L3	N70°26'39"E	11.444 m
L4	N33°46'59"W	0.034 m
L5	S45°33'21"E	4.300 m
L6	N56°30'03"E	20.110 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°35'10"E	32.535 m
L21	N72°59'26"E	0.041 m
L22	N74°22'17"E	29.141 m
L23	N27°30'08"W	11.511 m
L24	N26°50'34"W	11.771 m
L30	S14°38'50"W	7.114 m
L31	S75°42'55"W	4.050 m
L32	S60°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"	22.027 m	S 02°48'35" E
C19	291.999 m	03°06'43"	15.059 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	1.040 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	N76°27'26"E	0.049 m

CURVE DATA TABLE				RADIAL AT WEST END			
NO.	RADIUS	DELTA	LENGTH	NO.	RADIAL AT WEST END		
C1	230.072 m	3°03'54"	12.736 m	C1	N 36°27'15" W		
C2	230.072 m	10°59'25"	45.670 m	C2	N 33°23'21" W		
C3	237.150 m	4°51'00"	20.076 m	C3	N 24°55'18" W		
C4	237.150 m	12°04'30"	49.990 m	C4	N 20°04'17" W		
C5	1121.240 m	2°35'51"	50.034 m	C5	S 07°59'30" 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	1116.006 m	2°36'25"	50.015 m	C9	Tangent		
C10	1114.053 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°39'56" W		
C14	276.903 m	8°51'46"	42.033 m	C14	N 20°42'14" W		
C15	317.602 m	3°06'52"	17.264 m	C15	N 18°26'01" W		
C16	230.072 m	0°06'09"	4.426 m		Tangent		
C17	230.072 m	10°53'19"	45.244 m				
C18	237.150 m	9°33'00"	39.539 m				



RESOLUTION OF NECESSITY MAP

EXHIBIT "B"		Por. 45159.1A	
RIGHT OF WAY MAP NO.	COUNTY	ROUTE	KILOMETER POST
SCALE	SD	005	43.3
SHEET 5 OF 5		NONE	

P-307690

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