

RESOLUTION NUMBER R- 309550

DATE OF FINAL PASSAGE MAR 10 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE CONSTRUCTION OF THE OLD OTAY MESA ROAD—WESTERLY PROJECT NO. S00870; AUTHORIZING THE CITY ATTORNEY TO COMMENCE PROCEEDINGS IN EMINENT DOMAIN INCLUDING AN ORDER FOR IMMEDIATE POSSESSION; AND AUTHORIZING EXPENDITURE OF FUNDS FOR THE REAL PROPERTY INTERESTS TO BE ACQUIRED.

WHEREAS, the City of San Diego (City) owns the fee interest in real property identified as Assessor's Parcel Number 645-060-07, which is encumbered by a protective conservation easement (Conservation Easement) in favor of the State of California (State) through its Department of Fish and Wildlife (CDFW) recorded on December 17, 2009; and

WHEREAS, Old Otay Mesa Road is located within the Otay Mesa Community Planning Area of the City of San Diego and is identified as a two-lane local collector within the Circulation Element of the Otay Mesa Community Plan (OMCP); and

WHEREAS, there are currently no sidewalks, bike lanes, curb, gutters, or street lighting along this unimproved section of Old Otay Mesa Road, which is the main corridor between two large residential developments and San Ysidro Elementary School and San Ysidro High School; and

WHEREAS, students, residents and other pedestrians must traverse the existing road using a narrow dirt trail; and

WHEREAS, the Old Otay Mesa Road-Westerly Project, CIP No. S000870 (Project), is located south of State Route 905 and east of Interstate 805, and proposes to improve a 3,700-foot long section of the existing Old Otay Mesa Road between Hawken Drive and Crescent Bay Drive; and

WHEREAS, the Project will include widening and realigning the existing 26-foot wide, two-lane, undivided road to a 36-foot wide modified two-lane local collector in accordance with current City standards as set forth in the City of San Diego Street Design Manual; and

WHEREAS, associated Project improvements will include two striped 12-foot wide vehicular travel lanes; two 6-foot wide, Class II bicycle lanes; two sidewalks with curb and gutter; driveways; pedestrian ramps; street signage; utility relocations and adjustments; crib and faux-rock wall systems; a new storm water drainage and treatment system; an associated permanent maintenance access path for maintenance of storm water facilities (i.e. bio-retention basin) and a gate restricting access to maintenance personnel; and

WHEREAS, the Project will also include installation of new guardrails and a six-foot tall, black-coated, vinyl chain-link fence along the north side of Old Otay Mesa Road for increased pedestrian accessibility and safety in addition to street lighting which will also be installed at 300-foot intervals along the improved roadway; and

WHEREAS, the Project includes improvement of approximately 1,760 feet of the City's fee interest which is encumbered by CDFW's Conservation Easement and is more specifically described in Exhibit A, Legal Description, attached hereto; and

WHEREAS, the City seeks permanent acquisition of five portions of the Conservation Easement for street dedication and drainage purposes (Permanent Acquisition) as more specifically described in Parcels 1 through 5 on Exhibit A attached hereto, and for the temporary

acquisition of three other portions of the Conservation Easement for use as Temporary Construction Areas (TCAs) for approximately twenty months (Temporary Acquisition) as more specifically described in Parcels A, B and C on Exhibit A attached hereto (combined, the real property interests to be acquired are also referred to as the "Acquisition Area"); and

WHEREAS, the Acquisition Area is necessary for the construction of the Project; and

WHEREAS, the City's General Plan Mobility Element as adopted in 2008 includes multi-modal goals and policies that promote a balanced, multi-modal transportation network and address pedestrian orientation, bicycle facilities, and streets; and

WHEREAS, the OMCP, adopted in March 2014, includes recommendations for pedestrian safety, the provision of bicycle facilities, and complete streets that provide a more balanced street environment that prioritizes walking and bicycling over private vehicle movement; and

WHEREAS, the City obtained a fair market value appraisal of the Acquisition Area and determined that the total probable compensation to be paid for the Acquisition Area is \$66,500.00; and

WHEREAS, the City has negotiated with and made a Final Offer to CDFW which complies with Government Code section 7267.2 to purchase the Acquisition Area; and

WHEREAS, on November 5, 2014, CDFW declined the City's Final Offer; and

WHEREAS, the City has complied with California Fish & Game Code section 1348.3(b);  
and

WHEREAS, the Otay Mesa Community Planning Group recommended approval of the Project on July 16, 2014; and

WHEREAS, the City is vested with the power of eminent domain by Article I, Section 19 of the California Constitution, California Government Code section 37350.5, San Diego Charter section 220, and Fish & Game Code section 1348.3, to acquire real property interests necessary for a public purpose; and

WHEREAS, the City conducted appropriate environmental review of the Project in compliance with the California Environmental Quality Act of 1970 (CEQA) (Pub. Res. Code section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.) and certified a Final Mitigated Negative Declaration No. 287806, SCH No. 2014071003, and the time to appeal that determination has now expired; and

WHEREAS, the Acquisition Area is a critical component for the implementation of the Project as a whole; and

WHEREAS, the Acquisition Area proposed is the minimal area possible while still adhering to the legal requirements for roadway improvements; and

WHEREAS, on February 18, 2015, the City mailed a notice of hearing, and of its intent to adopt this Resolution of Necessity, to the record owners of the Acquisition Area, and all other persons who may have an ownership interest in the Acquisition Area; which notice of hearing advised said person of their right to appear and be heard on matters referred to therein; on the date and at the time of the place stated therein, and that a waiver of their right to appear and be heard will result upon their failure to file a written request to appear and be heard within 15 days after the date the City mailed the notice, all in compliance with California Code of Civil Procedure section 1245.235; and

WHEREAS, the hearing set out in said notice of hearing was held on March 10, 2015, at the time and place stated in the notice, and all interested parties were given an opportunity to appear and be heard on the following matters: (a) whether the acquisition of the Acquisition Area is in the public interest's interest; (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 Acquisition Area is necessary for the Project; (d) whether an offer meeting the requirements of California Government Code section 7267.2 has been given; and (e) whether all other prerequisites for the exercise of eminent domain to acquire the property interests have been met; and

WHEREAS, the City Council, as a result of said hearing, has determined that the public health, safety and welfare require the City to acquire the property interests described in Exhibit 1 for the Project; and

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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the public interest and necessity require acquisition of the property interests as set forth in Exhibit A to complete the Project.

BE IT FURTHER RESOLVED, that the Project is planned or located in a manner most compatible with the public good and least private injury; and

BE IT FURTHER RESOLVED, that Acquisition Area is necessary for the Project and that such use is a public use authorized by law (inter alia, Charter section 220, California Code of Civil Procedure section 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410; California Government Code sections 5023.1 and 7267.2, Fish & Game Code section 1348.3).

BE IT FURTHER RESOLVED, that an offer to acquire the Acquisition Area, pursuant to California Government Code section 7267.2, at the appraised fair market value, has been made to each party claiming an ownership interest in the Acquisition Area.

BE IT FURTHER RESOLVED, that the City has complied with California Fish & Game Code section 1348.3(b).

BE IT FURTHER RESOLVED, that the City Attorney of the City of San Diego 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 real property interests sought, and to seek immediate possession of the real property interests sought pursuant to the California Code of Civil Procedure section 1255.410.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend funds in the amount of \$66,500 from CIP S-00870, Fund 400093, Otay Mesa Facilities Benefit Assessment (FBA) West, to acquire the property interests found necessary for the Project, and for deposit into the State Treasury's State Condemnation Fund, as necessary, to obtain possession of the Acquisition Area. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver all such agreements and all other instruments to effect and complete the acquisition of the Acquisition Area as contemplated by this Resolution.

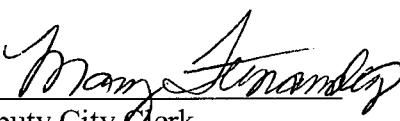
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Jenny K. Goodman  
Deputy City Attorney

JKG:  
2/23/2015  
Or.Dept: Real Estate Assets Division  
CC No. 3000007594  
Doc. No. 961134

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 10 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

## EXHIBIT "A"

### LEGAL DESCRIPTION

#### USE OF CDFW CONSERVATION EASEMENT FOR PUBLIC STREET PURPOSES

ALL THAT PORTION OF LOT 2, SECTION 31, TOWNSHIP 18 SOUTH, RANGE 1 WEST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO OFFICIAL PLAT THEREOF, GRANTED TO THE CITY OF SAN DIEGO PER DOCUMENT NO. 1999-0017870, RECORDED ON JANUARY 12, 1999, DOCUMENT NO. 1999-06728, RECORDED OCTOBER 4, 1999 AND DOCUMENT NUMBER 2009-0696278, RECORDED DECEMBER 17, 2009, OFFICIAL RECORDS; IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

#### PARCEL 1:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF OTAY MESA ROAD AND THE WESTERLY LINE OF SAID SECTION 31 AS SHOWN ON MAP 14460, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY SEPTEMBER 20, 2002;

THENCE NORTHERLY ALONG SAID WESTERLY LINE NORTH 02°20'29" EAST 20.49 FEET;

THENCE DEPARTING SAID WESTERLY LINE EASTERLY NORTH 69°44'00" EAST 104.58 FEET TO A POINT OF CUSP AND THE BEGINNING OF A NON-TANGENT 1025.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (RS 351), (50.00 FEET WIDE), DEDICATED PER DEED RECORDED MAY 28, 1918 IN BOOK 751, PAGE 45 OF DEEDS, (CITY DRAWING NUMBER 13477-1-L);

THENCE SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 04°13'35" A DISTANCE OF 75.61 FEET, A RADIAL LINE TO SAID BEGINNING OF CURVE, BEARS NORTH 26°59'19" WEST, HEREINAFTER DESIGNATED "POINT A";

THENCE CONTINUING SOUTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE SOUTH 58°47'06" WEST 38.46 FEET TO THE POINT OF BEGINNING.

AREA = 900 SQ. FT. OR 0.021 ACRES, MORE OR LESS

#### PARCEL 2:

BEGINNING AT THE AFORESAID POINT "A", CONTINUING ALONG THE ARC OF SAID CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE EASTERLY THROUGH A CENTRAL ANGLE OF 05°22'39" A DISTANCE OF 96.20 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY NORTH 33°43'39" EAST 35.84 FEET TO THE TRUE POINT OF BEGINNING;

THENCE NORTHEASTERLY AND NORTHERLY THROUGH THE FOLLOWING 4 COURSES,

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- 1) NORTH 57°22'52" EAST 87.25 FEET;
- 2) THENCE NORTH 70°43'14" EAST 98.10 FEET;
- 3) THENCE NORTH 17°02'39" EAST 48.62 FEET;
- 4) THENCE NORTH 75°15'01" EAST 151.04 FEET;

THENCE SOUTHERLY AND EASTERLY ALONG THE FOLLOWING 3 COURSES,

- 1) SOUTH 24°47'29" EAST 108.35 FEET;
- 2) THENCE NORTH 89°30'04" EAST 88.71 FEET TO THE BEGINNING OF A TANGENT 489.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 3) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°41'46" A DISTANCE OF 116.89 FEET TO A POINT OF CUSP, A RADIAL LINE TO SAID POINT OF CUSP BEARS NORTH 13°11'50" EAST, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID OTAY MESA ROAD AND THE BEGINNING OF A NON-TANGENT 150.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 03°23'34" WEST, HEREINAFTER DESIGNATED "POINT B";

THENCE WESTERLY ALONG SAID NORTHERLY RIGHT-OF WAY LINE THROUGH THE FOLLOWING 7 COURSES;

- 1) ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 08°33'20" A DISTANCE OF 22.40 FEET;
- 2) THENCE SOUTH 78°03'06" WEST 41.07 FEET TO THE BEGINNING OF A TANGENT 275.00 FOOT RADIUS CURVE CONCAVE NORTHERLY;
- 3) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°42'00" A DISTANCE OF 75.35 FEET;
- 4) THENCE NORTH 86°14'54" WEST 58.01 FEET TO THE BEGINNING OF A TANGENT 825.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 5) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°34'00" A DISTANCE OF 310.54 FEET;
- 6) THENCE SOUTH 72°11'06" WEST 32.41 FEET TO THE BEGINNING OF A TANGENT 1025.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 7) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°47'46" A DISTANCE OF 67.91 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 33°43'39" EAST 35.84 FEET TO THE TRUE POINT OF BEGINNING.

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AREA = 31,683.11 SQ. FT. OR 0.727 ACRE, MORE OR LESS

PARCEL 3:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID OTAY MESA ROAD AND THE WESTERLY LINE OF SAID SECTION 31 AS SHOWN ON MAP 14460, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY SEPTEMBER 20, 2002;

THENCE NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (RS 351), (50.00 FEET WIDE), THROUGH THE FOLLOWING 4 COURSES:

- 1) NORTH  $58^{\circ}47'06''$  EAST 71.63 FEET TO THE BEGINNING OF A TANGENT 975.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY;
- 2) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $13^{\circ}24'00''$  A DISTANCE OF 228.03 FEET;
- 3) THENCE NORTH  $72^{\circ}11'06''$  EAST 32.41 FEET TO THE BEGINNING OF A TANGENT 775.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 4) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $21^{\circ}34'00''$  A DISTANCE OF 291.72 FEET TO A POINT OF CUSP, A RADIAL LINE TO SAID POINT OF CUSP BEARS NORTH  $03^{\circ}45'06''$  EAST, HEREINAFTER DESIGNATED "POINT C";

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE WESTERLY THROUGH THE FOLLOWING 5 COURSES:

- 1) SOUTH  $89^{\circ}42'03''$  WEST 35.70 FEET TO THE BEGINNING OF A TANGENT 414.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 2) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $21^{\circ}13'45''$  A DISTANCE OF 153.39 FEET;
- 3) THENCE SOUTH  $68^{\circ}28'18''$  WEST 140.84 FEET TO THE BEGINNING OF A TANGENT 1036.00 FOOT RADIUS CURVE CONCAVE NORTHERLY;
- 4) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $01^{\circ}15'42''$  A DISTANCE OF 22.81 FEET;
- 5) THENCE SOUTH  $69^{\circ}44'00''$  WEST 265.76 FEET TO THE WESTERLY LINE OF SAID SECTION 31;

THENCE NORTHERLY ALONG SAID WESTERLY LINE OF SECTION 31 NORTH  $02^{\circ}20'29''$  EAST 4.00 FEET TO THE POINT OF BEGINNING

AREA = 12,509 SQ. FT. OR 0.287 ACRE, MORE OR LESS.

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PARCEL 4:

BEGINNING AT AFORESAID "POINT C", THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (RS 351), THROUGH THE FOLLOWING 2 COURSES:

- 1) SOUTH  $86^{\circ}14'24''$  EAST 58.01 FEET TO THE BEGINNING OF A TANGENT 325.00 FOOT RADIUS CURVE CONCAVE NORTHERLY;
- 2) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $15^{\circ}42'00''$  A DISTANCE OF 89.06 FEET TO THE TRUE POINT OF BEGINNING;

THENCE RETRACING WESTERLY ALONG THE ARC OF SAID 325.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF  $01^{\circ}36'45''$  A DISTANCE OF 9.15 FEET TO A POINT OF CUSP, A RADIAL LINE TO SAID POINT OF CUSP BEARS SOUTH  $10^{\circ}20'09''$  EAST, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT 417.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH  $06^{\circ}58'40''$  EAST;

THENCE DEPARTING SAID SOUTHERLY RIGHT-OF-WAY LINE EASTERLY ALONG THE ARC OF SAID 417.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF  $31^{\circ}46'04''$  A DISTANCE OF 231.21 FEET, TO A POINT OF CUSP ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (RS 351);

THENCE NORTHWESTERLY AND WESTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (RS 351), THROUGH THE FOLLOWING 2 COURSES:

- 1) NORTH  $44^{\circ}09'21''$  WEST 98.65 FEET TO THE BEGINNING OF A TANGENT 100.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 2) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF  $57^{\circ}47'33''$  A DISTANCE OF 100.87 FEET;
- 3) THENCE SOUTH  $78^{\circ}03'06''$  WEST 41.07 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 3,941 SQ. FT. OR 0.090 ACRE, MORE OR LESS

PARCEL 5:

BEGINNING AT AFORESAID "POINT B", BEING A POINT ON THE ARC OF A 150.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY ON SAID NORTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, (RS 351), (50.00 FEET WIDE), A RADIAL BEARING TO SAID POINT BEARS NORTH  $03^{\circ}23'34''$  WEST;

THENCE EASTERLY ALONG THE ARC OF SAID 150.00 FOOT RADIUS CURVE AND SAID NORTHERLY RIGHT-OF-WAY LINE OF OTAY MESA ROAD, THROUGH A CENTRAL ANGLE OF  $49^{\circ}14'13''$  A DISTANCE OF 128.90 FEET TO THE TRUE POINT OF BEGINNING;

THENCE WESTERLY RETRACING ALONG THE ARC OF SAID 150.00 RADIUS CURVE THROUGH A CENTRAL ANGLE OF  $01^{\circ}54'49''$  A DISTANCE OF 5.01 FEET TO A POINT OF CUSP, A RADIAL BEARING TO

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SAID POINT OF CUSP BEARS NORTH 43°55'50" EAST, SAID POINT ALSO BEING THE BEGINNING OF A NON-TANGENT OF 489.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 27°20'25" EAST;

THENCE SOUTHEASTERLY DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°08'02" A DISTANCE OF 163.30 FEET;

THENCE SOUTH 43°31'33" EAST 288.98 FEET TO THE BEGINNING OF A TANGENT 261.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 19°33'29" A DISTANCE OF 89.09 FEET;

THENCE NON-TANGENT TO LAST SAID CURVE, NORTH 11°44'12" EAST 103.52 FEET;

THENCE SOUTH 78°15'48" EAST 20.00 FEET;

THENCE SOUTH 11°44'12" WEST 108.11 FEET TO THE BEGINNING OF A NON-TANGENT 261.00 FOOT RADIUS CURVE CONCAVE NORTHERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS SOUTH 22°24'37" WEST;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 14°48'10" A DISTANCE OF 67.43 FEET;

THENCE SOUTH 82°23'33" EAST 168.84 FEET TO THE BEGINNING OF A TANGENT 639.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;

THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°42'16" A DISTANCE OF 30.16 FEET TO THE WESTERLY LINE OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 31;

THENCE SOUTHERLY ALONG SAID WESTERLY LINE SOUTH 01°20'00" WEST 23.88 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID OTAY MESA ROAD, (RS 351), AND THE BEGINNING OF A NON-TANGENT 625.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 09°41'22" EAST;

THENCE CONTINUING WESTERLY AND NORTHWESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY THROUGH THE FOLLOWING 4 COURSES;

1) ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°04'43" A DISTANCE OF 33.58;

2) THENCE NORTH 83°23'21" WEST 231.00 FEET TO THE BEGINNING OF A TANGENT 75.00 FOOT RADIUS CURVE CONCAVE NORTHEASTERLY;

3) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39°14'00" A DISTANCE OF 51.36 FEET;

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4) THENCE NORTH 44°09'21" WEST 529.48 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 22,317.53 SQ. FT. OR 0.512 ACRE, MORE OR LESS.

PARCEL A:

BEGINNING AT THE AFORESAID POINT "C";

- 1) THENCE SOUTH 59°58'22" WEST 191.03 FEET;
- 2) THENCE SOUTH 51°07'29" WEST 95.76 FEET;
- 3) THENCE SOUTH 75°01'07" WEST 94.15 FEET;
- 4) THENCE SOUTH 84°51'56" WEST 170.43 FEET;
- 5) THENCE NORTH 80°34'58" WEST 87.65 FEET;
- 6) THENCE NORTH 69°44'00" EAST 265.76 FEET TO THE BEGINNING OF A TANGENT 1036.00 FOOT RADIUS CURVE CONCAVE NORTHERLY;
- 7) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 01°15'42" A DISTANCE OF 22.81 FEET;
- 8) THENCE NORTH 68°28'18" EAST 140.84 FEET TO THE BEGINNING OF A TANGENT 414.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;
- 9) THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 21°13'45" A DISTANCE OF 153.39 FEET;
- 10) THENCE NORTH 89°42'03" EAST 35.70 FEET TO THE POINT OF BEGINNING.

AREA = 36,548 SQ. FT. OR 0.839 ACRE, MORE OR LESS

PARCEL B

BEGINNING AT THE TRUE POINT OF BEGINNING OF SAID PARCEL 4;

- 1) THENCE WESTERLY ALONG THE ARC OF SAID 325.00 FOOT RADIUS CURVE THROUGH A CENTRAL ANGLE OF 01°36'45" A DISTANCE OF 9.15 FEET A RADIAL LINE TO SAID POINT OF BEARS SOUTH 10°20'09" EAST;
- 2) THENCE SOUTH 00°44'02" EAST 39.00 FEET TO THE TRUE POINT OF BEGINNING.
- 3) THENCE SOUTH 58°23'08" EAST 135.40 FEET;

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3) THENCE NORTH 77°17'58" EAST 96.88 FEET TO THE BEGINNING OF A NON-TANGENT 417.00 FOOT RADIUS CURVE CONCAVE SOUTHWESTERLY, A RADIAL LINE TO SAID BEGINNING OF CURVE BEARS NORTH 38°44'44" EAST;

4) THENCE WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 31°46'04" A DISTANCE OF 231.21 FEET;

5) THENCE SOUTH 00°44'02" EAST 39.00 FEET TO THE TRUE POINT OF BEGINNING.

AREA = 11,094 SQ. FT. OR 0.255 ACRE,

PARCEL C:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF LOT 2 OF SECTION 31 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID OTAY MESA ROAD, (RS 351, 50.00 FEET WIDE);

1) THENCE SOUTHERLY ALONG SAID EASTERLY LINE SOUTH 01°20'00" WEST 34.98 FEET;

2) THENCE DEPARTING SAID EASTERLY LINE NORTH 80°44'27" WEST 181.45 FEET;

3) THENCE NORTH 66°28'51" WEST 95.31 FEET TO SAID SOUTHERLY RIGHT-OF-WAY;

4) THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY SOUTH 83°23'21" EAST 231.00 FEET TO THE BEGINNING OF A TANGENT 575.00 FOOT RADIUS CURVE CONCAVE SOUTHERLY;

5) THENCE EASTERLY ALONG SAID SOUTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 03°48'40" A DISTANCE OF 38.25 FEET TO THE POINT OF BEGINNING.

AREA = 6,971 SQ. FT. OR 0.160 ACRE, MORE OR LESS

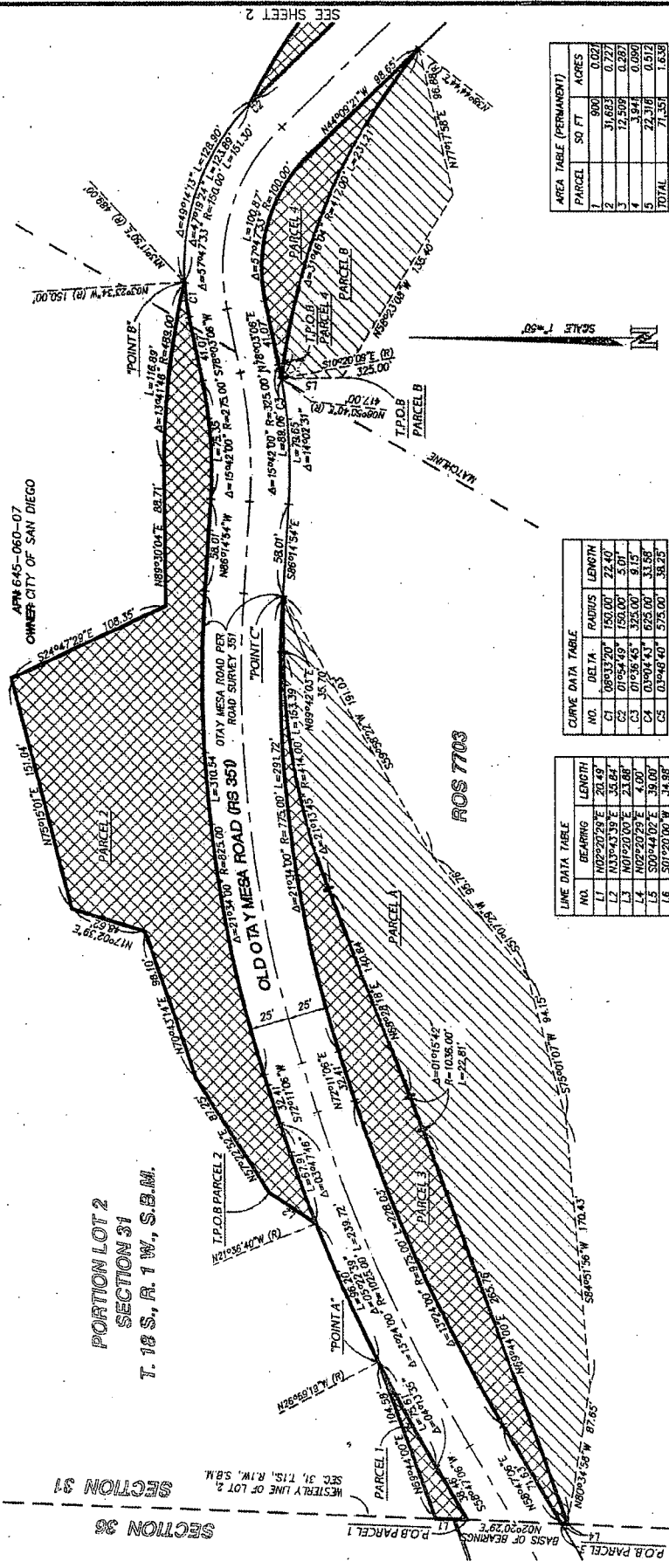
ATTACHED HERETO IS A DRAWING NO. 38170-C LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

PREPARED UNDER THE SUPERVISION OF:

D.K. Nasland 8-12-2014  
D.K. NASLAND, PLS 5562



P.T.S. #287806  
W.B.S. # S-00870.02.06  
DWG. #38170-C



APN 645-060-07  
OWNER: CITY OF SAN DIEGO

PORTION LOT 2  
SECTION 31  
T. 18 S., R. 1 W., S.B.M.

SECTION 31  
SECTION 32  
SECTION 33

AREA TABLE (PERMANENT)

PARCEL	SQ FT	ACRES
1	900	0.027
2	31,683	0.727
3	12,509	0.287
4	1,944	0.045
5	22,318	0.512
TOTAL	71,354	1.636

AREA TABLE (TEMPORARY)

PARCEL	SQ FT	ACRES
A	16,548	0.378
B	11,094	0.255
C	8,974	0.206
TOTAL	56,616	1.291



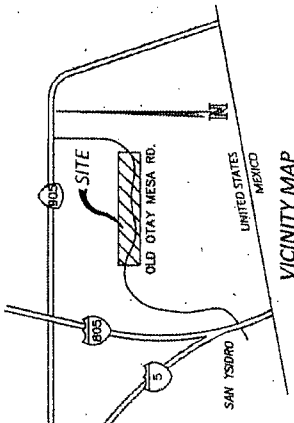
**LEGEND:**  
 PERMANENT IMPACT  
 TEMPORARY IMPACT  
 EXISTING CENTERLINE  
 EXISTING RIGHT-OF-WAY LINE  
 QUARTER SECTION LINE  
 SUBDIVISION LOT LINE  
 P.O.B. POINT OF BEGINNING  
 T.P.O.B. TRUE POINT OF BEGINNING

CURVE DATA TABLE

NO.	DELTA	RADIUS	LENGTH
C1	08°03'20"	150.00'	22.40'
C2	01°54'49"	150.00'	5.01'
C3	01°36'45"	325.00'	9.15'
C4	01°04'43"	625.00'	31.58'
C5	01°46'40"	575.00'	38.25'

LINE DATA TABLE

NO.	BEARING	LENGTH
L1	N02°29'29"E	20.49'
L2	N03°45'38"E	35.64'
L3	N07°29'29"E	4.80'
L4	S01°24'07"E	39.00'
L5	S01°20'00"W	34.90'



**REFERENCE DRAWINGS:**  
 RS 351  
 MAP 14730  
 MAP 14460  
 CITY DING. 13477-1-L

**BASIS OF BEARINGS:**  
 THE BASIS OF BEARINGS FOR THIS PLAT IS THE WESTERLY LINE OF THE NORTHWEST QUARTER OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 1 WEST, S.B.M., ACCORDING TO MAP NO. 14460.  
 I.E. NORTH 02°20'29" EAST

**Nasland**  
 CIVIL ENGINEERING SURVEYING LAND PLANNING  
 4740 Ruffner Street, San Diego, California 92111, 619-592-7770

**USE OF CDFW CONSERVATION EASEMENT FOR PUBLIC STREET EXHIBIT**  
 OLD OTAY MESA ROAD - WESTERLY  
 CITY OF SAN DIEGO

NE USB NO. 1109-0111  
 DATE: 07/20/2014  
 BY: JTM  
 APPROVED: JTM  
 DESCRIPTION: ORIGINAL  
 CITY OF SAN DIEGO, CALIFORNIA  
 SHEET 1 OF 2 SHEETS  
 P.T.S. No. 287808  
 W.B.S. # S-0082020208  
 1604-6219  
 144-1759  
 38170-1-C

SCALE 1" = 50'

MAP 14730

SCALE 1"=50'

FLY LINE SW 1/4, NW 1/4, SEC. 31, T.18 S., R.1 W., S.B.M.

CURVE NO.	DELTA	RADIUS	LENGTH
C1	88.3170°	150.00'	22.47'
C2	88.3170°	150.00'	22.47'
C3	01.3474°	325.00'	9.15'
C4	03.9243°	825.00'	13.56'
C5	03.9243°	575.00'	16.25'

LINE NO.	BEARING	LENGTH
L1	N02°20'29"E	28.48'
L2	N13°43'19"E	35.64'
L3	N01°20'00"E	23.88'
L4	N02°20'29"E	4.00'
L5	N09°44'02"W	39.00'
L6	S01°20'00"W	34.98'

AREA TABLE (TEMPORARY)	PARCEL	SQ FT	ACRES
A	1	36,546	0.836
B	2	16,525	0.376
C	3	9,071	0.206
TOTAL		54,914	1.254

AREA TABLE (PERMANENT)	PARCEL	SQ FT	ACRES
1	600	0.028	
2	31,683	0.727	
3	12,500	0.287	
4	3,941	0.090	
5	22,316	0.512	
TOTAL	71,351	1.638	

- LEGEND:**
- PERMANENT IMPACT
  - TEMPORARY IMPACT
  - EXISTING CENTERLINE
  - EXISTING RIGHT-OF-WAY LINE
  - QUARTER SECTION LINE
  - SUBDIVISION LOT LINE
  - P.O.B. POINT OF BEGINNING
  - T.P.O.B. TRUE POINT OF BEGINNING

**Nasland**  
 4740 Wilshire Street, San Diego, California, 92111 658-282-7770  
 CHALLENGING SURVEYING LAND PLANNING

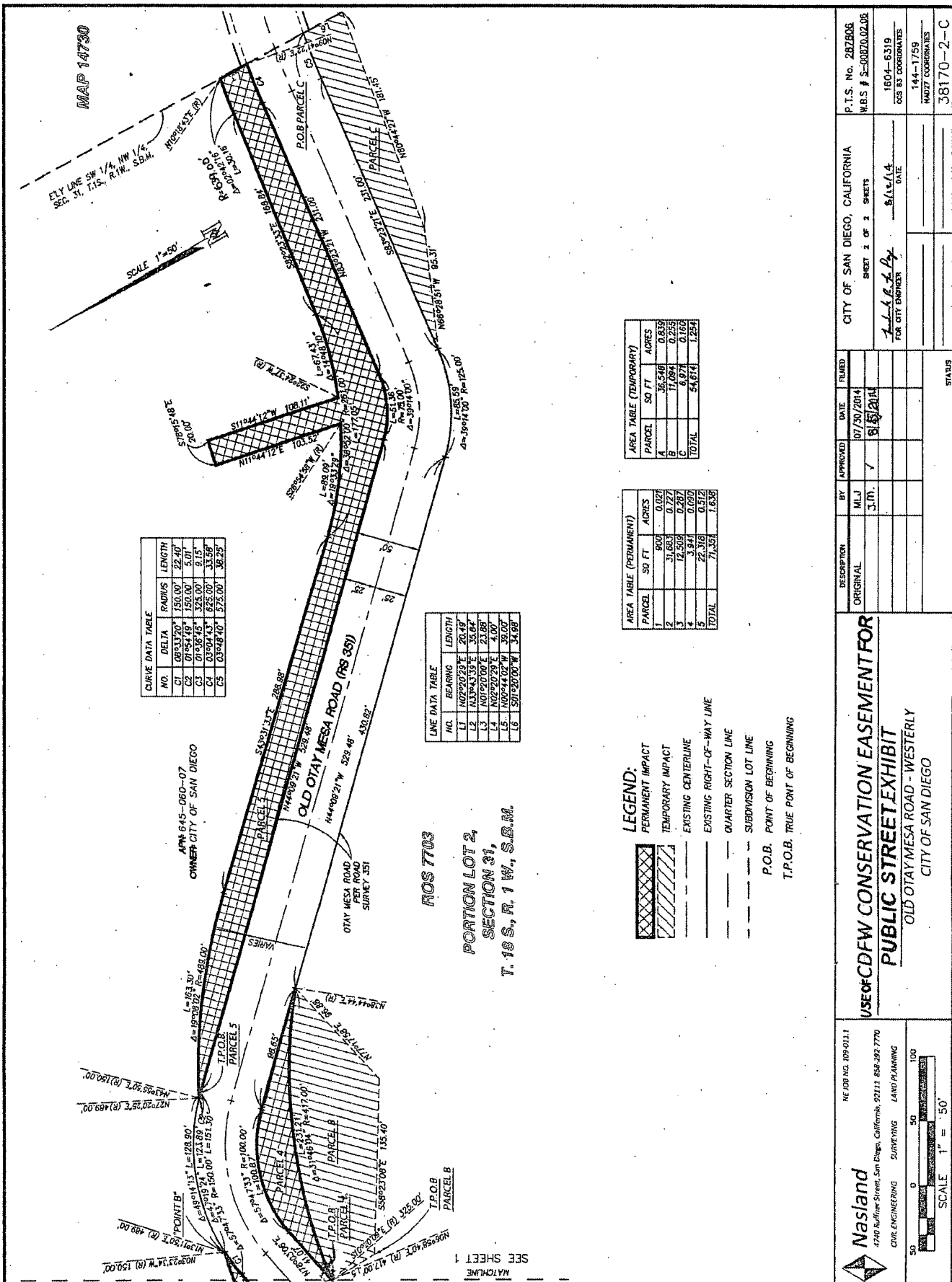
RE JOB NO. 709-011.1  
 4740 Wilshire Street, San Diego, California, 92111 658-282-7770

SCALE 1" = 50'

**USE OF CDFW CONSERVATION EASEMENT FOR PUBLIC STREET EXHIBIT**  
 OLD OTAY MESA ROAD - WESTERLY  
 CITY OF SAN DIEGO

DESCRIPTION	BY	APPROVED	DATE	FILED
ORIGINAL	M.L.J. 3 (M)	✓	07/30/2014	815214

CITY OF SAN DIEGO, CALIFORNIA  
 SHEET 2 OF 3 SHEETS  
 P.T.S. No. 287806  
 W.B.S. # S-000702.02.06  
 1604-6319  
 CCS 83 COORDINATES  
 144-1759  
 NAD83 COORDINATES  
 38170-2-C





Passed by the Council of The City of San Diego on MAR 10 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<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"/>
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"/>
Chris Cate	<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 checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 10 2015

(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 *Mary Hernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 309550