

RESOLUTION NUMBER R- 311223

DATE OF FINAL PASSAGE JUL 25 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE EXCHANGE OF EASEMENTS BETWEEN THE CITY OF SAN DIEGO AND THE STATE OF CALIFORNIA, AND AUTHORIZING THE GRANT OF A QUITCLAIM DEED TO THE STATE OF CALIFORNIA REGARDING EASEMENT INTERESTS IN REAL PROPERTY LOCATED WITHIN THE TORREY PINES STATE RESERVE NEEDED FOR THE WATER GROUP 939 PROJECT.

ITEM #103  
7/11/17

WHEREAS, in 1948 the City of San Diego (City) acquired a 30-foot easement for access road and waterline purposes (Original Easement) within the Torrey Pines State Reserve (APN 310-110-20), from the State of California's (State) predecessor in interest; and

WHEREAS, a waterline was never installed within the Original Easement area by the City, but an access road was established; and

WHEREAS, due to a landslide, a portion of the access road ended up deviating outside of the Original Easement's boundaries; and

WHEREAS, the Water Group 939 Project (Project) proposes to locate a waterline within the existing deviated access road's boundaries, which eliminates the need for a portion of the Original Easement; and

WHEREAS, based on the boundaries of the existing deviated access road, a new easement (New Easement) was sought to grant the City easement rights over that portion of the existing deviated access road that is outside of the Original Easement; and

WHEREAS, to accommodate the Project, the New Easement was acquired from the State pursuant to San Diego Municipal Code section 22.3110 (Acquisition of Interests in Real Property), and is on file with the San Diego County Recorder's Office as Document No. 2017-0254278; and

WHEREAS, because the portion of the Original Easement which now lays outside of the existing deviated access road is no longer needed, staff proposes that the excess area be quitclaimed back to the State, by quitclaiming the excess area back to the State, via a quitclaim deed (Quitclaim Deed), in exchange for the New Easement; and

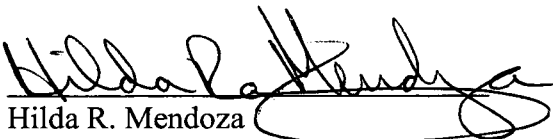
WHEREAS, on March 1, 2017, a qualified real estate appraiser conducted an appraisal of the easement interests proposed to be exchanged. Based on the appraisal, the Mayor certifies that the easement interests in the New Easement and the easement interests in the Quitclaim Deed are approximately equal in value; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the exchange of the City's easement interests in the Original Easement for those easement interests in the New Easement are approved.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is hereby authorized and directed to execute that certain Quitclaim Deed in favor of the State of California, which is on file in the Office of the City Clerk as Document Number RR- 311223.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver all other instruments to effect and complete the transaction contemplated by this Resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney


HRM:als  
06/23/2017  
Or.Dept: READ  
Doc. No.: 1523795

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 11 2017.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 7/24/17  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 11 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUL 25 2017.

(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.

(Seal)

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

By *Sty Crady*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 311223