

RESOLUTION NUMBER R- 313116
DATE OF FINAL PASSAGE JUN 18 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DESIGNATING AN APPROXIMATELY 34.6-ACRE PORTION OF REAL PROPERTY LOCATED AT 9449 FRIARS ROAD IN MISSION VALLEY FOR PARK AND RECREATION PURPOSES AND APPROVING RELATED ACTIONS.

WHEREAS, on November 6, 2018, the voters of the City of San Diego (City) approved Measure G, a citizen's initiative measure partially codified in San Diego Municipal Code section 22.0908, which governs the City's sale of a portion of the real property located at 9449 Friars Road, San Diego, California, commonly known as the San Diego Credit County Credit Union stadium site (Stadium Site); and

WHEREAS, in compliance with Measure G, the City and the Board of Trustees of the California State University, the State of California acting in its higher education capacity, on behalf of San Diego State University (CSU), have negotiated that certain Real Property Purchase and Sale Agreement and Joint Escrow Instructions (PSA), a copy of which is included as Attachment A to the staff report accompanying this Resolution; and

WHEREAS, the PSA contemplates the City's sale to CSU of real property and related improvements comprising approximately 135.12 acres of the Stadium Site, and a legal description of such real property is included in Attachment 2-A to the PSA (collectively, Acquisition Site); and

WHEREAS, Measure G requires that the sale to CSU provide for the development of an approximately 34-acre River Park consistent with past planning efforts that incorporates active and passive park uses, 8 to 10-foot-wide linear walking and biking trails, a river buffer of native vegetation, and measures to mitigate drainage impacts and ensure compliance with water quality

standards on City-owned property contiguous to the southern boundary of the Acquisition Site (River Park Property), and a legal description of the River Park Property is included as Attachment 4-A to the PSA; and

WHEREAS, Measure G also requires that the City designate the River Park Property for park and recreation purposes pursuant to San Diego Charter section 55; and

WHEREAS, consistent with Measure G, the PSA requires CSU to develop, construct, and maintain in perpetuity, all at CSU's sole expense, the River Park on the River Park Property; and

WHEREAS, CSU's obligation to develop, construct, and maintain in perpetuity, the River Park on the City-owned River Park Property is described in Attachments 26, 27, 28, and 31 to the PSA (collectively, River Park Agreements), which include the grant of an easement for park and recreation purposes, a River Park development agreement, a River Park maintenance and operation agreement, and an easement agreement for utilities located in the River Park that will benefit the Acquisition Site; and

WHEREAS, the River Park Agreements allow CSU to construct and maintain three storm water best management practice structures (collectively, Storm Water BMPs) on the River Park Property to treat the runoff from the Acquisition Site, as well as some runoff from the River Park Property, while also providing passive park space and educational opportunities; and

WHEREAS, the River Park Agreements provide that CSU will develop, construct, operate, and maintain the River Park in a manner that ensures it is open and accessible to the general public for park and recreation uses, at no cost or expense to the City; and

WHEREAS, CSU has developed a conceptual design of the River Park utilizing its own processes to gather community input, which processes do not strictly comply with Council

Policy 600-33, and CSU will be responsible for constructing, maintaining, and operating the River Park at no cost to the City, and without complying with various Council Policies relating to the design, designation, and use of the River Park, including Council Policies 200-14, 600-24, 600-33, 700-07, 700-17, and 700-36; and

WHEREAS, the River Park Agreements also provide that CSU's utilities and facilities on the River Park Property, including the Storm Water BMPs, will be designed, maintained, and operated by CSU at no cost or expense to the City, in a manner that blends in and complements the River Park and will not interfere with the general public's use; and

WHEREAS, the River Park Property is an asset of the City's Water Utility Fund, and is anticipated to be needed for: (a) groundwater management; (b) operation, maintenance, and repair of existing utilities within the River Park Property; and (c) planned future water utility improvements, including improvements related to Phase II of the Pure Water Program; and

WHEREAS, the River Park Agreements provide that the City will reserve easements for the City's existing utilities located within the River Park Property, in addition to reserving the City's right to access, enter upon, make use of, and install facilities on the River Park Property for the following purposes: (i) exercising the City's Pueblo water rights; (ii) groundwater management, including the use and management of the Mission Valley Aquifer located beneath the River Park Property; (iii) implementing other water and sewer projects, such as the City's Pure Water Program; (iv) exercising the City's rights under the Kinder Morgan Settlement Agreement (as defined in the PSA); (v) exercising the City's access rights, including to authorize a designated third party to exercise those rights; and (vi) carrying out any other purpose necessary to meet the City's water and sewer needs; and

WHEREAS, the River Park Agreements provide for the City's Public Utilities Department to review and approve any future grading and construction plans within the City's easement areas on the River Park Property to ensure that such grading and construction does not impermissibly interfere with or prohibit the Water Utility's ability to use the River Park Property for appropriate public purposes; and

WHEREAS, the Council has held a public hearing, and has reviewed and considered the written and verbal testimony and evidence presented at or before the public hearing, regarding the subject matter of this Resolution; NOW, THEREFORE,

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

1. The River Park Property, consisting of approximately 34.6 acres contiguous to the southern boundary of the Acquisition Site and described in Attachments 4-A and 4-B to the PSA, is designated for park and recreation purposes in accordance with San Diego Charter section 55.
2. Notwithstanding the designation of the River Park Property for park and recreation purposes, the Council specifically authorizes the use of the River Park Property for the purposes of installing, constructing, maintaining, operating, repairing, and replacing existing utility infrastructure within the River Park Property as needed, installing future utility infrastructure as set forth in the River Park Agreements, and exercising any of the rights reserved to the City in the River Park Agreements.

3. To the extent Council Policies 200-14, 600-24, 600-33, 700-07, 700-17, and 700-36 set forth City requirements that normally would apply to the design, development, construction, and future use of the River Park, the Council waives application of those Council Policies with respect to the River Park Property.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Kevin Reisch
Kevin Reisch
Senior Chief Deputy City Attorney

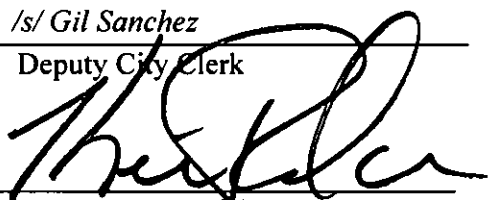
KJR:jdf
6/12/2020
6/16/2020 COR.COPY
Or.Dept: Real Estate Assets
Doc. No.: 2369339_3
Companion to: R-2020-605
R-2020-606
O-2020-123
O-2020-124

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 06/17/2020.

ELIZABETH S. MALAND
City Clerk

By /s/ Gil Sanchez
Deputy City Clerk

Approved: 6/18/20
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 17 2020, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 18 2020.

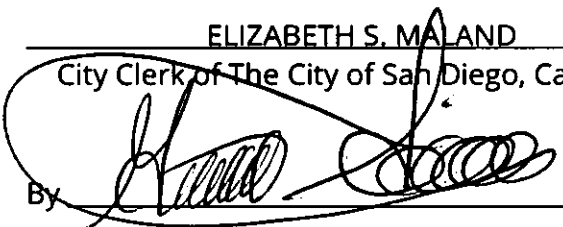
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

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

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