

RESOLUTION NUMBER R- 309948

DATE OF FINAL PASSAGE AUG 04 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 FRIARS RD/SR-163 INTERCHANGE IMPROVEMENT PROJECT NO. 72782; AUTHORIZING THE CITY ATTORNEY TO COMMENCE PROCEEDINGS IN EMINENT DOMAIN AND TO ACQUIRE 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), in coordination with the California Department of Transportation (CalTrans) District 11 and the Federal Highway Administration (FHWA), 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 Friars Road/SR-163 interchange experiences significant congestion due to residential development in Mission Valley, traffic generated from several nearby shopping malls, existence of four significant weave areas on SR-163 and Friars Road, and the close proximity to the SR-163/I-8 freeway-to-freeway interchange; and

WHEREAS, the City entered into a Cooperative Agreement, dated October 14, 2003, with the State of California (Agreement) for the purpose of assigning respective responsibilities between the City and CalTrans for different aspects of the Project, including a duty of mutual cooperation to implement the Project; and

WHEREAS, the Project is being implemented in separate phases with the acquisition of rights-of-way constituting the initial phase of the Project; and

WHEREAS, the City is authorized to and agreed, pursuant to Resolution R-2014-813, to conduct all rights-of-way and property acquisition processes and actions required for the Project including obtaining Resolutions of Necessity should efforts to negotiate with and acquire property from affected property owners not be successful;

WHEREAS, a Public Street Easement, a Slope Maintenance Easement, a Retaining Wall Maintenance Easement and Temporary Construction Easements over portions of real property located on Assessor Parcel Numbers (APNs) 438-021-13, 438-021-14 and 438-021-20, (more specifically described in Exhibit 1 attached hereto) (combined, the real property easement interests to be acquired are also referred to as the “Acquisition Area”) are necessary to complete the Project; 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 acquisition of the real property easement interests sought is \$765,000.00; and

WHEREAS, the City negotiated with the property owners and made offers to purchase the real property interests necessary for the Project at an amount consistent with the appraised fair market value of the property in compliance with California Government Code section 7267.2(a), and the negotiations with the property owner have not been successful as of the date of this Resolution; 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, and San Diego Charter section 220, to acquire real property interests necessary for a public purpose; and

WHEREAS, the City completed 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 Environmental Impact Report No. 72782 for the Project on June 17, 2010; and

WHEREAS, the acquisition of the easement interests set forth in Exhibit 1 is part of a series of subsequent discretionary actions necessary to implement the Project and is not considered a separate project under CEQA; and

WHEREAS, the acquisition of the easement interests set forth in Exhibit 1 is a critical component for the implementation of the Project, as a whole; and

WHEREAS, the acquisition of the easement interests proposed is the narrowest right-of-way possible while still adhering to the legal requirements for right-of-way and traffic lane widths; and

WHEREAS, the freeway connections and surface improvements planned under this Project are needed to serve Mission Valley's transportation needs; and

WHEREAS, numerous community meetings took place to obtain community input on the Project; and

WHEREAS, on July 15, 2105, 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 property interests sought; which notice of hearing advised said persons of their right to appear and be heard on the 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 August 4, 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 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 proposed to be acquired are 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 rights 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 1 consisting of a Public Street Easement, a Slope Maintenance Easement, a Retaining Wall Maintenance Easement and Temporary Construction Easements over portions of real property located on

Assessor Parcel Numbers (APNs) 438-021-13, 438-021-14 and 438-021-20, (more specifically described in Exhibit 1 attached hereto) are necessary to complete the Project; and

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

BE IT FURTHER RESOLVED, that the property interests proposed to be acquired are 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 sections 1240.010, 1240.020, 1240.030, 1240.040, 1240.110, 1240.120, 1240.140, 1240.510, 1240.610 and 1255.410; California Government Code section 5023.1).

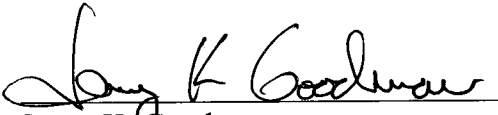
BE IT FURTHER RESOLVED, that an offer to acquire the real property easement interests, pursuant to California Government Code section 7267.2, at the appraised fair market value, has been made to each party claiming an ownership interest(s) in the property interests sought.

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 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 \$765,000.00 from CIP S-00851, Friars Road/SR-163 Interchange Improvement Project, Fund 400135 (Mission Valley Community Fund), 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Jenny K. Goodman  
Deputy City Attorney

JKG:mc  
07/17/15  
Or.Dept:READ  
Doc. No. 1064925

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of AUG 04 2015.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

**LEGEND**

- P.D.B. POINT OF BEGINNING
- T.P.D.B. TRUE POINT OF BEGINNING
- ( ) RECORD DATA PER MAP 11949
- [ ] RECORD DATA PER CITY DRAWING 17290-B
- < > RECORD DATA PER PARCEL MAP 15912



INDICATES PUBLIC STREET EASEMENT:  
 PARCEL 'A' AREA- 2501.28 SQ. FEET, 0.0574 ACRE  
 OVERLAP WITH DRAINAGE EASEMENT \* 946.48 SQ. FEET  
 PARCEL 'B' AREA- 3273.30 SQ. FEET, 0.0751 ACRE  
 OVERLAP WITH WATER EASEMENT \* 1522.37 SQ. FEET  
 PARCEL 'C' AREA- 373.51 SQ. FEET, 0.0086 ACRE  
 OVERLAP WITH DRAINAGE EASEMENT \* 144.01 SQ. FEET



INDICATES RETAINING WALL MAINTENANCE EASEMENT:  
 PARCEL 'D' AREA- 30.89 SQ. FEET, 0.0007 ACRE



INDICATES SLOPE EASEMENT:  
 PARCEL 'E' AREA- 1764.25 SQ. FEET, 0.0405 ACRE



INDICATES TEMPORARY CONSTRUCTION AREA  
 PARCEL 'F' AREA- 1505.09 SQ. FEET, 0.0346 ACRE  
 PARCEL 'G' AREA- 1424.25 SQ. FEET, 0.0327 ACRE



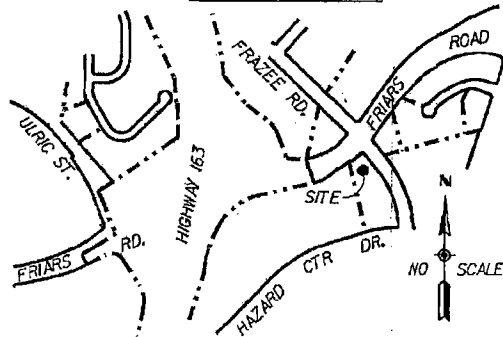
INDICATES ACCESS RIGHTS RELINQUISHED AS  
 SHOWN ON MAP 11949 AND PM 15912.

**DEED REFERENCES**

- 1. INDICATES A 10 FOOT WIDE DRAINAGE EASEMENT GRANTED TO THE CITY OF SAN DIEGO PER MAP 11949.
- 2. INDICATES AN EASEMENT FOR PUBLIC STREET PURPOSES GRANTED TO THE CITY OF SAN DIEGO RECORDED ON 2-14-1989 AS F/P 89-076665 O.R. ALSO DEDICATING AND RELINQUISHING ALL ABUTTERS RIGHTS OF ACCESS ON AND ALONG THOSE PORTIONS OF FRIARS ROAD. SEE CITY DWG. 17290-B.
- 3. INDICATES A PORTION OF FRAZEE ROAD DEDICATED PER MAP 11949.
- 4. INDICATES A WATER EASEMENT GRANTED TO THE CITY OF SAN DIEGO RECORDED ON 3-16-1989 AS F/P 89-134547 O.R. SEE CITY DWG. 24465-D.
- 5. INDICATES PORTION OF STATE OF CALIFORNIA RIGHT OF WAY RELINQUISHED TO CITY OF SAN DIEGO PER DOCUMENT RECORDED ON 3-01-1971 AS F/P 38605 O.R. SEE CALTRANS RELINQUISHMENT MAP No. 19027 RECORDED ON 10-21-1970 AS F/P 192704 O.R.
- 6. INDICATES A PORTION OF FRAZEE ROAD DEDICATED PER MAP 11949.
- 7. INDICATES PORTION OF 80' WIDE FRIARS ROAD AS SHOWN ON CALTRANS L.O. PLAT 19516.4A. SEE DOCUMENT RECORDED IN BOOK 718 PAGE 196 O.R.
- 8. INDICATES PORTION OF FRIARS ROAD DEDICATED PER DOC. 12796 IN BOOK 4359 PAGE 411 RECORDED ON 1-31-1952 O.R. SEE CITY DRAWING 2642-B AND 4021-B.

**BASIS OF BEARINGS**  
 THE BASIS OF BEARINGS FOR THIS SURVEY IS THE BEARING FROM CALTRANS HORIZONTAL CONTROL MONUMENTS CDOT 163-49 TO CDOT 163-415 FROM CALTRANS CONTROL MONUMENT DATA SHEETS, I.E. S 06°43'21" E. SAID BEARING IS BASED ON THE CALIFORNIA COORDINATE SYSTEM NAD 83 (EPOCH 1991.35), ZONE 6.

**VICINITY MAP**



APN: 438-021-13, 14 AND 20

OWNER:  
 7510 HAZARD, LLC, A DELAWARE  
 LIMITED LIABILITY COMPANY

**PREPARED BY:**

CITY OF SAN DIEGO ENGINEERING DEPARTMENT,  
 FIELD DIVISION - SURVEY SECTION, UNDER THE  
 DIRECTION OF GREGORY P. HOPKINS, PLS 7730,  
 CITY LAND SURVEYOR.



*Gregory P. Hopkins* 6-7-15  
 GREGORY P. HOPKINS, PLS 7730 DATE

RESOLUTION No. \_\_\_\_\_

ADOPTED: \_\_\_\_\_

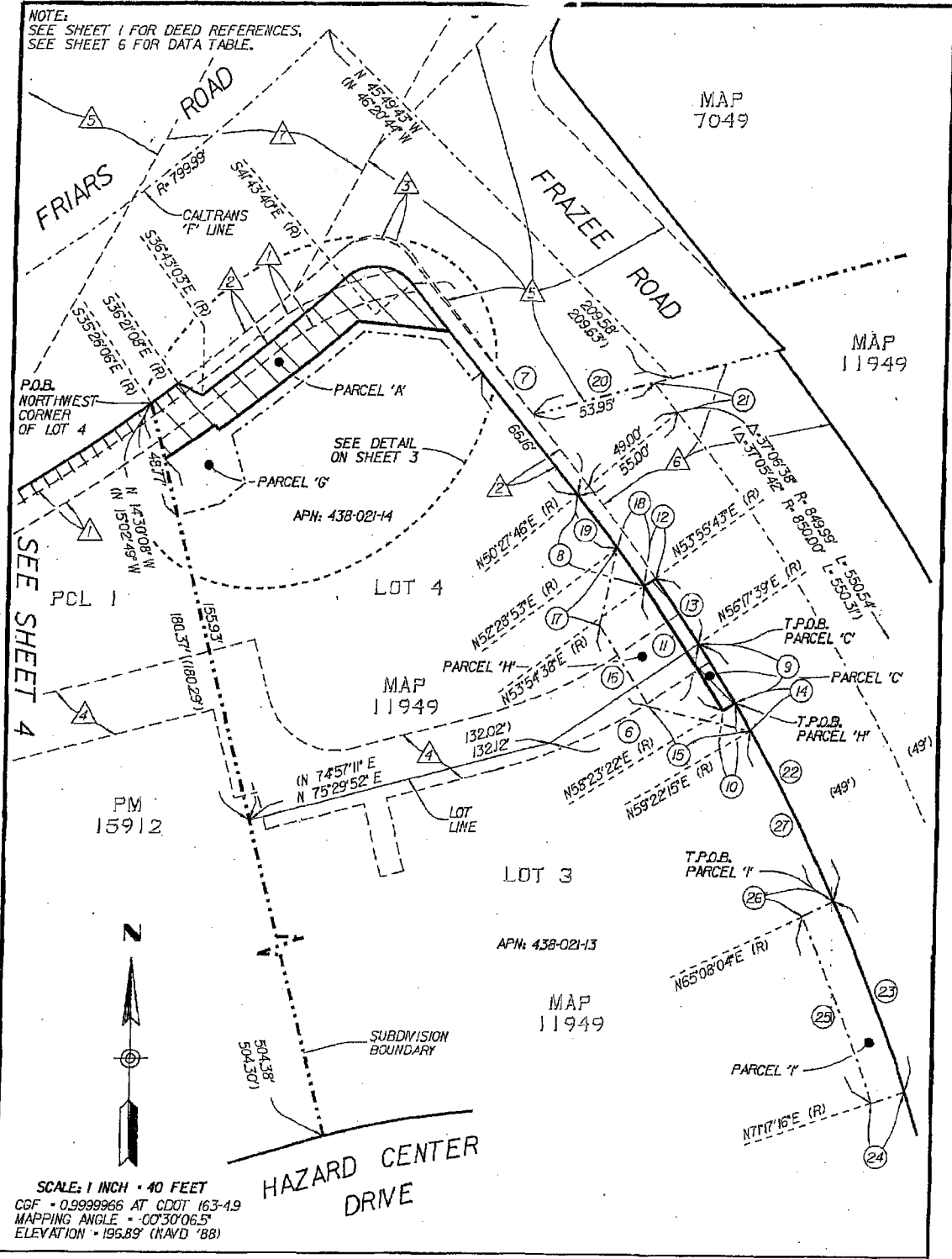
DOC. No. \_\_\_\_\_

RECORDED: \_\_\_\_\_

**PUBLIC STREET EASEMENT, SLOPE EASEMENT, RETAINING WALL MAINTENANCE EASEMENT AND TEMPORARY CONSTRUCTION AREA:**  
 IN A PORTION OF LOTS 3 AND 4 OF MAP 11949 AND OF PARCEL 1 OF PARCEL MAP 15912.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	RTM		3/14		SHEET 1 OF 6 SHEETS	WBS 5-00851.03.01
REVISED	RTM		5/15		<i>Gregory P. Hopkins</i> 6-7-15 CITY LAND SURVEYOR DATE	1862-6279
						CCS 83 COORDINATES
						222-1719
						LAMBERT COORDINATES
						37974-B
STATUS						

NOTE:  
SEE SHEET 1 FOR DEED REFERENCES,  
SEE SHEET 6 FOR DATA TABLE.



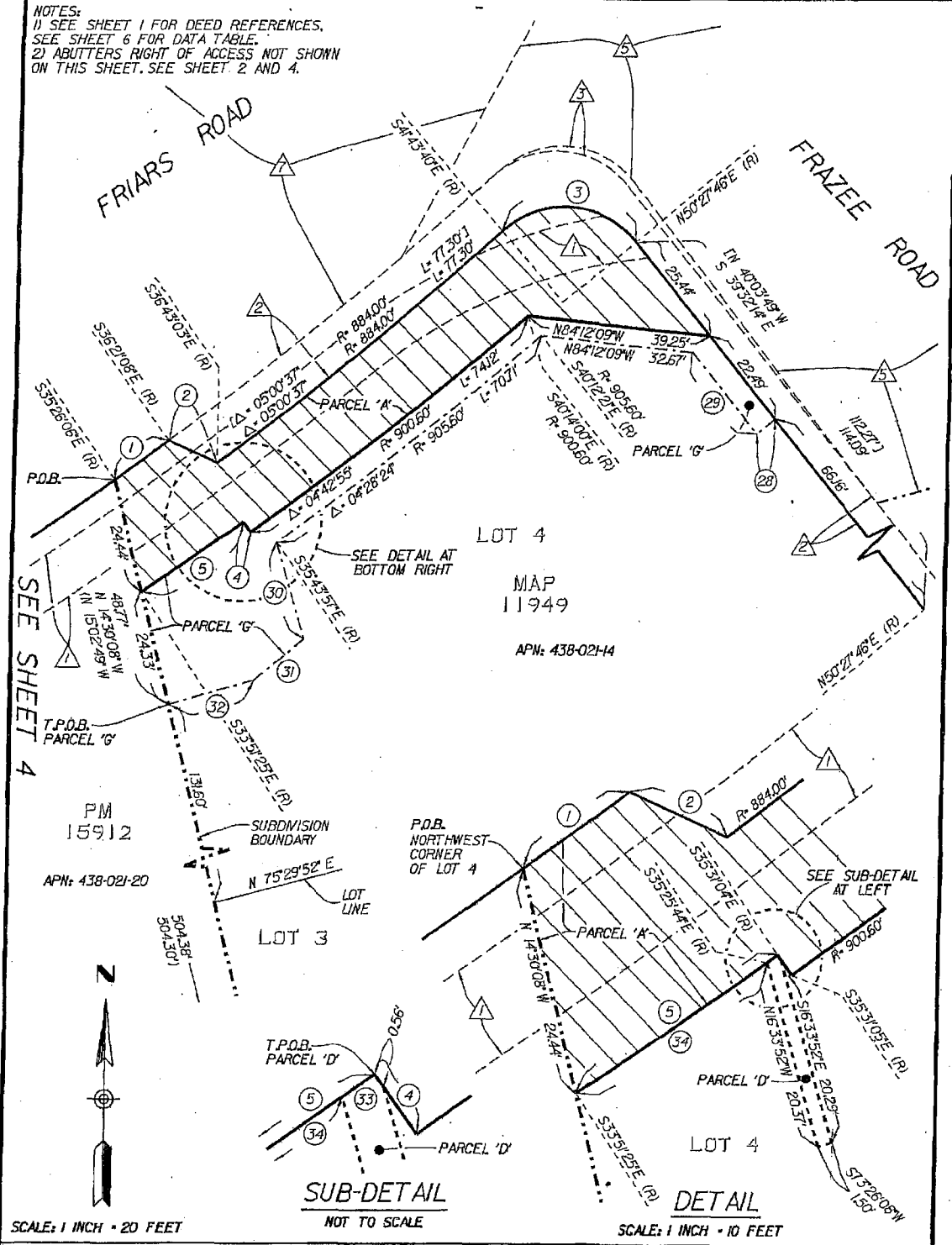
SCALE: 1 INCH = 40 FEET  
CGF = 0.9999966 AT GDOT 163-49  
MAPPING ANGLE = 00° 30' 06.5"  
ELEVATION = 195.89' (NAVD '88)

PUBLIC STREET EASEMENT, SLOPE EASEMENT, RETAINING WALL MAINTENANCE EASEMENT  
AND TEMPORARY CONSTRUCTION AREA:  
IN A PORTION OF LOTS 3 AND 4 OF MAP 11949 AND OF PARCEL I OF PARCEL MAP 15912.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	RTMc		3/14		SHEET 2 OF 6 SHEETS	WBS S-00851.03.01
REVISED	RTMc		5/15			
					<i>Gayther</i>	1862-6279
					CITY LAND SURVEYOR	CCS 83 COORDINATES
					DATE 6-7-15	222-1719
						LAMBERT COORDINATES
						37974-B
STATUS						



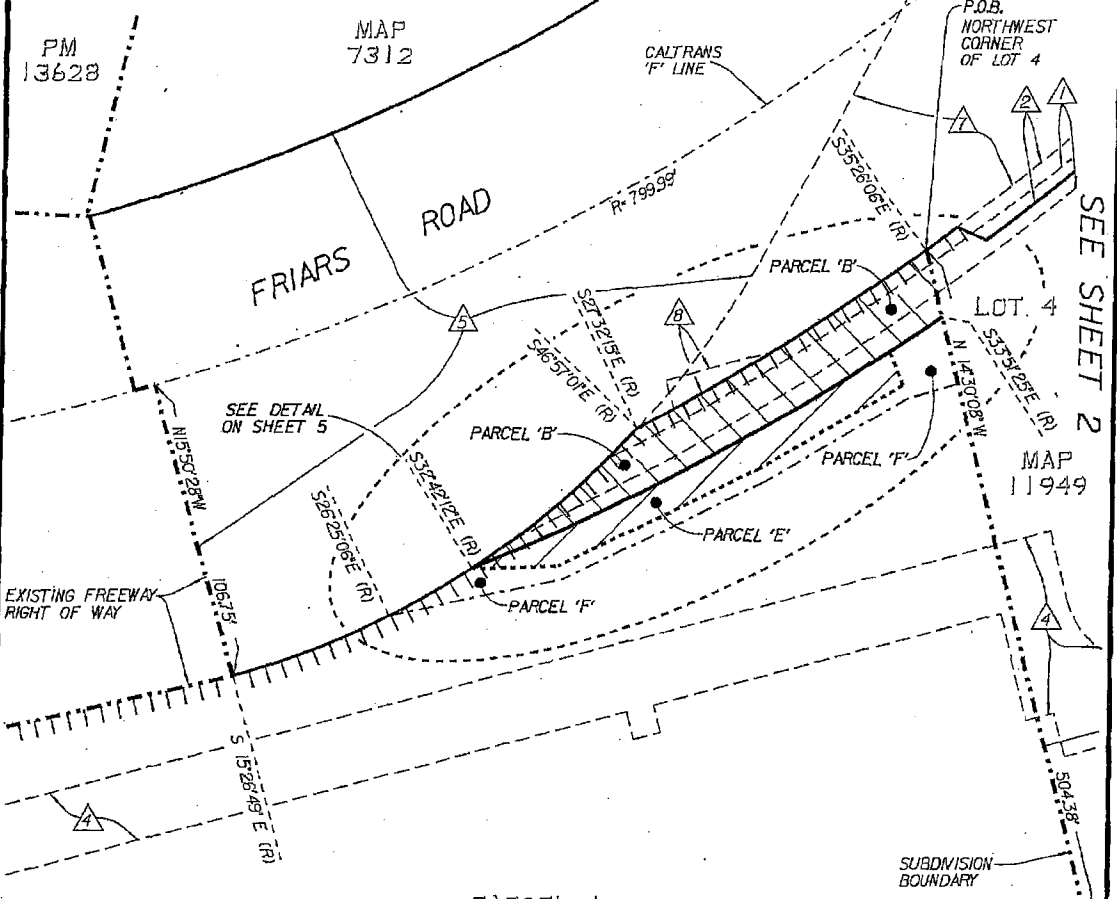
NOTES:  
 1) SEE SHEET 1 FOR DEED REFERENCES.  
 SEE SHEET 6 FOR DATA TABLE.  
 2) ABUTTERS RIGHT OF ACCESS NOT SHOWN  
 ON THIS SHEET. SEE SHEET 2 AND 4.



PUBLIC STREET EASEMENT, SLOPE EASEMENT, RETAINING WALL MAINTENANCE EASEMENT  
 AND TEMPORARY CONSTRUCTION AREA;  
 IN A PORTION OF LOTS 3 AND 4 OF MAP 11949 AND OF PARCEL 1 OF PARCEL MAP 15912.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	
ORIGINAL	RTMC		3/14		T.M. _____	
REVISED	RTMC		5/15		WBS 5-0085L03.01	
					SHEET 3 OF 6 SHEETS	
					CITY LAND SURVEYOR _____ DATE 6-7-15	
					1862-6279	
					CCS 83 COORDINATES	
					222-1719	
					LAMBERT COORDINATES	
					37974-B	
STATUS						

NOTE:  
SEE SHEET 1 FOR DEED REFERENCES,  
SEE SHEET 6 FOR DATA TABLE.



PARCEL 1

PM 15912

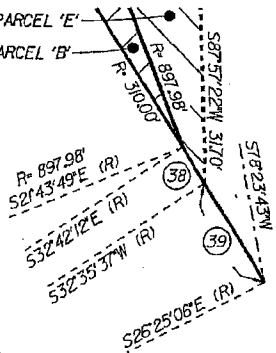
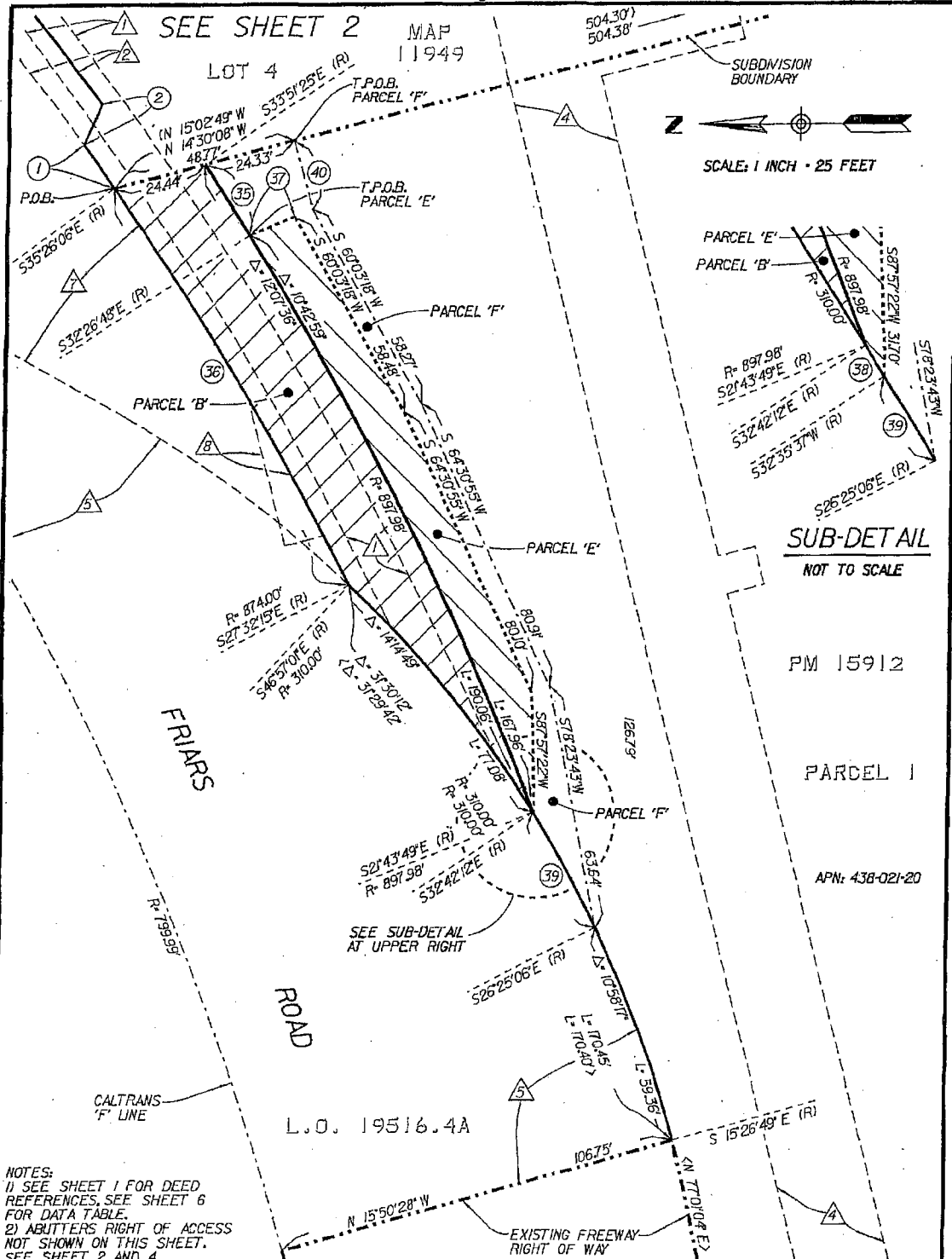
APN: 438-021-20



SCALE: 1 INCH = 40 FEET  
CGF = 0.9999986 AT CDOT 163-49  
MAPPING ANGLE = -00°30'06.5"  
ELEVATION = 196.89' (NAVD '88)

PUBLIC STREET EASEMENT, SLOPE EASEMENT, RETAINING WALL MAINTENANCE EASEMENT  
AND TEMPORARY CONSTRUCTION AREA:  
IN A PORTION OF LOTS 3 AND 4 OF MAP 11949 AND OF PARCEL 1 OF PARCEL MAP 15912.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	RTMc		3/14		SHEET 4 OF 6 SHEETS	WBS S-00851.03.01
REVISED	RTMc		5/15			1862-6279
					CITY LAND SURVEYOR	CCS 83 COORDINATES
						DATE 6-3-15
						LAMBERT COORDINATES
						37974-B
STATUS						



PUBLIC STREET EASEMENT, SLOPE EASEMENT, RETAINING WALL MAINTENANCE EASEMENT AND TEMPORARY CONSTRUCTION AREA:  
 IN A PORTION OF LOTS 3 AND 4 OF MAP 11949 AND OF PARCEL I OF PARCEL MAP 15912.

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	RTMc		3/14			SHEET 5 OF 6 SHEETS
REVISED	RTMc		5/15		<i>[Signature]</i> 6-3-15	1862-6279
					CITY LAND SURVEYOR	DATE
						CCS 83 COORDINATES
						222-1719
						LAMBERT COORDINATES
						37974-B
STATUS						

### DATA TABLE

(X)	DELTA/ BEARING	RADIUS	LENGTH	RECORD DELTA BEARING	RECORD RADIUS	RECORD LENGTH	RECORD OR CALC'D PER
1	00°55'02"	874.00'	13.99'	00°55'04"	874.00'	14.00'	DWG 17290-B
2	S 65°48'15" E		11.46'	N, 65°04'27" W		12.47'	DWG 17290-B
3	92°11'26"	20.00'	32.18'	91°39'10"	20.00'	31.99'	DWG 17290-B
4	N 35°34'54" W		2.63'				
5	01°39'39"	897.98'	26.03'				
6	N 55°17'39" E		75.94'	N 55°45'48" E		75.94'	MAP 11949
7	N 39°32'14" W		114.09'	N 40°03'49" W		112.27'	DWG 17290-B
8	03°26'52"	794.99'	47.84'	03°26'52"	795.00'	47.84'	DWG 17290-B
9	02°05'43"	800.99'	29.29'				
10	S58°23'22" W (R)		6.00'				
11	04°28'44"	794.99'	62.14'				
12	N 56°19'11" E		6.01'	N 55°45'48" E		6.01'	DWG 17290-B
13	02°21'56"	800.99'	33.07'				
14	00°58'53"	800.99'	13.72'				
15	N 77°11'01" W		44.92'				
16	N 32°45'23" W		39.91'				
17	N 11°39'24" E		33.23'				
18	01°25'45"	794.99'	19.83'				
19	02°01'07"	794.99'	28.01'				
20	N 75°12'22" E		61.76'				
21	N 39°32'14" W		15.95'	N 40°03'49" W		16.01'	MAP 11949
22	08°50'25"	800.99'	123.58'				
23	05°09'12"	800.99'	86.03'				
24	S 71°17'16" W		15.00'				
25	06°09'12"	785.99'	84.42'				
26	N 65°08'04" E		15.00'				
27	05°45'49"	800.99'	80.57'				
28	S 5°25'46" W		5.00'				
29	N 39°32'14" W		22.08'				
30	S 16°33'52" E		21.23'				
31	S 50°17'22" W		13.60'				
32	S 74°14'45" W		18.80'				
33	00°05'20"	897.98'	1.39'				
34	01°34'19"	897.98'	24.64'				
35	01°24'37"	897.98'	22.10'				
36	01°53'51"	874.00'	120.47'	01°53'50"	874.00'	120.47'	PM 15912
37	S 22°10'53" E		12.85'				
38	00°06'35"	310.00'	0.59'				
39	06°10'31"	310.00'	33.41'				
40	S 74°14'45" W		18.29'				

NOTE:  
CITY OF SAN DIEGO DRAWING 17290-B AS REFERENCED IN THE ABOVE  
TABLE IS AN EASEMENT FOR PUBLIC STREET PURPOSES GRANTED TO  
THE CITY OF SAN DIEGO RECORDED ON 2-14-1989 AS F/P 89-076665 O.R.  
ALSO SHOWN AS DEED REFERENCE \*2 ON SHEET 1.

**PUBLIC STREET EASEMENT, SLOPE EASEMENT, RETAINING WALL MAINTENANCE EASEMENT  
AND TEMPORARY CONSTRUCTION AREA:  
IN A PORTION OF LOTS 3 AND 4 OF MAP 11949 AND OF PARCEL 1 OF PARCEL MAP 15912.**

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	T.M.
ORIGINAL	RTMc		3/14		SHEET 6 OF 6 SHEETS	1862-6279
REVISED	RTMc		5/15			WBS S-00851.03.01
					<i>[Signature]</i>	6-3-15
					CITY LAND SURVEYOR	DATE
						CCS B3 COORDINATES
						222-1719
						LAMBERT COORDINATES
						37974-B

STATUS

## PUBLIC STREET EASEMENT

APN: 438-021-13, 438-021-14, 438-021-20

All that portion of Lots 3 and 4 of Hazard Center, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 11949, filed in the office of the County Recorder of said County of San Diego on November 10, 1987; Together with that portion of Parcel 1 according to the Parcel Map thereof No. 15912, filed in the office of the said County Recorder on December 19, 1989, being more particularly described as follows:

### Parcel 'A'

**Beginning** at the northwest corner of said Lot 4, said point being on the southeasterly right of way of Friars Road as shown on said Map 11949, said point also being on the arc of a 874.00 foot radius curve, concave northwesterly, a radial bears South 35°26'06" East; Thence northeasterly along the said southeasterly right of way and along the arc of said curve through a central angle of 00°55'02" a distance of 13.99 feet to a point on an easement granted to the City of San Diego for public street purposes per document recorded on February 14, 1989 as File/Page 89-076665 in the said office of the County Recorder, a radial bears South 36°21'08" East; Thence leaving the said southeasterly right of way South 65°48'15" East 11.46 feet along the said easement to the beginning of a non-tangent 884.00 foot radius curve, concave northwesterly, a radial bears South 36°43'03" East; Thence northeasterly along the arc of said curve through a central angle of 05°00'37" a distance of 77.30 feet to the beginning of a tangent 20.00 foot radius curve, concave southerly; Thence easterly along the arc of said curve through a central angle of 92°11'26" a distance of 32.18; Thence South 39°32'14" East 25.44 feet; Thence leaving the said easement North 84°12'09" West 39.25 feet to the beginning of a non-tangent 900.60 foot radius curve, concave northwesterly, a radial bears South 40°14'00" East; Thence southwesterly along the arc of said curve through a central angle of 04°42'55" a distance of 74.12 feet; Thence North 35°34'54" West 2.63 feet to the beginning of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South 35°31'04" East; Thence southwesterly along the arc of said curve through a central angle of 01°39'39" a distance of 26.03 feet to a point on the westerly line of said Lot 4, a radial bears South 33°51'25" East; Thence North 14°30'08" West 24.44 feet along the said westerly line of Lot 4 to the **point of beginning**.

Above described public street easement containing 2501.28 Square Feet, 0.0574 Acre.

### Parcel 'B'

**Beginning** at the northwest corner of said Lot 4; Thence South 14°30'08" East 24.44 feet along the westerly line of said Lot 4 to the beginning of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South 33°51'25" East; Thence leaving the said westerly line of Lot 4 and continuing southwesterly along the arc of said curve through a central angle of 12°07'36" a distance of 190.06 feet to a point on the southeasterly right of way of Friars Road as shown on said Parcel Map 15912, a radial bears South 21°43'49" East, said point also being on the arc of a 310.00 foot radius curve, concave northwesterly, a radial bears South 32°42'12" East; Thence northeasterly along the said southeasterly right of way and along the arc of said

curve through a central angle of 14°14'49" a distance of 77.08 feet to a point on the arc of a non-tangent 884.00 foot radius curve, concave northwesterly, a radial on the said 310.00 foot radius curve bears South 46°57'01" East, a radial on the said 884.00 foot radius curve bears South 27°32'15" East; Thence continuing northeasterly along the said southeasterly right of way and along the arc of said 884.00 foot radius curve through a central angle of 07°53'51" a distance of 120.47 feet to the **point of beginning**, a radial bears South 35°26'06" East.

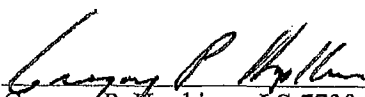
Above described public street easement containing 3273.30 Square Feet, 0.0751 Acre.

**Parcel 'C'**

**Beginning** at the northwest corner of said Lot 4; Thence South 14°30'08" East 180.37 feet to the southwest corner of said Lot 4; Thence North 75°29'52" East 132.12 feet along the south line of said Lot 4; Thence North 56°17'39" East 75.94 feet to a point on the southwesterly right of way of Frazee Road as dedicated per said Map 11946, said point being on the arc of a 800.99 foot radius curve, concave southwesterly, a radial bears North 56°17'39" East, said point also being the **true point of beginning**; Thence leaving the said south line of Lot 4 and continuing along the said southwesterly right of way and along the arc of said curve through a central angle of 02°05'43" a distance of 29.29 feet; Thence leaving the said southwesterly right of way South 58°23'22" West 6.00 feet to the beginning of a non-tangent 794.99 foot radius curve, concave southwesterly, a radial bears North 58°23'22" East; Thence northwesterly along the arc of said curve through a central angle of 04°28'43" a distance of 62.14 feet to a point on an easement granted to the City of San Diego for public street purposes per document recorded on February 14, 1989 as File/Page 89-076665 in the said office of the County Recorder; Thence along the said easement North 56°19'11" East 6.01 feet to a point on the said southwesterly right of way of Frazee Road as dedicated per Map 11946, said point being on the arc of a 800.99 foot radius curve, concave southwesterly, a radial bears North 53°55'43" East; Thence leaving the said easement and continuing southeasterly along the arc of said curve through a central angle of 02°21'56" a distance of 33.07 feet to the **true point of beginning**.

Above described public street easement containing 373.51 Square Feet, 0.0086 Acre.

Exhibit 'B' (City of San Diego Drawing No. 37974-B) attached and by this reference is made a part hereto.

  
Gregory P. Hopkins, LS 7730      4-3-2015      Date  
City Land Surveyor, City of San Diego  
My Registration Expires 12-31-2015

File: APN 438-021-14 legal.doc  
WBS S-00851.03.01 - May 2015



RETAINING WALL MAINTENANCE EASEMENT

APN: 438-021-14

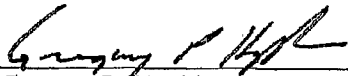
All that portion of Lot 4 of Hazard Center, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 11949, filed in the office of the County Recorder of said County of San Diego on November 10, 1987, being more particularly described as follows:

**Parcel 'D'**

**Beginning** at the northwest corner of said Lot 4; Thence South 14°30'08" East 24.44 feet along the westerly line of said Lot 4 to the beginning of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South 33°51'25" East; Thence leaving the said westerly line of Lot 4 and continuing northeasterly along the arc of said curve through a central angle of 01°39'39" a distance of 26.03 feet to the **true point of beginning**, a radial bears South 35°31'04" East; Thence South 16°33'52" East 20.29 feet; Thence South 73°26'08" West 1.50 feet; Thence North 16°33'52" West 20.37 feet to a point on the arc of said 897.98 foot radius curve, a radial bears South 35°25'44" East; Thence northeasterly along the arc of said curve through a central angle of 00°05'20" a distance of 1.39 feet to the **true point of beginning**.

Above described retaining wall maintenance easement containing 30.89 Square Feet, 0.0007 Acre.

Exhibit 'B' (City of San Diego Drawing No. 37974-B) attached and by this reference is made a part hereto.

  
Gregory P. Hopkins, LS 7730      6-3-15      Date  
City Land Surveyor, City of San Diego  
My Registration Expires 12-31-2015

File: APN 438-021-14 legal.doc  
WBS S-00851.03.01- May 2015



SLOPE EASEMENT

APN: 438-021-20

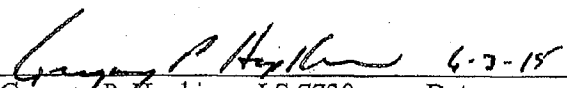
All that portion of Parcel 1, in the City of San Diego, County of San Diego, State of California, according to the Parcel Map thereof No. 15912, filed in the office of the County Recorder of said County of San Diego on December 19, 1989, being more particularly described as follows:

**Parcel 'E'**

**Beginning** at the northwest corner of Lot 4 of Hazard Center according to the Map thereof No. 11949, filed in the office of the County Recorder of said County of San Diego on November 10, 1987; Thence South 14°30'08" East 24.44 feet along the westerly line of said Lot 4 to the beginning of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South 33°51'25" East; Thence leaving the said westerly line of Lot 4 and continuing southwesterly along the arc of said curve through a central angle of 01°24'37" a distance of 22.10 feet to the **true point of beginning**, a radial bears South 32°26'48" East; Thence South 22°10'53" East 12.85 feet; Thence South 60°03'18" West 58.48 feet; Thence South 64°30'55" West 80.10 feet; Thence South 87°57'22" West 31.70 feet to a point on the southeasterly right of way of Friars Road as shown on said Parcel Map 15912, said point also being on the arc of a 310.00 foot radius curve, concave northwesterly, a radial bears South 32°35'37" East; Thence northeasterly along the said southeasterly right of way of Friars Road and along the arc of said curve through a central angle of 00°06'35" a distance of 0.59 feet, a radial bears South 32°42'12" East, said point being the beginning of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South 33°51'25" East; Thence leaving the said southeasterly right of way of Friars Road and continuing northeasterly along the arc of said curve through a central angle of 10°42'59" a distance of 167.96 feet to the **true point of beginning**.

Above described slope easement containing 1764.25 Square Feet, 0.0405 Acres.

Exhibit 'B' (City of San Diego Drawing No. 37974-B) attached and by this reference is made a part hereto.

  
Gregory P. Hopkins, LS 7730      Date 6-7-15  
City Land Surveyor, City of San Diego  
My Registration Expires 12-31-2015



File: APN 438-021-14 legal.doc  
WBS S-00851.03.01- May 2015



## TEMPORARY CONSTRUCTION AREA

APN: 438-021-13, 438-021-14, 438-021-20

All that portion of Lots 3 and 4 of Hazard Center, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 11949, filed in the office of the County Recorder of said County of San Diego on November 10, 1987; Together with that portion of Parcel 1 according to the Parcel Map thereof No. 15912, filed in the office of the said County Recorder on December 19, 1989, being more particularly described as follows:

### Parcel 'F'

**Beginning** at the northwest corner of said Lot 4; Thence South  $14^{\circ}30'08''$  East 48.77 feet along the westerly line of said Lot 4 to the **true point of beginning**; Thence leaving the said westerly line of Lot 4 South  $74^{\circ}14'45''$  West 18.29 feet; Thence South  $60^{\circ}03'18''$  West 58.27 feet; Thence South  $64^{\circ}30'55''$  West 80.91 feet; Thence South  $78^{\circ}23'43''$  West 63.64 feet to a point on the southeasterly right of way of Friars Road as shown on said Parcel Map 15912, said point also being on the arc of a 310.00 foot radius curve, concave northwesterly, a radial bears South  $26^{\circ}25'06''$  East; Thence northeasterly along the said southeasterly right of way of Friars Road and along the arc of said curve through a central angle of  $06^{\circ}10'31''$  a distance of 33.41 feet, a radial bears South  $32^{\circ}35'37''$  East; Thence leaving the said southeasterly right of way of Friars Road North  $87^{\circ}57'22''$  East 31.70 feet; Thence North  $64^{\circ}30'55''$  West 80.10 feet; Thence North  $60^{\circ}03'18''$  East 58.48 feet; Thence North  $22^{\circ}10'53''$  West 12.85 feet to a point on the arc of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South  $32^{\circ}26'48''$  East; Thence northeasterly along the arc of said curve through a central angle of  $01^{\circ}24'37''$  a distance of 22.10 to a point on the said westerly line of said Lot 4, a radial bears South  $33^{\circ}51'25''$  East; Thence South  $14^{\circ}30'08''$  East 24.33 feet along the westerly line of said Lot 4 to the **true point of beginning**.

Above described temporary construction area containing 1505.09 Square Feet, 0.0346 Acre.

### Parcel 'G'

**Beginning** at the northwest corner of said Lot 4; Thence South  $14^{\circ}30'08''$  East 48.77 feet along the westerly line of said Lot 4 to the **true point of beginning**; Thence North  $14^{\circ}30'08''$  West 24.33 feet along the said westerly line of Lot 4 to the beginning of a non-tangent 897.98 foot radius curve, concave northwesterly, a radial bears South  $33^{\circ}51'25''$  East; Thence leaving the said westerly line of Lot 4 and continuing northeasterly along the arc of said curve through a central angle of  $01^{\circ}39'39''$  a distance of 26.03 feet; Thence South  $35^{\circ}34'54''$  East 2.63 feet to the beginning of a non-tangent 900.60 foot radius curve, concave northwesterly, a radial bears South  $35^{\circ}31'04''$  East; Thence northeasterly along the arc of said curve through a central angle of  $04^{\circ}42'56''$  a distance of 74.12 feet, a radial bears South  $40^{\circ}14'00''$  East; Thence South  $84^{\circ}12'09''$  East 39.25 feet to a point on an easement granted to the City of San Diego for public street purposes per document recorded on February 14, 1989 as File/Page 89-076665 in the said office of the County Recorder; Thence South  $39^{\circ}21'14''$  East 22.49 feet along the said easement; Thence leaving the said easement South  $51^{\circ}25'46''$  West 5.00 feet; Thence North  $39^{\circ}32'14''$

West 22.08 feet; Thence North 84°12'09" West 32.67 feet to the beginning of a non-tangent 905.60 foot radius curve, concave northwesterly, a radial bears South 40°12'21" East; Thence southwesterly along the arc of said curve through a central angle of 04°28'24" a distance of 70.71 feet, a radial bears South 35°43'57" East; Thence South 16°33'52" East 21.23 feet; Thence South 50°17'22" West 13.60 feet; Thence South 74°14'45" West 18.80 feet to the **true point of beginning**.

Above described temporary construction area containing 1424.25 Square Feet, 0.0327 Acre.

**Parcel 'H'**

**Beginning** at the northwest corner of said Lot 4; Thence South 14°30'08" East 180.37 feet to the southwest corner of said Lot 4; Thence North 75°29'52" East 132.12 feet along the south line of said Lot 4; Thence North 56°17'39" East 75.94 feet to a point on the southwesterly right of way of Frazee Road as dedicated per said Map 11946, said point being on the arc of a 800.99 foot radius curve, concave southwesterly, a radial bears North 56°17'39" East; Thence leaving the said south line of Lot 4 and continuing along the said southwesterly right of way and along the arc of said curve through a central angle of 02°05'43" a distance of 29.29 feet to the **true point of beginning**, a radial bears North 58°23'22" East; Thence continuing southeasterly along the arc of said curve through a central angle of 00°58'53" a distance of 13.72 feet, a radial bears North 59°22'15" East; Thence leaving the said southwesterly right of way North 77°11'01" West 44.92 feet; Thence North 32°45'23" West 39.91 feet; Thence North 11°39'24" East 33.23 feet to a point on an easement granted to the City of San Diego for public street purposes per document recorded on February 14, 1989 as File/Page 89-076665 in the said office of the County Recorder, said point being on the arc of a 794.99 foot radius curve, concave southwesterly, a radial bears North 52°28'53" East; Thence southeasterly along the said easement and along the arc of said curve through a central angle of 01°25'45" a distance of 19.83 feet, a radial bears North 53°54'38" East; Thence leaving the said easement and continuing southeasterly along the arc of said curve through a central angle of 04°28'44" a distance of 62.14 feet, a radial bears North 58°23'22" East; Thence North 58°23'22" East 6.00 feet to the **true point of beginning**.

Above described temporary construction area containing 1725.36 Square Feet, 0.0396 Acres.

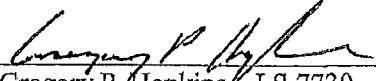
**Parcel 'I'**

**Beginning** at the northwest corner of said Lot 4; Thence South 14°30'08" East 180.37 feet to the southwest corner of said Lot 4; Thence North 75°29'52" East 132.12 feet along the south line of said Lot 4; Thence North 56°17'39" East 75.94 feet to a point on the southwesterly right of way of Frazee Road as dedicated per said Map 11946, said point being on the arc of a 800.99 foot radius curve, concave southwesterly, a radial bears North 56°17'39" East; Thence leaving the said south line of Lot 4 and continuing along the said southwesterly right of way and along the arc of said curve through a central angle of 08°50'25" a distance of 123.58 feet to the **true point of beginning**; Thence continuing southeasterly along the arc of said curve through a central angle of 06°09'12" a distance of 86.03 feet; Thence leaving the said southwesterly right of way South 71°17'16" West 15.00 feet to the beginning of a non-tangent 785.99 foot radius curve, concave westerly, a radial bears North 71°17'16" East; Thence northerly along the arc of said curve through a central angle of 06°09'12" a distance of 84.42 feet; Thence North 65°08'04"

East 15.00 feet to the **true point of beginning**.

Above described temporary construction area containing 1278.31 Square Feet, 0.0293 Acres.

Exhibit 'B' (City of San Diego Drawing No. 37974-B) attached and by this reference is made a part hereto.

  
Gregory P. Hopkins, LS 7730      Date 6-3-15  
City Land Surveyor, City of San Diego  
My Registration Expires 12-31-2015



File: APN 438-021-14 legal.doc  
WBS S-00851.03.01- May 2015

Passed by the Council of The City of San Diego on AUG 04 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 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 04 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- 309948