

RESOLUTION NUMBER R- 308509

DATE OF FINAL PASSAGE OCT 29 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ACCEPTANCE OF THE RELINQUISHMENT OF THE MEDIAN ON BALBOA AVENUE JUST EAST OF INTERSTATE I-805 FOR THE KEARNY MESA COMMUNITY SIGN.

WHEREAS, the City of San Diego (City) desires to install a community sign in the median on Balboa Avenue East of Interstate 805 for the purpose of identifying the community boundary; and

WHEREAS, the area of public right of way at said median location is currently within the State of California Department of Transportation's (State) right of way; and

WHEREAS, the City has requested that State relinquish a portion of the median on Balboa Avenue in order to install a community sign; and

WHEREAS, the City agrees to prohibit the realignment of the roadway within said median location except as agreed to by the State in writing; and

WHEREAS, the State has determined that is area is not needed as part of its operating right of way; and

WHEREAS, the State is authorized to relinquish certain areas of right of way under Section 73 of the Streets and Highways Code with the consent of the City and the approval of the California Transportation Commission; and

WHEREAS, the State has offered to relinquish to City, at no charge, the area depicted on "Exhibit A" attached hereto, subject to said California Transportation Commission approval, consisting of a portion of existing public right of way and appurtenant roadway facilities; and

WHEREAS, the City agrees that relinquished roadway area may be reincorporated into State right of way for future transportation projects and City agrees to re-convey property when so requested at no cost to the State; and

WHEREAS, the City agrees that the roadway area is currently in good repair for the purposes of compliance with the requirements of Section 73 of the Streets and Highways Code;

NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City agrees to accept maintenance, control and ownership, including all the State's current obligations, rights, title and interest in the described segment of roadway area upon recordation of the California Transportation Commission's Resolution of Relinquishment in the County Recorder's Office and to therefore operate, maintain, and be liable for said roadway area at no additional cost to the State.

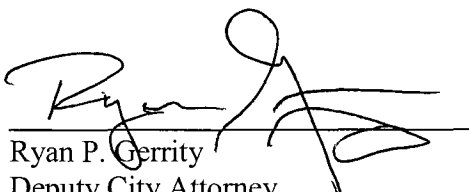
BE IT FURTHER RESOLVED, that the City waives the State's obligation to provide ninety (90) days prior notice of the State's "Intention to Relinquish" as set forth in Section 73 of the Streets and Highways Code because this relinquishment is at the request of the City.

BE IT FURTHER RESOLVED, that the City agrees there shall be no California Transportation Commission allocation of funds for a betterment or improvement of requested relinquishment areas.

BE IT FURTHER RESOLVED, that the City agrees that the State reserves the right to enter relinquished collateral facilities, including sidewalks and other areas adjacent to the traveled way, to modify or add signage, drainage, and other improvements necessary for State highway operations, at no additional cost to the State.

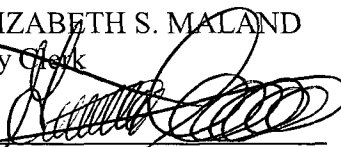
BE IT FURTHER RESOLVED, that the City agrees to allow the State access to operate, maintain, add, remove, or modify the State's facilities, if any, retained in those collateral facilities.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Ryan P. Gerrity  
Deputy City Attorney

RPG:cfq  
9/30/2013  
Or.Dept: E&CP/ROW  
Doc. No. 562913  
CC No.: N/A

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 15 2013.

ELIZABETH S. MALAND  
City Clerk  
By   
Deputy City Clerk

Approved pursuant to  
Charter section 265(i):

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

Passed by the Council of The City of San Diego on OCT 15 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 29 2013.

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 308509