

RESOLUTION NUMBER R- 314506

DATE OF FINAL PASSAGE DEC 09 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING A SETTLEMENT OF AN EMINENT DOMAIN ACTION BROUGHT AGAINST THE CITY OF SAN DIEGO BY SAN DIEGO GAS & ELECTRIC COMPANY, AUTHORIZING THE AMENDMENT OF EXISTING EASEMENT RIGHTS, AND AUTHORIZING THE ACCEPTANCE OF \$2,500 IN JUST COMPENSATION FOR THE EXPANDED EASEMENT AREA.

WHEREAS, San Diego Gas & Electric Company (SDG&E) previously obtained easement rights in certain City of San Diego (City) real property pursuant to that certain Final Order of Condemnation, dated April 17, 2012 and Recorded as Document Number 2012-0223328 (Existing Easement Rights), allowing SDG&E to maintain and operate electricity transmission and distribution facilities (Sunrise Powerlink Facilities); and

WHEREAS, on August 25, 2020, SDG&E filed an eminent domain action against the City (San Diego Gas & Electric Company v. City of San Diego, San Diego Superior Case No. 37-2020-00029860-CU-EI-CTL) to condemn additional easement rights in City-owned real property adjacent to SDG&E's Existing Easement Rights located at the El Capitan Reservoir in San Diego County, consisting of portions of Assessor Parcel No. 402-070-05, 402-080-01 and 402-080-06 (the "Subject Property"), for the modification of helicopter landing pad locations to allow for improved helicopter access to SDG&E's Sunrise Powerlink Facilities; and

WHEREAS, City staff and SDG&E have reached a proposed settlement of all issues concerning the additional easement rights needed by SDG&E and the amount of just compensation owed to the City for those easement rights; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, that the City Attorney and the Mayor, or their respective designees, are authorized to execute the settlement document entitled Stipulation for Entry of Judgment and Final Order of Condemnation in the action (San Diego Gas & Electric Company v. City of San Diego, San Diego Superior Case No. 37-2020-00029860-CU-EI-CTL), which sets forth the negotiated settlement terms and conditions for the eminent domain action.

BE IT FURTHER RESOLVED, that the Mayor, or designee, is authorized to grant to San Diego Gas & Electric Company specific easement rights which cross upon, over, and above portions of City property located at the El Capitan Reservoir, more particularly described in Exhibits A and B to the Final Order of Condemnation.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit the sum of \$2,500, which represents the just compensation owed by San Diego Gas & Electric Company to the City for the grant of easement rights authorized by this Resolution, into Water CIP Fund 700010.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marco A. Verdugo  
Marco A. Verdugo  
Deputy City Attorney

MAV:sc  
11/17/2022  
Or.Dept: READ  
CC No.: N/A  
Doc. No. 3145692

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022.

ELIZABETH S. MALAND  
City Clerk

By *Kristin Medina*  
Deputy City Clerk

Approved: 12/9/22  
(date)

*Todd Gloria*  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on DEC 06 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 09 2022.

**(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:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

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

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- 314506