

RESOLUTION NUMBER R- 312040

DATE OF FINAL PASSAGE OCT 30 2018

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 PURE WATER NORTH CITY PROJECT FROM WESTWOOD APARTMENTS SD, LLC – APN 345-172-08; AUTHORIZING THE CITY ATTORNEY TO COMMENCE PROCEEDINGS IN EMINENT DOMAIN AND TO OBTAIN AN ORDER FOR IMMEDIATE POSSESSION; AND AUTHORIZING EXPENDITURE OF FUNDS FOR THE REAL PROPERTY INTERESTS TO BE ACQUIRED.

WHEREAS, on May 15, 2014, the City Council of the City of San Diego passed a resolution supporting the Pure Water San Diego Program; and

WHEREAS, the Pure Water San Diego Program (Program) is part of the City of San Diego’s Public Utilities Department Capital Improvement Program. The Program is a phased, multi-year program that uses proven technology to produce a safe, reliable and cost-effective water supply for the City. At full implementation in 2035, the Program will provide one-third (1/3) of San Diego’s water supply locally and will reduce the City’s ocean wastewater discharges by approximately one-half (1/2); and

WHEREAS, on April 10, 2018, the San Diego City Council approved the North City Pure Water Project – Phase I (Project), which included discretionary land use approvals and an Environmental Impact Report (EIR). The Project includes expansion of the existing North City Water Reclamation Plant and construction of an Advanced Water Purification Facility with a purified water pipeline delivering 30 million gallons per day from Morena Boulevard to the Miramar Reservoir. The Project will direct wastewater flows away from Point Loma to the City’s water reclamation plants for treatment. The purified water will blend with the City’s

imported and local water sources in the Miramar Reservoir and be treated again at the Miramar Drinking Water Treatment Plant and distributed to the public; and

WHEREAS, the Project requires a permanent water pipeline easement and a temporary construction area from each of the subject parcels; and

WHEREAS, the North City Project would use advanced water purification technology to produce purified water from recycled water known as the Pure Water Program's North City Project, includes: Morena Pump Station and Pipelines which will transport approximately 32 mgd of wastewater to the North City Water Reclamation Plant (NCWRP), where it will be treated before being sent to the new NCPWF for further purification. Construction will include a new pump station on Sherman Street and two parallel 10.7-mile-long wastewater pipelines. The wastewater pipelines will start at Sherman Street, follow West Morena Boulevard to Clairemont Drive, continue to Genesee Avenue and go through University City to the NCWRP on Eastgate Mall. This portion will also include the construction of two approximately 3.5-mile water pipelines, a 16-inch water distribution pipeline and a 36-inch water transmission pipeline, which will run parallel to the wastewater pipelines along West Morena Boulevard and Morena Boulevard; North City Water Reclamation Plant Expansion will increase the amount of recycled water the NCWRP produces to meet the needs of both the recycled water system and the new NCPWF. The NCWRP is located on Eastgate Mall and treats wastewater to recycled water standards for irrigation and industrial uses. The plant capacity would increase from 30 mgd to 52 mgd. A new pump station located at the NCWRP will convey up to 42 mgd of recycled water to the new NCPWF across the street for further purification; North City Pure Water Facility will be built on Eastgate Mall across the street from the existing NCWRP to clean the recycled water

further to produce 30 mgd of safe, high-quality water that meets all state and federal drinking water standards; and

WHEREAS, the acquisition of the property interests set forth in Exhibit 1 attached hereto (Acquisition Areas) is a part of a series of subsequent discretionary actions necessary to implement the Project and is not considered a separate project under CEQA; and

WHEREAS, on April 10, 2018, the Council approved Site Development Permit No. 2092309 for the Project (Resolution R-2018-405) which also included a finding of compliance with the City's General Plan; and

WHEREAS, the Project requires a permanent pipeline easement and a temporary construction area easement from Westwood Apartments SD, LLC – APN 345-172-08; and

WHEREAS, for the Westwood Apartments property, the Genesee Ave. bridge near University City High School is too deep to feasibly tunnel underneath. With environmentally sensitive land West of Genesee Ave, the only option available is to tunnel East of Genesee Ave around the bridge. The Sewer Force Main and Brine Concentrate pipelines will require 2 receiving pits on Genesee Ave with 1 launching pit in the canyon South of the Westwood Apartments. The tunneling machine will launch from this location into Genesee Ave, where it briefly crosses the Westwood property boundary. A small portion of the space between the launching pit and the Westwood Apartments property will be used as temporary staging for the duration of construction; and

WHEREAS, the City obtained fair market value appraisals of the Acquisition Areas and determined that the probable compensation to be paid for acquisition of the property interests sought is Westwood Apartments SD, LLC – \$1,900.00; and

WHEREAS, the City negotiated with the property owners and made offers to purchase the Acquisition Area necessary for the Project at an amount consistent with the appraised fair market value of each of the properties in compliance with the California Government Code section 7267.2(a) and the negotiations with the property owners have not been successful as of the date of this Resolution; and

WHEREAS, funds are available to acquire the necessary real property interests sought for the Project from 700009 (Metro Sewer Fund), \$1,482 and 700010 (Water Utility CIP), \$418.00; 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 acquisition of the real property interests proposed is the least amount of real property necessary to complete the Project; and

WHEREAS, on October 10, 2018, the City mailed a notice of hearing, and of its intent to adopt this Resolution of Necessity, to the record owners of the Acquisition Areas, 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 and 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 notice, all in compliance with the California Code of Civil Procedure section 1245.235; and

WHEREAS, the hearing set out in said notice of hearing was held on October 30, 2018, 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 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 attached hereto for the permanent and temporary easements over portions of Westwood Apartments SD, LLC – APN 345-172-08 needed 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 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 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 attached hereto consisting of permanent and temporary easements over a portion of Westwood Apartments SD, LLC – APN 345-172-08 to implement the Project.

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

BE IT FURTHER RESOLVED, that the property interests proposed to be acquired as set forth in Exhibit 1 attached hereto 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, 124.040, 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 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 *et seq.*

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend funds as required from 700009 (Metro Sewer Fund), \$1,482 and 700010 (Water Utility CIP), \$418.00 to acquire the property interests found necessary for the Project, and to deposit into the State Treasury's State Condemnation Fund, as necessary, the amount of \$1,900 as probable amount of compensation owed to the property owners to obtain possession of the Acquisition Areas. This is the probable amount of compensation to be paid by the City for the necessary real property interests to be acquired. The Chief Financial Officer is further authorized to deposit, if necessary, additional funds that the Court or the parties in the anticipated eminent domain action deem necessary to increase the probable amount of compensation due to the property owner(s) as

a result of the acquisition of the property interests set forth herein and the resulting eminent domain litigation.

APPROVED: MARA W. ELLIOTT, City Attorney

By Christine M. Leone  
Christine M. Leone  
Deputy City Attorney

CML:cw  
10/05/18  
Or.Dept: READ  
CC No.: 3000011516  
Doc. No.: 1852812  
Attachment: Exhibit 1

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 30 2018.

ELIZABETH S. MALAND  
City Clerk

By Elizabeth S. Maland  
Deputy City Clerk

**EXHIBIT 1**



File copy



Michael Flanagan  
Project Manager  
9150 Chesapeake Drive, Suite 190  
San Diego, CA 92123  
Mike.Flanagan@clarklandresources.com

C: (858) 405-6559  
F: (760) 560-1662

August 6, 2018

Westwood Apartments SD LLC  
7948 Avenida Navidad  
San Diego, California 92122

To Whom It May Concern:

OFFER FOR SEWERLINE EASEMENT AND TEMPORARY CONSTRUCTION AREA  
7948 Avenida Navidad, San Diego (APN: 345-172-08)

The City of San Diego is in the process of completing its design for the Pure Water – Morena Pump Station and Pipeline project. The purpose of this project is to deliver additional wastewater to the North City Water Reclamation Plant where it will be treated by advanced treatment processes and will create up to 30 million gallons per day of local potable water.

Records show that you are the property owner of the above-numbered parcel, a portion of which will be benefitted by the project, see (Exhibit A). The City of San Diego ("City") seeks to acquire a sewer line easement and a temporary construction area (TCA) on your property located at 7948 Avenida Navidad (APN: 345-172-08) in the City of San Diego, as more particularly depicted on (Exhibit B). This letter and all attachments constitute the offer.

The City had the easement and TCA appraised to determine its fair market value. The appraisal was conducted in accordance with commonly accepted appraisal standards and included consideration of the highest and best use of the land. Based on the appraisal, the City offers to purchase these easement rights for **\$1,900** ("Purchase Price").

The Purchase Price is the full amount established by the appraisal as the fair market value of the easement, and the just compensation for such acquisition. A written statement of, and a summary of the basis for, the amount established as the Purchase Price is set forth in the attached Appraisal Summary Statement (Exhibit C).

The fair market value of the easement:

- a. Is the full amount believed by the City to be just compensation for the easement to be acquired;
- b. Is not less than the approved appraisal of the fair market value of the easement;
- c. Disregards any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the public improvement for the property which is to be acquired or by the likelihood that the property would be acquired for such public improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant; and
- d. Does not reflect any consideration of or allowance for any relocation assistance and payments or other benefits to which the owner may be entitled to receive under an agreement with the City of San Diego.

Additional information regarding the property is provided in (Exhibit D). It is the City's hope that this offer is acceptable and we can proceed with the purchase of the easement and TCA areas. However, if you are not satisfied with the City's offer of just compensation, you will be given reasonable opportunity to present relevant material, which the City will carefully consider. A response to this offer would be appreciated by September 6, 2018.

If you have any questions regarding this offer, please call me at (858) 405-5559.

Sincerely,



Michael Flanagan  
Project Manager  
Clark Land Resources

Offer received: By: Brian Stowers

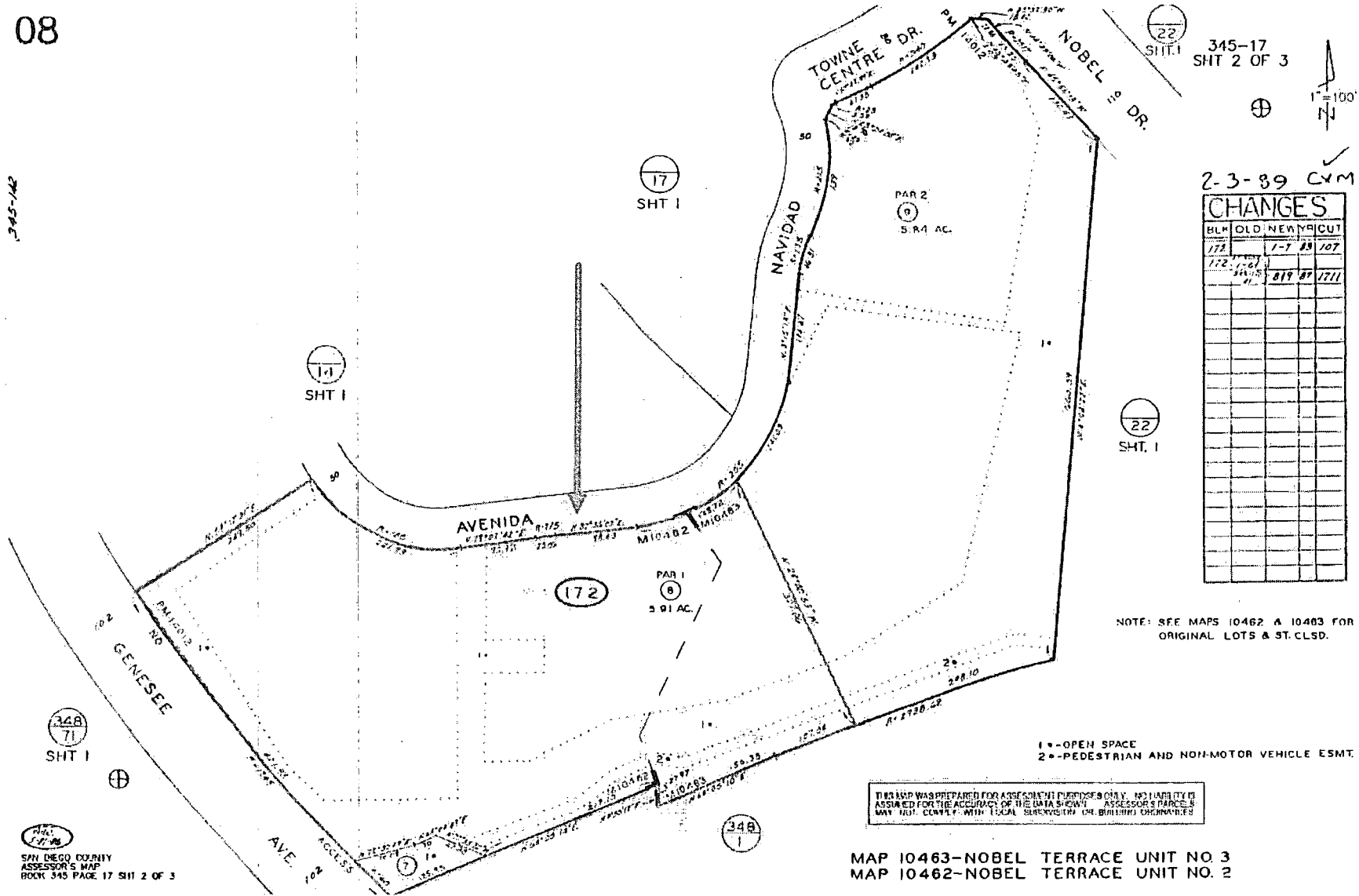
Date: August 6, 2018

Offer accepted: By: \_\_\_\_\_

Date: \_\_\_\_\_



345-142



345-17 SHT 2 OF 3  
2-3-89 CYM ✓

CHANGES			
BLK	OLD	NEW	CUT
172		1-7	88 107
172		819	87 1711

NOTE: SEE MAPS 10462 & 10463 FOR ORIGINAL LOTS & ST. CLSD.

- 1\*-OPEN SPACE
- 2\*-PEDESTRIAN AND NON-MOTOR VEHICLE ESMT.

THIS MAP WAS PREPARED FOR ADEQUACY PURPOSES ONLY. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 10463-NOBEL TERRACE UNIT NO. 3  
MAP 10462-NOBEL TERRACE UNIT NO. 2

Exhibit A

Exhibit B

EXHIBIT A  
LEGAL DESCRIPTION  
SEWER EASEMENT  
APN 345-172-08

Portions of Parcel 1 of Parcel Map 14012 in the City of San Diego, County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder of San Diego County on November 6, 1985 as Instrument No. 85-0417857, of official records, described as follows:

A strip of land 35.00 feet in width, lying 17.50 feet on each side of the following described centerline:

COMMENCING at the easterly most corner of Parcel "A" of Map No. 10462 filed August 20, 1982 as Instrument No. 82-258472 in said County being also a point on the southerly line of said Parcel Map 14012; thence southwesterly along the southerly line of said Parcel "A" of Map 10462 South 64°05'14" West 11.42 feet to the TRUE POINT OF BEGINNING; thence leaving said southerly line South 84°47'08" West 142.05 feet to a point on a curve in the westerly line of said Map 10462 having a radius of 1949.00 feet to which a radial line bears South 44°47'50" West and the POINT OF TERMINUS. Said POINT OF TERMINUS being also a point on the Northeasterly Right of Way of Genesee Avenue.

The sidelines of said strip shall be prolonged or shortened so as to begin on said southerly line of Map 10462 and end on said northeasterly Right of Way of Genesee Avenue.

EXCEPTING therefrom any portion of said strip not lying within said Parcel 1 of Parcel Map 14012.

ATTACHED HERETO IS DRAWING NO. 40469-B LABELED AS EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.

Portion of said strip within Parcel 1 of Parcel Map 14012 CONTAINING a total of 783.56 square feet (s.f.) or 0.018 acre, (ac) more or less. Shown on said Plat as follows:

Sewer Easement Parcel A acquired containing 440.7 s.f. or 0.010 ac.  
Sewer Easement Parcel B acquired containing 342.9 s.f. or 0.018 ac.

[SEE PAGE 2]

Exhibit B

This description was prepared by me or under my direction.



MARK D. MACFARLANCE  
LS 8960  
MBI JN 157879 MBI-9  
MAY 14, 2018  
PTS 585491  
I.O. B-15141.02.01  
CITY DWG NO.40469-B



Exhibit B  
**EXHIBIT 'B'**

APN: 045-172-09  
OWNER: WESTWOOD APARTMENTS SD LLC  
REFERENCES:  
PM 14010, MAP 10462

**BASIS OF BEARINGS:**  
THE BASIS OF BEARINGS OF THIS PLAT IS  
THE SOUTH LINE OF PARCEL 1, PM 14012  
I.E. N64°09'14"E

**PLOTTABLE EASEMENT NOTES:**  
EASEMENT NOTES PER STEWART TITLE  
ORDER NO. 01180-277245

DESCRIPTION	DOC #
1 50' EDGE EASEMENT	1998-95100
2 60' EDGE EASEMENT	1998-214783
3 SEWER EASEMENT	1980-016981
4 20' EDGE EASEMENT	1990-359972
5 NO ACCESS TO GENESEE	MAP 10462
15 EASEMENTS PER	PM 14012

A-PEDESTRIAN & NON-VEHICULAR  
B-WATER FACILITIES  
C-OPEN SPACE

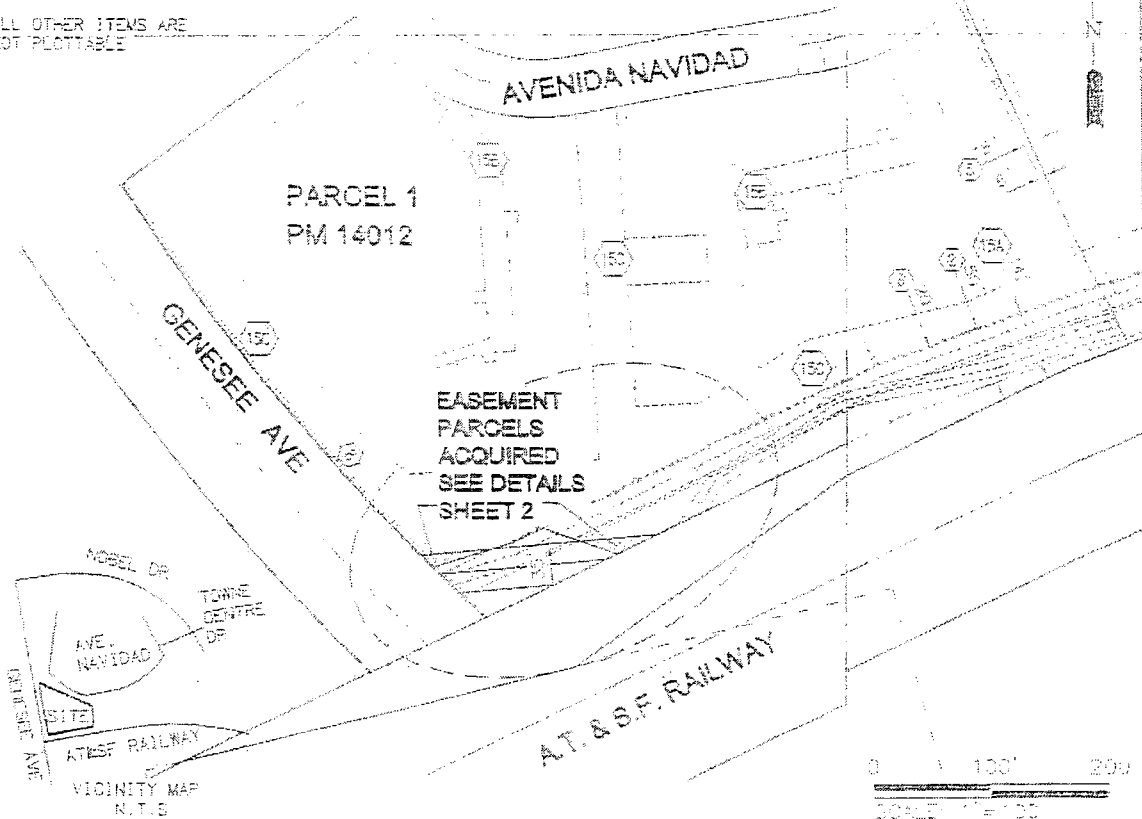
ALL OTHER ITEMS ARE  
NOT PLOTTABLE

**LEGEND**



SEWER EASEMENT PARCELS-  
PORTIONS OF 33 FOOT STRIP  
ACQUIRED TOTAL = 783.56 SF  
(0.018 AC)  
PARCEL A: 440.7 SF(0.010 AC)  
PARCEL B: 342.9 SF(0.008 AC)  
(PORTIONS NOT WITHIN PARCEL  
PM 14012 EXCEPTED)

- POC POINT OF COMMENCEMENT
- TPOB TRUE POINT OF BEGINNING
- POT POINT OF TERMINUS
- (E) EXISTING EASEMENT LABEL  
SEE EASEMENT NOTES (LEFT)



**Michael Baker** INTERNATIONAL  
1875794618 EXH  
B-1.DWG  
9755 CLAIEMENT MESA BLVD  
SAN DIEGO, CALIFORNIA 92124-1324  
PHONE: 858.614.5000  
5.14.2018  
D. MACFARLANE, PLS 8960



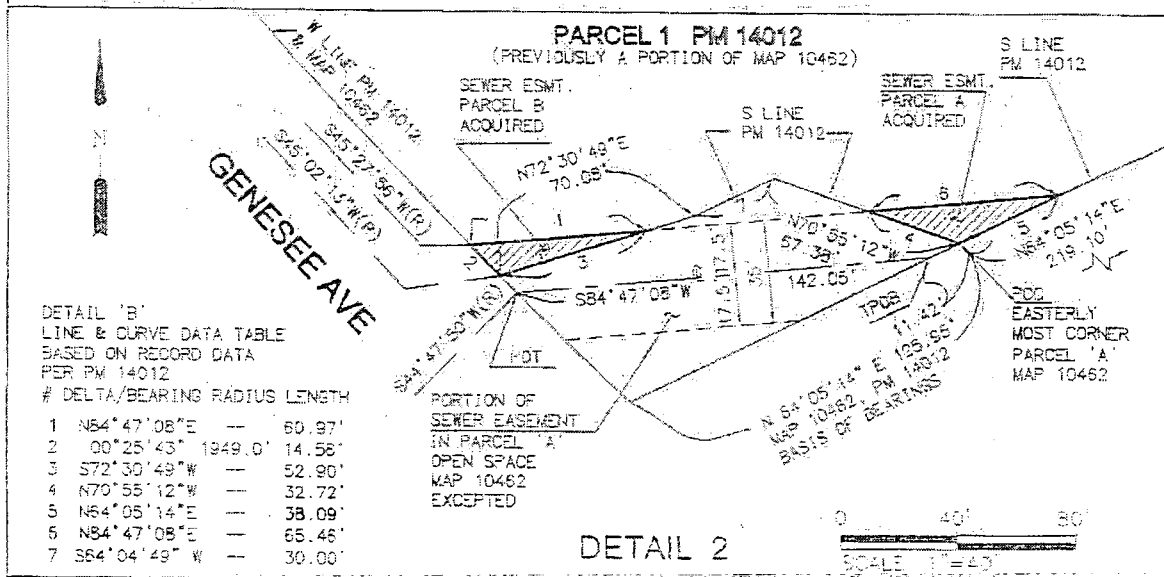
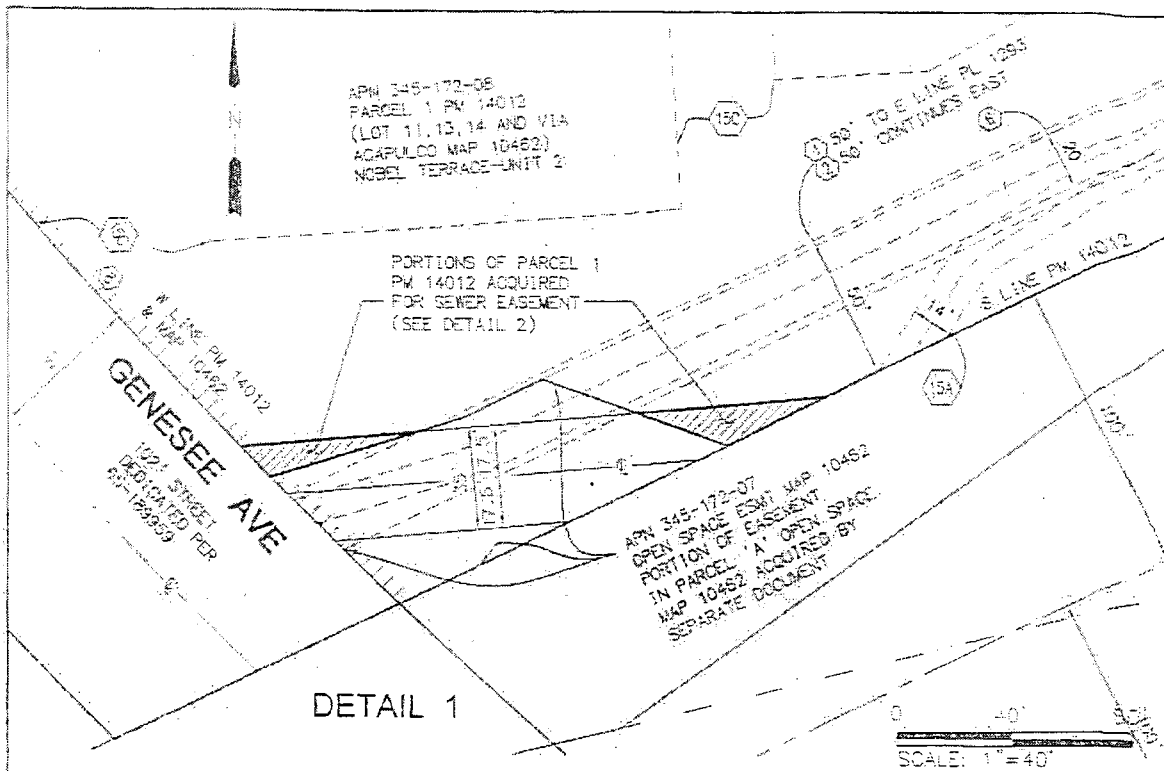
RESOLUTION NO. \_\_\_\_\_  
ADOPTED \_\_\_\_\_  
DOCUMENT NO. \_\_\_\_\_  
RECORDED \_\_\_\_\_

**SEWER EASEMENT  
PORTION OF PARCEL 1 PARCEL MAP 14012**

DESCRIPTION	BY	APPROVED DATE (FILED)	CITY OF SAN DIEGO, CALIFORNIA	PTS
B.3.17 MB1-9 SUB 1	MBI		SHEET 1 OF 2 SHEET(S)	585281
10.18.17 CHANGE TO A&B	MBI			1.0 5-15-17 02.0
10.24.17 ADD NOTES	MBI			1594-8265
2ND SUB 1, 17.18	MBI		<i>Mark D. MacFarlane</i> FOR CITY LAND SURVEYOR	DCS 03 COORDINATOR
FINAL MOLAR 5.14.2018	MBI		DATE	254-1702
				WATER COORDINATOR
				40469-1-B

STATUS

Exhibit B  
**EXHIBIT 'B'**



DETAIL 'B'  
 LINE & CURVE DATA TABLE  
 BASED ON RECORD DATA  
 PER PM 14012

#	DELTA/BEARING	RADIUS	LENGTH
1	N84°47'08"E	---	60.97'
2	00°25'43"	1949.0'	14.58'
3	S72°30'49"W	---	52.90'
4	N70°55'12"W	---	32.72'
5	N64°05'14"E	---	38.09'
6	N84°47'08"E	---	65.46'
7	S64°04'49"W	---	30.00'

**Michael Baker**

157579-MB19 EXH  
 B-2.DWG

INTERNATIONAL  
 9755 CLAIEMONT MESA BLVD  
 SAN DIEGO, CALIFORNIA 92124-1324  
 PHONE: 858.514.5000

RESOLUTION NO. \_\_\_\_\_  
 ADOPTED \_\_\_\_\_  
 DOCUMENT NO. \_\_\_\_\_  
 RECORDED \_\_\_\_\_

SEWER EASEMENT  
 PORTION OF PARCEL 1 PARCEL MAP 14012

DESCRIPTION	BY	APPROVED DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS
8.3.17 MBI-9 SUB 1	MBI			SHEET 2 OF 2 SHEET(S)	585291
10.18.17 CHANGE TO A&B	MBI				I.O. B-15141.02.01
10.24.17 ADD NOTES	MBI				1894-6265
2ND SUB 1.17.18	MBI			<i>Michael R. ...</i> 7/2/18	GCS E3 COORDINATES
FINAL MYLAP 5.14.2018	MBI			FOR CITY LAND SURVEYOR DATE	254-1705
					NAD27 COORDINATES
					40469-2-B

STATUS

Exhibit B

EXHIBIT A  
LEGAL DESCRIPTION  
TEMPORARY CONSTRUCTION AREA (TCA)  
APN 345-172-08

A portion of Parcel 1 of Parcel Map 14012 in the City of San Diego, County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder of San Diego County on November 6, 1985 as Instrument No. 85-0417857, of official records, described as follows:

**BEGINNING** at the easterly most corner of Parcel "A" of Map 10462 filed in the Office of the County Recorder of San Diego County on August 20, 1982 as Instrument No. 82-258477, of official records, being also a point on the southerly line of said Parcel Map 14012; thence easterly along said southerly line North  $64^{\circ}05'14''$  East 139.91 feet; thence leaving said southerly line North  $28^{\circ}19'24''$  West 39.04 feet to the beginning of a non-tangent curve concave Southeasterly having a radius of 185.00 feet to which a radial line bears North  $33^{\circ}03'44''$  West; thence southwesterly along the arc of said curve through a central angle of  $21^{\circ}25'31''$  an arc length of 69.18 feet to the beginning of a reverse curve concave Northwesterly having a radius of 76.00 feet to which a radial line bears South  $54^{\circ}29'15''$  East; thence southwesterly along the arc of said curve through a central angle of  $46^{\circ}27'51''$  an arc length of 61.63 feet; thence tangent from said curve South  $81^{\circ}58'36''$  West 39.49 feet to a point on the northeasterly line of said Parcel "A"; thence southeasterly along said northeasterly line South  $70^{\circ}55'12''$  East 34.60 feet to the **TRUE POINT OF BEGINNING**.

**CONTAINING** 3,089.4 square feet or 0.071 acre, more or less.

**ATTACHED HERETO IS DRAWING NO. 40468-B LABELED EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.**

This description was prepared by me or under my direction.

[SEE PAGE 2]



Exhibit B



  
MARK D. MACFARLANE  
PLS 8960  
MBI JN 157879 MBI-11  
MAY 14, 2018  
PTS 585291  
I.O. B-15141.02.01  
CITY DWG NO. 40468-B



EXHIBIT 'B'



ADDRESS/Parcel NO. (APN) : 348-172-08 (PAR. 1 PM 14012)  
 OWNER: WESTWOOD APARTMENTS SD LLC

**LEGEND**

 TEMPORARY CONSTRUCTION AREA ACQUIRED (TCA) WITHIN APN 345-172-08  
 3083.4 SF (0.071 AC)  
 SEE SHEET 2 FOR DETAILS

REFERENCES: PM 14012, MAP 10482, ROS 21532, ROS 14482,  
 CITY DWG 11896-S, S D

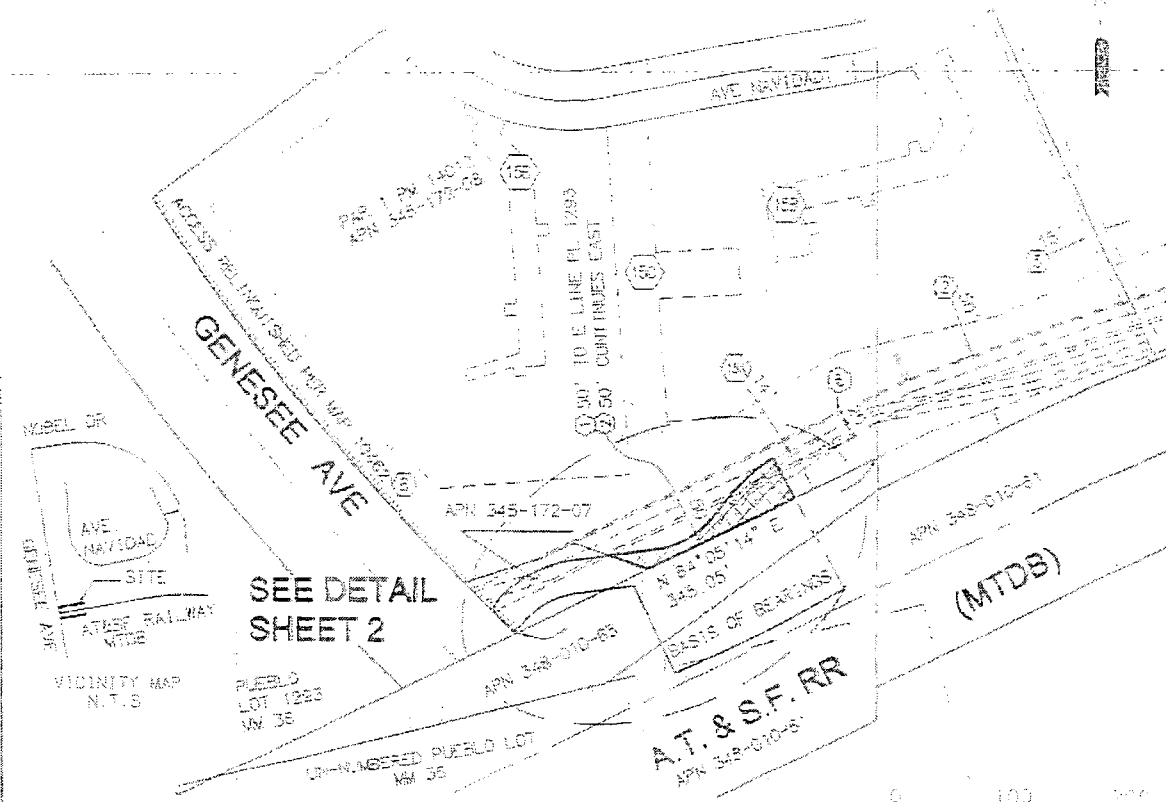
BASIS OF BEARINGS:  
 THE BASIS OF BEARINGS OF THIS PLAT IS THE SOUTH LINE OF PARCEL 1 OF PARCEL MAP 14012 I.E. N 84°05'14" E.

TPOS TRUE POINT OF BEGINNING  
 EXISTING EASEMENT LABEL (APN 08)  
 SEE EASEMENT NOTES (LEFT)  
 PAR. PARCEL  
 RECORD DATA PM 14012

PLOTTABLE EASEMENTS NOTES FOR APN 345-172-08 ONLY:  
 EASEMENT NOTES PER STEWART TITLE 01180-277049

- | # | DESCRIPTION          | DOC #       |
|---|----------------------|-------------|
| 1 | 50' SDGE EASEMENT    | 1965-65100  |
| 2 | 50' SDGE EASEMENT    | 1968-214753 |
| 3 | SEWER EASEMENT       | 1980-015921 |
| 4 | 20' SDGE EASEMENT    | 1980-359975 |
| 5 | NO ACCESS TO GENESEE | MAP 10482   |
| 6 | 15 EASEMENTS PER     | PM 14012    |

A-PEDESTRIAN & NON-VEHIC. B-WATER FACILIT. C-OPEN SPACE  
 ALL OTHER ITEMS ARE NOT PLOTTABLE

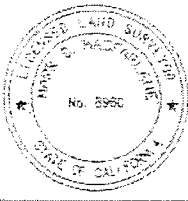


SEE LEGAL DESCRIPTION EXHIBIT A

**Michael Baker**

INTERNATIONAL  
 3755 CLAREMONT MESA BLVD  
 SAN DIEGO, CALIFORNIA 92124-1324  
 PHONE: 858.614.5000

*[Signature]* 5.14.2018  
 MARK D. MACFARLANE PLS 8960



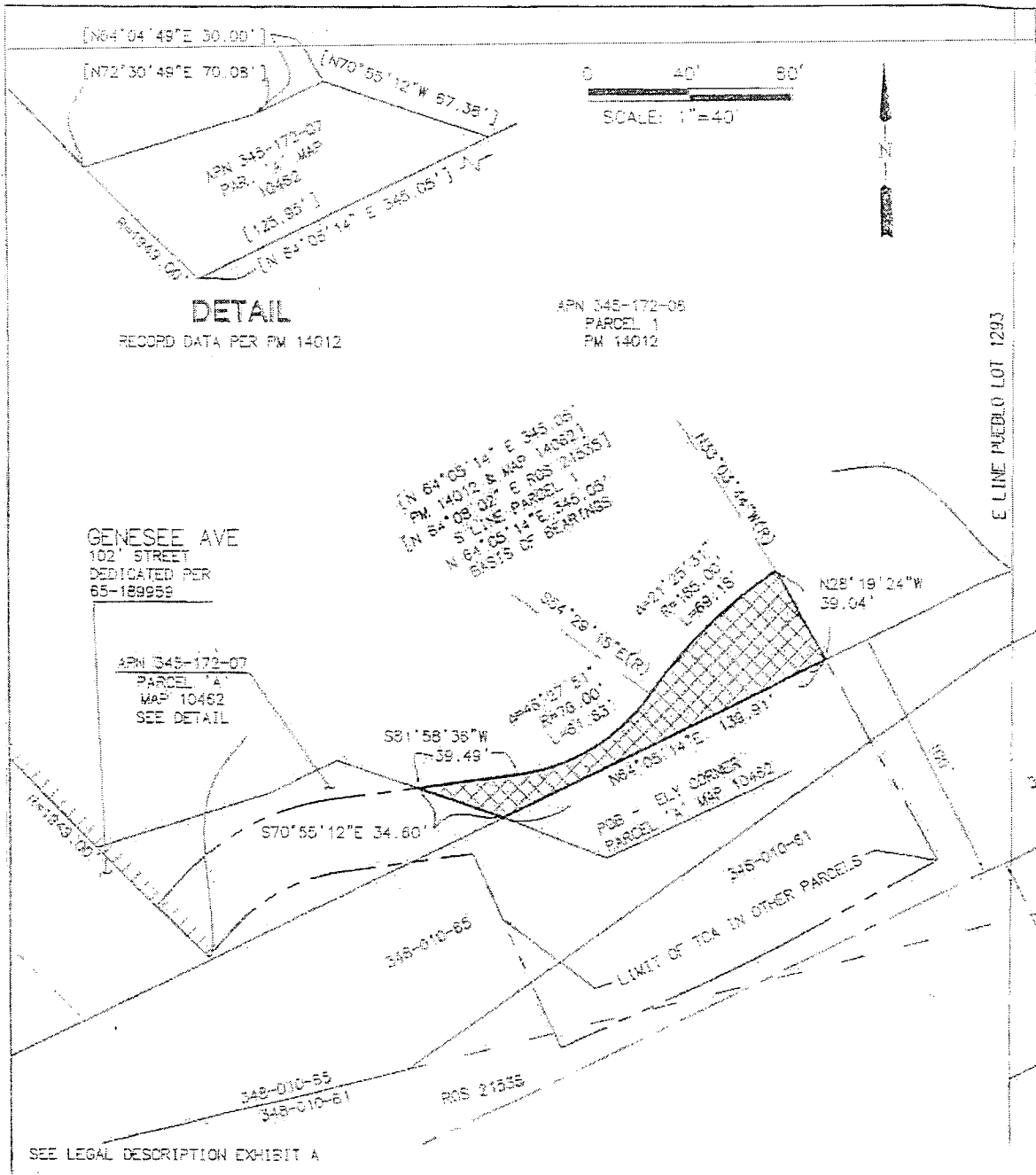
DOCUMENT NO. \_\_\_\_\_  
 RECORDED \_\_\_\_\_

**TEMPORARY CONSTRUCTION AREA WITHIN  
 PARCEL 1 PM 14012**

DESCRIPTION	BY	APPROVED	DATE	FILED	CITY OF SAN DIEGO, CALIFORNIA	PTS
8.9.17 M&I'S B, 11, 14 SUB	MBI				SHEET 1 OF 2 SHEET(S)	565291
8.25.17 HATCH BY APN	MBI					1.0. B-15141.02.01
10.17.17 RCA & REV	MBI					1894-5255
12ND SUB 1, 17, 18	MBI				<i>[Signature]</i> 7/2/18 FOR CITY LAND SURVEYOR	CCS 53 COORDINATES
FINAL MYLAR 5.14.2018	MBI					254-1726
						NAD83 COORDINATES
						40468-1-B

STATUS

Exhibit B  
**EXHIBIT 'B'**



**Michael Baker**  
INTERNATIONAL  
9755 CLAIREMONT MESA BLVD  
SAN DIEGO, CALIFORNIA 92124-1324  
PHONE: 658.614.5000

DOCUMENT NO. \_\_\_\_\_  
RECORDED \_\_\_\_\_

**TEMPORARY CONSTRUCTION AREA WITHIN  
PARCEL 1 PM 14012**

DESCRIPTION	BY	APPROVED DATE (FILED)	CITY OF SAN DIEGO, CALIFORNIA SHEET 2 OF 2 SHEET(S)	PTS 585291
8.9.17 MB15.B.11,14 SUB.	MB1			I.O. 5-15141.02.01
9.25.17 HATCH BY APN	MB1			1894-6265
10.17.17 RCA & REV	MB1			CCS 83 COORDINATES
2ND SUB 1.17.18	MB1			254-1705
FINAL MYLAR 5.14.2018	MB1			NAD27 COORDINATES
STATUS				<b>40468-2-B</b>

Exhibit C

*San Diego Pure Water Project*

*City of San Diego*

APPRAISAL SUMMARY STATEMENT

The fair market value for the property to be acquired is based upon an appraisal prepared in accordance with accepted appraisal principals and procedures. Recent sales of comparable properties were utilized to estimate value by the sales comparison approach. Full consideration is given to the subject property's zoning, land use, development potential, and physical characteristics.

BASIC PROPERTY DATA

*OWNER:* Westwood Apartments SD LLC

*SUBJECT PROPERTY ADDRESS:* 7942 Avenida Navidad, San Diego, CA 92122  
(Open Space Portion)

---

*ASSESSOR'S PARCEL NUMBERS:* 345-172-08 & 345-172-09 (Portions of)

*PRESENT USE:* Vacant open space buffer area

*HIGHEST AND BEST USE:* *As Vacant:* Continue use as dedicated open space buffer surrounding the Westwood Apartment complex  
*As Improved:* N/A

*PROPERTY CONSIDERED FOR ACQUISITION:* Partial acquisition for the San Diego Pure Water Project

*INTEREST VALUED:* Fee simple interest in establishing the larger parcel; and permanent easement and temporary construction interests

*DATE OF APPRAISAL:* June 5, 2018

*APPLICABLE ZONING:* RM-2-5 (Residential – Multiple Unit)

*APPLICABLE LAND USE:* Designated Open Space

*IMPROVEMENTS:* None, the property is vacant land.

*TOTAL PROPERTY AREA:*

Larger Parcel:	4.054± acres (Open Space portion)
Portion Sought (Permanent Easement):	784± Sq. Ft
Portion Sought (Temporary Construction Area):	3,089± Sq. Ft

Exhibit C

**BASIS OF APPRAISAL**

The sales comparison approach was used to develop an opinion of the fair market value of the subject land.

**Sales Comparison Approach**

The sales comparison approach compares sales of similar open space land to the property being appraised. The following table is a summary of the sales considered most comparable to the subject property land.

OPEN SPACE LAND COMPARABLE SALE SUMMARY						
Comp No.	Location	Rec. Date Doc. No.	Sale Price	Size (SF)	Price/ SF	Price/ SF*
1	W side Old River Road @ Little Gopher Canyon Road, Bonsall	02/29/16 0085747	\$825,000	890,802	\$0.93	\$1.06
2	Princess Joann Road, Santee	01/31/17 0050179	\$1,575,000	5,164,909	\$0.30	\$0.33
3	Proctor Valley Road @ Coyote Road, Jamul	12/03/14 0529670	\$4,880,500	6,557,087	\$0.74	\$0.90
4	N side Camino del Rey @ W Lilac Road, Bonsall	01/05/16 0008295	\$3,166,275	2,574,396	\$1.23	\$1.41
5	S of Rancho Drive, W of I-805 San Diego	11/27/13 0697494	\$525,000	713,513	\$0.74	\$0.94
6	San Pasqual Valley Road @ of Bandy Canyon Road, San Pasqual	Former escrow.	\$940,500	851,162	\$1.10	\$1.28

\*Reflects conditions of sale and market conditions adjusted sales price

**RECOMMENDED COMPENSATION FOR REQUIRED PROPERTY**

Value of the Larger Parcel (Open Space - \$1.40/SF)	\$247,223	
Value of the Portion Sought (A)	\$549	\$549
Value of the Remainder as Part of the Whole		\$246,675
Value of the Remainder in the After Condition		\$246,675
Severance Damages		\$0
Benefits		\$0
Total Net Severance Damages		\$0
Temporary Construction Area (41-month duration) (B)		\$1,290
<b>Total Appraised Just Compensation</b>		<b>\$1,839</b>
	Rounded:	\$1,900

**Permanent Sewer Easement (A):** The Right-of-Way map identified the permanent easement area as 784 square feet (SF). The easement area is designated as open space and is heavily encumbered by multiple existing easements. The portion sought was valued as follows: \$1.40/SF, times 784 SF, times 50% loss of the total ownership bundle of rights, equals **\$549**.

**Temporary Construction Area (B):** The Right-of-Way map identified the temporary construction area (TCA) as 3,089± square feet. The TCA value was based on a 9% annual land lease rate and a 1% annual discount rate. The TCA was valued as follows: \$1.40/SF x 3,089 SF = \$4,325 x 9% = 389 (annual rent) ÷ 12 Months = \$32 monthly rent for the TCA. Assuming a 41-month duration, a 1% annual discount rate, and beginning of month payments, the present value factor (PVF) rounded to three decimal places is 40.325. Therefore, the total compensation for the TCA on the subject property is **\$1,290** (\$32 monthly rent x 40.325 PVF).

Exhibit C

*San Diego Pure Water Project*

*City of San Diego*

**DEFINITION OF FAIR MARKET VALUE**

(See Code of Civil Procedure 1263.320, a & b)

(a) The fair market value...is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

(b) The fair market value of property taken for which there is no relevant comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable.

APPRAISED BY: Mark Hendrickson, MAI and Ted G. Hendrickson, MAI, AG004974  
APPRAISAL FIRM: **Hendrickson Appraisal Company, Inc.**  
Real Estate Appraisers and Consultants  
3530 Camino Del Rio N. Suite 205  
San Diego, CA 92108

PREPARED BY (Signature):

  
\_\_\_\_\_

NAME (Printed):

Mark J. Hendrickson, MAI  
\_\_\_\_\_

DATE:

July 27, 2018  
\_\_\_\_\_

EXHIBIT D

ADDITIONAL INFORMATION RELATING TO THE PURCHASE OF REAL PROPERTY  
OR AN INTEREST THEREIN

Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and the California Relocation Assistance and Real Property Acquisition Guidelines require that each owner from whom the City of San Diego purchases real property or an interest therein, or each tenant owning improvements on said property, be provided with a summary of the appraisal of the real property or interest therein, as well as the following information.

1. You are entitled to receive full payment prior to vacating, if applicable, the real property being purchased unless you have heretofore waived such entitlement. You are not required to pay recording fees, transfer taxes, or the pro rata portion of real property taxes which are allocable to any period subsequent to the passage of title or possession of the property, if applicable, to the City.
2. The holders of liens, deeds of trust or other security interests in your property, and/or any lessees or tenants of your property, may be entitled to all or a portion of the consideration to be paid by the City for your property in accordance with the particular contract(s) existing between you (the owner) and the lienholder or lessee/tenant.
3. Whenever a portion of a parcel of property is to be acquired by the City for public use, and the remainder, or a portion of the remainder, will be left in such size, shape or condition as to constitute an uneconomic remnant, the City shall offer to acquire the remnant if the owner so desires. An "uneconomic remnant" is a parcel of real property in which the owner retains an interest after partial acquisition of the property and which has little or no utility or value to the owner.
4. All buildings, structures and other improvements affixed to the land described in the reference documents and owned by the grantor(s) herein or, if applicable, owned by you as a tenant, are being conveyed unless other disposition of these improvements has been made.
5. The market value of the property, or rights therein, being purchased is based upon a market value appraisal which is summarized in the Appraisal Summary Statement and such amount:
  - a. Is the full amount believed by the City to be just compensation for the property, or property rights, to be acquired;
  - b. Is not less than the approved appraisal of the fair market value of the property, or property rights, as improved;

EXHIBIT D

- c. Disregards any decrease or increase in the fair market value of the real property, or property rights, to be acquired prior to the date of valuation caused by the public improvement for which the property, or property rights, is to be acquired or by the likelihood that the property, or property rights, would be acquired for such public improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant; and
  - d. Does not reflect any consideration of or allowance for any relocation assistance and payments or other benefits to which the owner may be entitled to receive under an agreement with the City of San Diego, except for an amount to compensate the owner for loss of goodwill, if any.
- 
6. Pursuant to Civil Code of Procedure Section 1263.025 should you elect to obtain an independent appraisal, the City will pay for the actual reasonable costs of the appraisal up to a maximum amount of \$ 5,000, subject to the following conditions;
- a. You, not the City, must order the appraisal. Should you enter into a contract with a selected appraiser the City of San Diego will not be party to the contract.
  - b. The selected appraiser must be licensed with the Office of Real Estate Appraisers (OREA).
  - c. Appraisal cost reimbursement requests must be made in writing and submitted to the City of San Diego Real Estate Assets Department, 1200 Third Ave., Suite 1700, San Diego, CA 92120 within 90 days of the earliest of the following:  
(1) The date the selected appraiser requests payment from you for the appraisal; or, (2) the date upon which you, or someone on your behalf, remitted full payment to the selected appraiser for the appraisal. Copies of the contract (if a contract was made), appraisal report, and invoice for completed work by the appraiser must be provided to the City concurrent with submission of the appraisal cost reimbursement request. The costs must be reasonable and justifiable and reimbursement will not exceed \$5,000.
7. The definition of "fair market value" is defined within eminent domain law (at California Code of Civil Procedure section 1263.320) as "the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for doing so, nor obliged to sell, and a buyer, being ready, willing, and able to buy but under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available."
8. The owner of a business being conducted on the property to be acquired, or conducted on the remaining property which will be affected by the purchase of the required property, may be entitled to compensation for the loss of good will. "Goodwill" consists of the benefits that accrue to a business as a result of its location, reputation or dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage. Entitlement to compensation for loss of goodwill is



EXHIBIT D

contingent upon the business owner's ability to prove such loss in accordance with the provisions of sections 1263.510 and 1263.520 of the California Code of Civil Procedure, which read as follows:

**§1263.510. Required Proofs.**

- (a) The owner of a business conducted on a property taken or on the remainder if such property is part of a larger parcel, shall be compensated for loss of goodwill if the owner proves all of the following:
  - (1) The loss is caused by the taking of the property or the injury to the remainder.
  - (2) The loss cannot reasonably be prevented by a relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
  - (3) Compensation for the loss will not be included in payments under section 7262 of the Government Code.
  - (4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.
- (b) Within the meaning of this article, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation or dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

**§1263.520. State Tax Returns to Be Made Available.**

The owner of a business who claims compensation under this article shall make available to the court, and the court shall, upon such terms and conditions as will preserve their confidentiality, make available to the plaintiff, the state tax returns of the business for audit for confidential use solely for the purpose of determining the amount of compensation under this article. Nothing in this section affects any right a party may otherwise have to discovery or to require the production of documents, papers, books and accounts."

9. If you ultimately elect to reject the City's offer for your property or property rights therein, you are entitled to have the amount of compensation for said property, or rights therein, determined by a court of law in accordance with the eminent domain laws of the State of California.

## PURCHASE AND SALE AGREEMENT

[North City Morena Blvd Pump Station and Pipeline Project, WBS #B-15141]

THIS EASEMENT AND TEMPORARY CONSTRUCTION AREA PURCHASE AND SALE AGREEMENT ("Agreement") is entered into by and between WESTWOOD APARTMENTS SD, LLC, a Delaware limited liability company ("SELLER"), and THE CITY OF SAN DIEGO, a California municipal corporation ("BUYER"), to be effective as of the date when signed by the parties and approved by the San Diego City Attorney (the "Effective Date"), as follows:

1. **City Council Authorization.** BUYER is authorized to acquire this real property interest pursuant to San Diego Municipal Code section 22.3110 and Capital Improvement Project WBS B-15141 identified and appropriated through the previously adopted Capital Improvements Program Budgets, along with the annual appropriations ordinances therefor.
2. **Purchase and Sale: Easement and Temporary Construction Area.** SELLER is the owner of that certain real property, with an address of 7948 Avenida Navidad, San Diego California 92122, and which is identified by Assessor's Parcel No. 345-172-08 ("Property").
  - a. **Easement.** Under the terms and conditions of this Agreement, SELLER shall convey to BUYER, and BUYER shall acquire from SELLER a permanent easement and right-of-way in, upon, over, under, and across the Property (the "Easement") to construct, reconstruct, maintain, operate, repair, and replace sewerlines and related appurtenances, as more specifically shown on the easement deed attached hereto as Exhibit A (the "Easement Deed").
  - b. **Temporary Construction Area.** Under the terms and conditions of this Agreement, SELLER shall also convey to BUYER, and BUYER shall acquire from SELLER, the right to utilize a portion of the Property as a Temporary Construction Area to construct sewerlines and related appurtenances as more specifically described and depicted on the Temporary Construction Area Permit attached hereto as Exhibit B (the "TCA") The terms and conditions under which BUYER is authorized to use the Temporary Construction Area are more specifically set forth in the TCA.
3. **Open Escrow.** BUYER shall open an escrow (the "Escrow") with Stewart Title Company (the "Escrow Holder"), located at Hazard Center Drive, Suite 1400, San Diego, CA 92108, within ten (10) days, or other date mutually acceptable to both parties, after the Effective Date ("Opening of Escrow") and shall deliver to Escrow Holder the fully executed Agreement (or Counterparts thereof). Escrow Holder shall provide escrow services for the transaction contemplated by this Agreement.
4. **Purchase Price.** The consideration for SELLER's grant of the Easement and Temporary Construction Area shall be the one time of payment of one thousand and nine hundred dollars (\$1,900.00) ("Purchase Price"). The Purchase Price includes \$610.00 for the Easement and \$1,290 for the TCA.

5. Submissions to Escrow. Within ten (10) business days after Opening of Escrow, SELLER shall deliver to Escrow the signed and notarized Easement Deed, and BUYER shall deliver to Escrow the Purchase Price.
6. Survey; Environmental Investigation. Prior to the Closing Date (as defined below), BUYER, at BUYER's sole expense, may conduct a current survey of the Property and such environmental investigations of the Property as BUYER may deem appropriate. SELLER hereby grants permission to BUYER, its officers, employees, agents and contractors to enter upon and occupy the Property prior to the Closing Date for the purpose of conducting such survey, environmental investigations, and all other reasonable investigations related to this Agreement.
7. SELLER's Responsibilities. Seller shall make reasonable efforts to comply with BUYER's reasonable requests for documents pertaining to the Property, subject to reasonable cost limitations and confidentiality restrictions.
8. Further Cooperation. Each party shall execute and deliver to the Escrow Holder all instruments and documents reasonably required by the other party or the Escrow Holder to consummate the transaction contemplated by this Agreement.
9. Closing. The closing of Escrow shall be held at the Escrow Holder's office on a date that is mutually satisfactory to both BUYER and SELLER (the "Closing Date").
10. Title. At the closing of Escrow, SELLER shall deliver to Escrow Holder a recordable Easement Grant Deed substantially in the form attached hereto as **Exhibit A** and SELLER's signed TCA substantially in the form attached hereto as **Exhibit B**.
  - a) Escrow Costs. BUYER shall pay: (i) escrow fees, (ii) recording fees, (iii) title insurance charges, (iv) reconveyance fees, and (v) trustees' or forwarding fees for any reconveyance of deed of trust or release of mortgage incurred in this transaction.
11. Amendments. The terms and provisions of this Agreement may only be modified or amended pursuant to a written instrument signed by all parties hereto.
12. Successors and Assigns. This Agreement shall inure to and bind the successors and assigns of the parties. The Easement shall run with the land and the conveyance thereof shall bind and inure to the benefit of the respective successors and assigns of the parties to this Agreement.
13. Assignment. This Agreement may not be assigned in whole or in part by either party without the other party's prior written consent.
14. Partial Invalidity. If any term, covenant, condition, or provision of this Agreement is found invalid, void, or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

15. Survival. Any obligation which accrues under this Agreement prior the closing of Escrow or the termination of this Agreement shall survive the closing of Escrow or such termination.
16. Entire Agreement. This Agreement represents the entire agreement between the parties for the purchase and sale of the Easement, and supersedes all prior negotiations, representations or agreements, either oral or written.
18. Counterparts. This Grant may be executed in any number of counterparts, each of which when executed shall be deemed an original, but all of which together shall constitute one and the same instrument.
19. Notices. Any notice required or permitted to be given by one party to another party shall be addressed to the parties as follows:

BUYER: THE CITY OF SAN DIEGO

Attention: Cybele Thompson

Real Estate Assets Department

1200 Third Avenue, Suite 1700, MS51A

San Diego, California 92101-4199

SELLER: WESTWOOD APARTMENTS SD LLC

7948 Avenida Navidad

San Diego, California 92122

*[THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.]*

IN WITNESS WHEREOF, this Agreement is executed by the following individuals, who represent to the other party(ies) by their signatures below, that they are authorized to execute and bind the BUYER and SELLER to this Agreement.

Date: \_\_\_\_\_

WESTWOOD APARTMENTS SD, LLC, a Delaware limited liability company

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Date: \_\_\_\_\_

THE CITY OF SAN DIEGO, a California municipal corporation

BY: \_\_\_\_\_

Name: CYBELE L. THOMPSON

Title: Director, Real Estate Assets

*Approved as to Form:*

MARA W. ELLIOTT, San Diego City Attorney

BY: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

EXHIBIT A: EASEMENT DEED

Recording Requested by:  
City Real Estate Assets Dept.  
After recording mail to:

Real Estate Assets Dept.  
City of San Diego  
1200 Third Ave, Suite 1700  
San Diego, CA 92101

345	172	08	PTN
-----	-----	----	-----

SPACE ABOVE THIS LINE FOR RECORDER'S USE

EASEMENT DEED

NO DOCUMENTARY TAX DUE - R & T 11922 (amended)  
Presented for record by the CITY OF SAN DIEGO

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**WESTWOOD APARTMENTS SD LLC, a Delaware limited liability company (Grantor),**

HEREBY GRANT to The City of San Diego, a California municipal corporation, in the County of San Diego, State of California (Grantee), a permanent easement and right-of-way to construct, reconstruct, maintain, operate, and repair **underground sewerlines**, including all incidents and appurtenances thereto, together with the right of ingress and egress, in, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California (Easement Area), described and depicted in the following:

Exhibit A attached hereto and incorporated herein and Exhibit B attached hereto and incorporated herein.

Grantor, their heirs and assigns, reserve the right to the continued use of the Easement Area for purposes not inconsistent with the rights herein granted to Grantee as long as that use does not interfere with Grantee's use of the easement, and subject to the following conditions: The erecting of buildings, masonry walls, fences and other structures; the planting or growing of trees; the changing of the surface grade; and the installation of private pipelines shall be prohibited except by written permission of the Grantee.

This is to certify that the interest in the real property conveyed by this instrument to the City of San Diego, a municipal corporation, is hereby accepted the undersigned officer on behalf of the City of San Diego pursuant to authority conferred by Resolution No. 250320, adopted by the Council of the City of San Diego on October 1, 1979, and the grantee consents to recordation thereof by its duly authorized officer.

**WESTWOOD APARTMENTS SD LLC, a Delaware  
limited liability company**

By: \_\_\_\_\_

Print Name and Title

Dated \_\_\_\_\_ By \_\_\_\_\_  
Cybele L. Thompson, Director  
Real Estate Assets Department

Approved as to form this \_\_\_ day of \_\_\_\_\_, 2018.

MARA W. ELLIOT, City Attorney

By: \_\_\_\_\_  
Deputy City Attorney

EXHIBIT A  
LEGAL DESCRIPTION  
SEWER EASEMENT  
APN 345-172-08

Portions of Parcel 1 of Parcel Map 14012 in the City of San Diego, County of San Diego, State of California according to Parcel Map thereof filed in the Office of the County Recorder of San Diego County on November 6, 1985 as Instrument No. 85-0417857, of official records, described as follows:

A strip of land 35.00 feet in width, lying 17.50 feet on each side of the following described centerline:

COMMENCING at the easterly most corner of Parcel "A" of Map No. 10462 filed August 20, 1982 as Instrument No. 82-258472 in said County being also a point on the southerly line of said Parcel Map 14012; thence southwesterly along the southerly line of said Parcel "A" of Map 10462 South 64°05'14" West 11.42 feet to the TRUE POINT OF BEGINNING; thence leaving said southerly line South 84°47'08" West 142.05 feet to a point on a curve in the westerly line of said Map 10462 having a radius of 1949.00 feet to which a radial line bears South 44°47'50" West and the POINT OF TERMINUS. Said POINT OF TERMINUS being also a point on the Northeasterly Right of Way of Genesee Avenue.

The sidelines of said strip shall be prolonged or shortened so as to begin on said southerly line of Map 10462 and end on said northeasterly Right of Way of Genesee Avenue.

EXCEPTING therefrom any portion of said strip not lying within said Parcel 1 of Parcel Map 14012.

ATTACHED HERETO IS DRAWING NO. 40469-B LABELED AS EXHIBIT 'B' AND BY THIS REFERENCE MADE A PART HEREOF.

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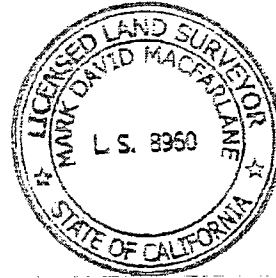
Portion of said strip within Parcel 1 of Parcel Map 14012  
CONTAINING a total of 783.56 square feet (s.f.) or 0.018 acre, (ac)  
more as less. Shown on said Plat as follows:  
Sewer Easement Parcel A acquired containing 440.7 s.f. or 0.010 ac.  
Sewer Easement Parcel B acquired containing 342.9 s.f. or 0.018 ac.

[SEE PAGE 2]

This description was prepared by me or under my direction.



MARK D. MACFARLANE  
LS 8960  
MBI JN-157879-MBI-9  
MAY 14, 2018  
PTS 585491  
I.O. B-15141.02.01  
CITY DWG NO.40469-B





The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000011516  
 DEPT. NO. 1613

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_

Purpose: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$1,612,900.00

Vendor: State Condemnation Fund

Purpose: To authorize the expenditure of funds not to exceed \$1,612,900.00 to the State Condemnation Fund for eminent domain proceedings for the acquisition of easements for the Pure Water North City Project.

Date: September 28, 2018 By: Yeshi Bezuneh  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	B16035	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-WU	2013	2013180001	B-16035.03.02	\$684,000.00
2	B16035	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-WU	2013	2013180001	B-16035.03.02	\$98,100.00
3	B16035	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-WU	2013	2013180001	B-16035.03.02	\$109,000.00
4	B16035	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-WU	2013	2013180001	B-16035.03.02	\$650,000.00
5	B15141	700009	NOT_RELEVANT_GRANT	512200	OTHR-00000000-PR	2012	2012111215	B-15141.03.02	\$51,090.00
6	B15141	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-PR	2012	2012111215	B-15141.03.02	\$14,410.00
7	B15141	700009	NOT_RELEVANT_GRANT	512200	OTHR-00000000-PR	2012	2012111215	B-15141.03.02	\$3,432.00
8	B15141	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-PR	2012	2012111215	B-15141.03.02	\$968.00
9	B15141	700009	NOT_RELEVANT_GRANT	512200	OTHR-00000000-PR	2012	2012111215	B-15141.03.02	\$1,482.00
10	B15141	700010	NOT_RELEVANT_GRANT	512200	OTHR-00000000-PR	2012	2012111215	B-15141.03.02	\$418.00
TOTAL AMOUNT									\$1,612,900.00

FUND OVERRIDE

CC 3000011516

Passed by the Council of The City of San Diego on OCT 30 2018, 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 OCT 30 2018.

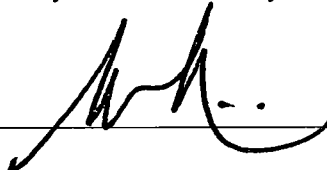
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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 , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 312040