

RESOLUTION NUMBER R- 309133

DATE OF FINAL PASSAGE JUL 30 2014

ITEM # 330
7/15/14

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING AUTHORIZATION FROM THE STATE OF CALIFORNIA FOR THE CITY TO UNDERTAKE ALL ACTIONS, INCLUDING ADOPTING RESOLUTIONS OF NECESSITY, FOR THE ACQUISITION OF RIGHTS OF WAY AND PROPERTY FOR THE FRIARS ROAD / STATE ROUTE 163 INTERCHANGE PROJECT IN MISSION VALLEY, AND AUTHORIZING THE MAYOR AND THE CITY ATTORNEY TO UNDERTAKE ALL MEASURES FOR SUCH AUTHORIZATION AND RELATED TO SUCH ACTIONS.

WHEREAS, the City of San Diego (City) is undertaking a major right-of-way and traffic improvement project involving multiple roads, freeways, and properties located at and near the Friars Road and State Route 163 intersection, and referred to as the "Friars Road/State Route 163 Interchange Improvements Project" (Project); and

WHEREAS, the Project may require acquisition of rights-of-way and other real property for streets and other necessary elements of the Project; and

WHEREAS, as part of the Project, the City entered into a Cooperative Agreement, dated October 14, 2003, with the State of California (Agreement). Among other things, the Agreement assigned respective responsibilities between the City and the State's Department of Transportation (Caltrans) for different aspects of the Project, including a duty of mutual cooperation to implement the Project; and

WHEREAS, pursuant to the Agreement, Caltrans has now required the City to undertake certain procedural steps in order for the City to conduct eminent domain activities that may be needed for the Project. These steps include a requirement that the City be authorized by Caltrans to adopt Resolutions of Necessity, as defined in and pursuant to the California Code of Civil

Procedure, for any rights-of-way or other real property acquisition needed for the Project, should efforts to negotiate with and acquire property from affected property owners not be successful; and

WHEREAS, negotiations with property owners affected by the Project is on-going, and no Resolutions of Necessity are currently being taken by the City for the Project. Instead, this Resolution is only a preliminary measure to request of Caltrans that the City be authorized to conduct Resolutions of Necessity in the future event that such property acquisition negotiations are not successful and such Resolutions should then become necessary; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the City of San Diego proposes to conduct all rights-of-way and property acquisition processes and actions required for the "Friars Road/State Route 163 Interchange Improvements Project" (Project).

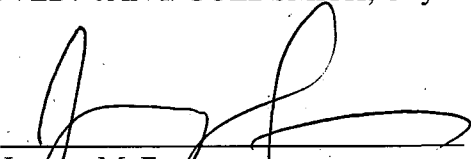
BE IT FURTHER RESOLVED, that the City Council agrees to hear all Resolutions of Necessity, as defined in and pursuant to the California Code of Civil Procedure and all applicable laws, that may be required for acquisition of rights-of-way and other property necessary for the Project should negotiations for such rights-of-way or property not be successful, and agrees to take all additional necessary actions consistent therewith.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to petition the State of California's Department of Transportation and to execute and deliver all legal and other instruments needed to effect the authorization sought by this Resolution.

BE IT FURTHER RESOLVED, that the San Diego City Attorney, or his designee, is authorized to review and process all agreements, legal instruments, and Resolutions of Necessity

needed to effect the authorization sought by this Resolution and for all actions that become necessary for the Project.

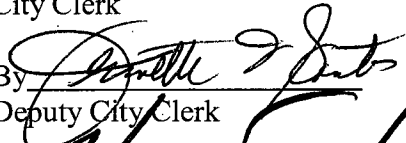
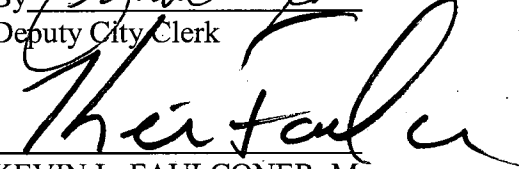
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jeremy M. Fonseca
Deputy City Attorney

JMF:als
06/10/14
Or.Dept:READ
Doc. No. 802277

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 15 2014

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

KEVIN L. FAULCONER, Mayor

Approved: 7/30/14
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 15 2014, 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"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 30 2014

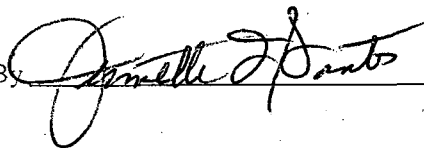
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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