

#51A
5/16/17

(O-2017-127)

ORDINANCE NUMBER O- 20825 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 30 2017

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO SETTING ASIDE AND DEDICATING 2.7 ACRES LOCATED SOUTHEASTERLY OF NOBEL DRIVE AND SHORELINE DRIVE, WEST OF INTERSTATE 805, AND NORTH OF ROSE CANYON OPEN SPACE, IN THE UNIVERSITY COMMUNITY PLAN AREA, IN THE CITY OF SAN DIEGO, CALIFORNIA, AS PARK LAND.

WHEREAS, Fermanian Family Foundation and La Jolla Investment Company, LLC intends to transfer title to 2.7 acres of real property (Property) to the City of San Diego for park and recreation purposes 50 days after City Council adoption of O- 20826, approving the rezone of the real property intended for park and recreation purposes; and

WHEREAS, the City of San Diego believes that the donation of the Property for park and recreation purposes will benefit the City as a whole, and in particular, the University community, since the Property will serve as a critical addition to the existing Rose Canyon Open Space Park; and

WHEREAS, San Diego Charter section 55 provides that all real property that is owned in fee by the City that is dedicated by ordinance for park and recreation purposes shall not be used for any but park and recreation purposes without a changed use or purpose being authorized by a two-thirds vote of the people; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That the Property located southeasterly of Nobel Drive and Shoreline Drive, west of Interstate 805 and north of Rose Canyon Open Space and legally described in Exhibit A, a copy of which is attached hereto, in the University Community Plan area, in the City

of San Diego, California, is set aside and dedicated in perpetuity for park and recreation purposes.

Section 2. That the Real Estate Assets Division has determined:

- a. The appraised value of the Property is \$97,000.00.
- b. Real Estate Assets Department has reviewed the Phase 1 Environmental Site Assessment provided regarding the property and there does not appear to be any potential liabilities associated with the property.

Section 3. The Park and Recreation Department has determined that the Park and Recreation Department can and will accommodate any potential maintenance obligations related to the Property.

Section 4. That the Council of the City of San Diego hereby accepts the donation of the Property and specifically reserves the right to establish underground public service easements through and across the Property so long as the construction and maintenance of such easements do not substantially negatively impact the availability of the Property for use for park and recreation purposes.

Section 5. The City Manager is authorized to accept the donation and to execute all necessary documents.

Section 6. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 7. That this ordinance shall take effect and be in force on the eightieth day after the filing of the Notice of Determination for Mitigated Negative Declaration No. 291342.

Section 8. That the City Clerk is authorized and directed to file for record in the office of the San Diego County Recorder a certified copy of this ordinance against the title of the Property after title has transferred to the City of San Diego.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
04/05/2017
Or.Dept:DSD
Doc. No.: 1477606

Attachment: Exhibit A

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of MAY 16 2017.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 5/30/17
(date)

[Signature]
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION

Real property in the City of San Diego, County of San Diego, State of California, described as follows:

PARCEL A:

THAT PORTION OF PUEBLO LOT 1277 OF THE PUEBLO LANDS OF SAN DIEGO, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF MADE BY JAMES PASCOE IN 1870, A COPY OF WHICH MAP WAS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AND KNOWN AS MISCELLANEOUS MAP NO. 36, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 1277; THENCE ALONG THE EASTERLY LINE OF SAID LOT 1277, SOUTH 00° 56' 21" WEST-BEARINGS ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION, 130.92 FEET TO A POINT IN THE ARC OF A CURVE CONCENTRIC WITH AND DISTANT NORTHERLY 100.00 FEET MEASURED RADially FROM THE CENTER LINE OF THE ATCHINSON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 100 FOOT WIDE RIGHT OF WAY AND DESCRIBED IN DEED DATED FEBRUARY 09, 1881, TO THE CALIFORNIA SOUTHERN RAILROAD COMPANY-PREDECESSOR IN INTEREST TO FIRST SAID RAILWAY COMPANY, RECORDED FEBRUARY 25, 1881, IN BOOK 38, PAGE 128 OF DEEDS, RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG SAID CONCENTRIC CURVE FROM WHENCE A TANGENT BEARS SOUTH 73° 11' 07" WEST, CONCAVE NORTHERLY AND HAVING A RADIUS OF 2764.93 FEET, THROUGH A CENTRAL ANGLE OF 3° 09' 10" A DISTANCE OF 152.15 FEET TO A POINT OF TANGENCY IN A LINE PARALLEL WITH AND DISTANT NORTHERLY 100.00 FEET MEASURED AT RIGHT ANGLES FROM SAID CENTER LINE; THENCE SOUTH 76° 20' 17" WEST ALONG SAID PARALLEL LINE 579.04 FEET TO A POINT OF TANGENCY IN THE ARC OF A CURVE CONCENTRIC WITH AND DISTANT NORTHERLY 100.00 FEET MEASURED RADially FROM SAID CENTER LINE; THENCE WESTERLY ALONG LAST SAID CONCENTRIC CURVE, CONCAVE NORTHERLY AND HAVING A RADIUS OF 5629.85 FEET, THROUGH A CENTRAL ANGLE OF 00° 14' 05" A DISTANCE OF 23.06 FEET TO A POINT IN THE EASTERLY LINE OF THAT CERTAIN 10 ACRE PARCEL OF LAND AS DESCRIBED IN EXCEPTIONS SHOWN IN SHERIFF'S DEED TO PACIFIC LAND IMPROVEMENT COMPANY, RECORDED DECEMBER 12, 1917 IN BOOK 749, PAGE 68 OF DEEDS, RECORDS OF SAID COUNTY; THENCE NORTH 00° 54' 16" EAST ALONG LAST SAID EASTERLY LINE 324.68 FEET TO A POINT IN THE NORTHERLY LINE OF SAID LOT 1277; THENCE SOUTH 89° 05' 44" EAST ALONG SAID NORTHERLY LINE 729.31 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS AS EXCEPTED IN DEED RECORDED DECEMBER 17, 1971 AS FILE NO. 293895 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION LYING WESTERLY OF THE EASTERLY LINE OF THE LAND SHOWN ON MAP 11505, TOWNE CENTRE APARTMENTS.

PARCEL B:

VARIOUS EASEMENTS AS RESERVED IN THAT GRANT DEED FROM GOLDEN TRIANGLE PARTNERS, A CALIFORNIA GENERAL PARTNERSHIP TO THE CONCOURSE JOINT VENTURE, A CALIFORNIA GENERAL PARTNERSHIP, RECORDED JUNE 25, 1998 AS FILE NO. 1998-0391006 OF OFFICIAL RECORDS, OVER, ALONG AND ACROSS THE FOLLOWING:

LOTS 1 THROUGH 6 OF TOWNE CENTRE APARTMENTS, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11505, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, MAY 07, 1986.

APN: 348-020-88-00

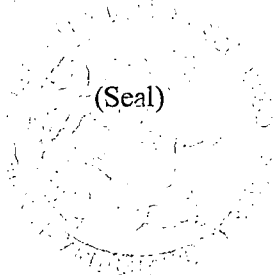
Passed by the Council of The City of San Diego on MAY 16 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<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"/>
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"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 30 2017

AUTHENTICATED BY:

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



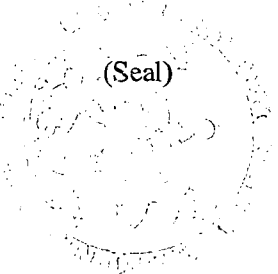
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Bruen, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 25 2017, and on MAY 30 2017

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.



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

By Linda Bruen, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20825</u>