

Subitem - B

RESOLUTION NUMBER R- 308092

DATE OF FINAL PASSAGE APR 22 2013

A RESOLUTION OF THE CITY OF SAN DIEGO  
AUTHORIZING THE CONVEYANCE OF FEE TITLE TO TWO  
CITY-OWNED REMNANT PARCELS, LOCATED ADJACENT  
TO MIRA SORRENTO PLACE, BY GRANT DEED, TO SAN  
DIEGO GAS & ELECTRIC, IN EXCHANGE FOR SAN DIEGO  
GAS & ELECTRIC AGREEING TO FOREGO, SETTLE AND  
WAIVE ALL CLAIMS THAT IT MAY FOREVER HAVE  
AGAINST THE CITY OF SAN DIEGO RESULTING FROM  
IMPACTS TO SAN DIEGO GAS & ELECTRIC'S ELECTRIC  
TRANSMISSION EASEMENT DURING THE CITY'S STATE  
ROUTE 56 FREEWAY PROJECT.

WHEREAS, the City of San Diego (City) acquired 100 acres of property in 2002 for the City's State Route 56 Freeway Project (Project); said 100 acres included land subject to an easement for electric transmission purposes (Easement) owned by San Diego Gas & Electric (SDG&E); and

WHEREAS, SDG&E acknowledged and consented to the City's possession and use of the Easement area for the Project, but reserved its right to claim compensation for impacts caused to its Easement in exchange for SDG&E granting to the City the irrevocable, interminable and indefinite right to possess and use the subject easement area for the construction and maintenance of the State Route 56 Freeway; and

WHEREAS, in September 2003, the City completed acquisition of certain right-of-way required for the Mira Sorrento Place project; at the conclusion of that street project, two non-contiguous, triangular-shaped remnant parcels (Remnant Parcels), totaling 9,735 square feet,

were created on the east side of the street, adjacent to property now owned by SDG&E; said Remnant Parcels are contained within a portion of Parcel 2 of Parcel Map 18777; and

WHEREAS, SDG&E has proposed settling all claims it may forever have against the City caused by impacts to its Easement in exchange for fee title ownership of the Remnant Parcels; SDG&E desires to combine the Remnant Parcels with its adjacent property in order to construct a substation thereon; and

WHEREAS, City staff has determined that the combined fair market value of the Remnant Parcels is \$2,500, and that the Project-caused impacts to SDG&E's Easement is in excess of the fair market value of the City's Remnant Parcels; and

WHEREAS, the Remnant Parcels are not currently used by any City department, are vacant, have no foreseeable use by the City, and the City will be relieved of potential liability and/or costs of maintaining if the parcels are conveyed to SDG&E; and

WHEREAS, consistent with Council Policy 700-10 and San Diego Municipal Code section 22.0907, the City Council may find that the Remnant Parcels are required for public purposes by SDG&E and may authorize the exclusively negotiated conveyance to SDG&E upon such terms as the Council shall deem to be fair and equitable and in the public interest; and

WHEREAS, no real estate broker's commissions shall be paid as part of this proposed conveyance; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is fair and equitable and in the best interest of the public to authorize the Mayor or his designee to convey to San Diego Gas & Electric fee title to the two City-owned Remnant Parcels, being a portion of Parcel 2 of Parcel Map 18777, in exchange for San Diego Gas & Electric's agreeing to forego, settle

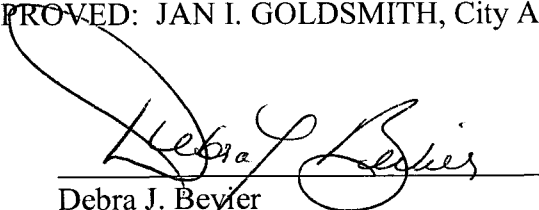
and waive all claims that it may forever have against the City of San Diego resulting from any impacts caused to San Diego Gas & Electric's electric transmission easement during the City's State Route 56 Freeway Project.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee, is authorized to execute a grant deed conveying the two Remnant Parcels, being a portion of Parcel 2 of Parcel Map 18777, to San Diego Gas & Electric.

BE IT FURTHER RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee, is authorized to enter into an agreement with San Diego Gas & Electric wherein San Diego Gas & Electric agrees to accept the two Remnant Parcels in exchange for agreeing to forego, settle and waive all claims that it may forever have against the City, and as full payment for all direct and indirect damages it may have suffered or will forever suffer, resulting from any impacts caused to San Diego Gas & Electric's 46,212 square foot electric transmission easement during the City's State Route 56 Freeway Project.

APPROVED: JAN I. GOLDSMITH, City Attorney

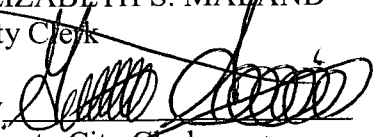
By

  
Debra J. Beyler  
Deputy City Attorney

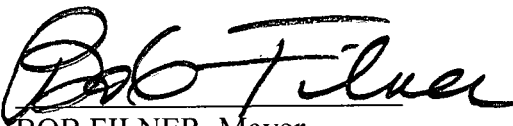
DJB:mm  
February 21, 2013  
Or.Dept: Real Estate Assets Dept.  
PL Doc. #518787

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 09 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/22/13  
(date)

  
BOB FILNER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
BOB FILNER, Mayor