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THE CITY OF SAN DIEGO

# REPORT TO THE CITY COUNCIL

DATE ISSUED: March 5, 2008

REPORT NO.: 08-033

ATTENTION: Council President and City Council  
Agenda of March 11, 2008

ORIGINATING DEPT: Real Estate Assets

SUBJECT: Mission Trails Flow Regulatory System

COUNCIL DISTRICT: 7

STAFF CONTACT: B. Lane MacKenzie 236-6050

REQUESTED ACTION:

Authorize the sale and granting of all required property rights, fee and easements, to the County Water Authority for the Mission Trails Flow Regulatory Structure. Authorize the Auditor and comptroller to accept and deposit the proceeds of the sale into Capital Outlay Fund 302453.

STAFF RECOMMENDATION:

Approve the requested actions.

SUMMARY:

To meet the increasing demand for drinking water for the area, the County Water Authority (CWA) will need to construct additional facilities for increased water flow and storage. The construction of the Mission Trails Flow Regulatory Structure II (FRSII) is designed to assist the CWA achieve these goals. The untreated water delivered through the FRSII will serve the City's Alvarado Treatment Plant. The City's Water Department will then use this water to help meet the treated water needs of the City's Residents.

In order to transport water to and from the FRSII facility it will be necessary to construct pipeline tunnels through Mission Trails Park. These will parallel the existing water line that the CWA currently has in the park area. The existing vent structures will no longer be necessary and will be removed as part of the project. A stabilized river crossing will be constructed across the San Diego River near Mission Gorge Road. Temporary and permanent easements are required for the construction and removal of facilities.

An Environmental Impact Report (EIR) including Findings and Statement of Overriding Considerations and a Mitigation, Monitoring and Reporting Program was prepared for the

FRS II project by the San Diego County Water Authority (SCH No. 2005041025) dated August 2006, and certified by the San Diego County Water Authority Board of Directors on August 24, 2006. The FEIR concluded that the project would result in significant impacts to Air Quality, Noise & Vibration, Biological Resources, Cultural Resources Paleontological Resources, and Public Safety and Hazardous Materials. With the exception of short-term significant Air Quality and Noise impacts during construction, all direct environmental effects of the project would be reduced to below a level of significance through incorporation of mitigation measures, including measures associated with creation and restoration of vernal pools within Mission Trails Regional Park.

In addition to the mitigation measures adopted by the CWA Board of Directors to reduce impacts to sensitive biological resources, the CWA has completed a consultation process (through the U.S. Army Corps of Engineers) under Section 7 of the federal Endangered Species Act, and were issued a Biological Opinion (BO) by the U.S. Fish and Wildlife Service. As part of the BO, mitigation of impacts to San Diego Fairy Shrimp includes creation and restoration of vernal pools on land within Mission Trails Regional Park on a roughly 11.7 acre parcel currently owned by the San Diego Unified School District. Issuance of the BO to the CWA relieves the City of any responsibilities that might otherwise be necessary under the City's approved MSCP Subarea Plan. As such, any and all future obligations for this mitigation are the responsibility of the property owner/CWA.

FISCAL CONSIDERATIONS: The required property rights, both easement and fee, have been appraised, reviewed and approved by Real Estate Assets. These rights have been valued at \$209,000 which will be deposited into General Fund Capital Outlay 302453.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

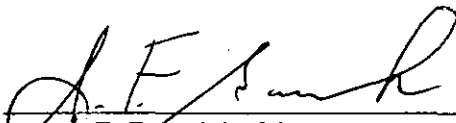
The San Diego County Water Authority has worked closely with the Mission Trails Regional Park Citizen's Advisory Committee and Task Force, Tierrasanta Community Council, San Carlos Area Council, and Navajo Community Planners, Inc. A working group, made of representatives of MTRP CAC and Foundation, SCAC, TCC, Belsera HOA, and mountain bikers was formed early in the design process to solicit input and address community concerns in the design itself. The Working Group identified a number of concerns with the project, such as trail impacts and closures, providing excavated material to the park for use within the park, keeping project webpage updated and allow people to sign up for web updates, and not allowing heavy equipment drop off or pick up during child drop off and pick up hours at DePortola Middle School.

As the project transitions into the construction phase, the Water Authority will transition its public outreach program. In order to deal with construction impacts such as construction vehicles using surface streets during school hours and trail closures, the Water Authority has created a school outreach plan and trail closure map and signage. It will continue to place articles in the local community newspapers, on its project webpage, and provide

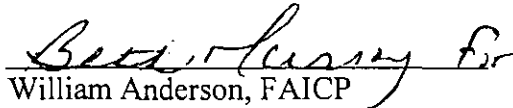
projects to the local stakeholder groups such as the CAC and Task Force, TCC, and SCAC. The community also has a direct connect to the Water Authority through its toll-free project information line and at community events such as the Explore Mission Trails Day and TierraFest Craft Fair.

KEY STAKEHOLDERS & PROJECTED IMPACTS :

The project will increase the CWA's ability to transport raw water to meet increased demands for untreated water, particularly within San Diego, but also areas served by the National City and the South Bay Irrigation District.



James F. Barwick, Director  
Real Estate Assets Department



William Anderson, FAICP  
Deputy Chief & Operating Officer  
City Planning and Development

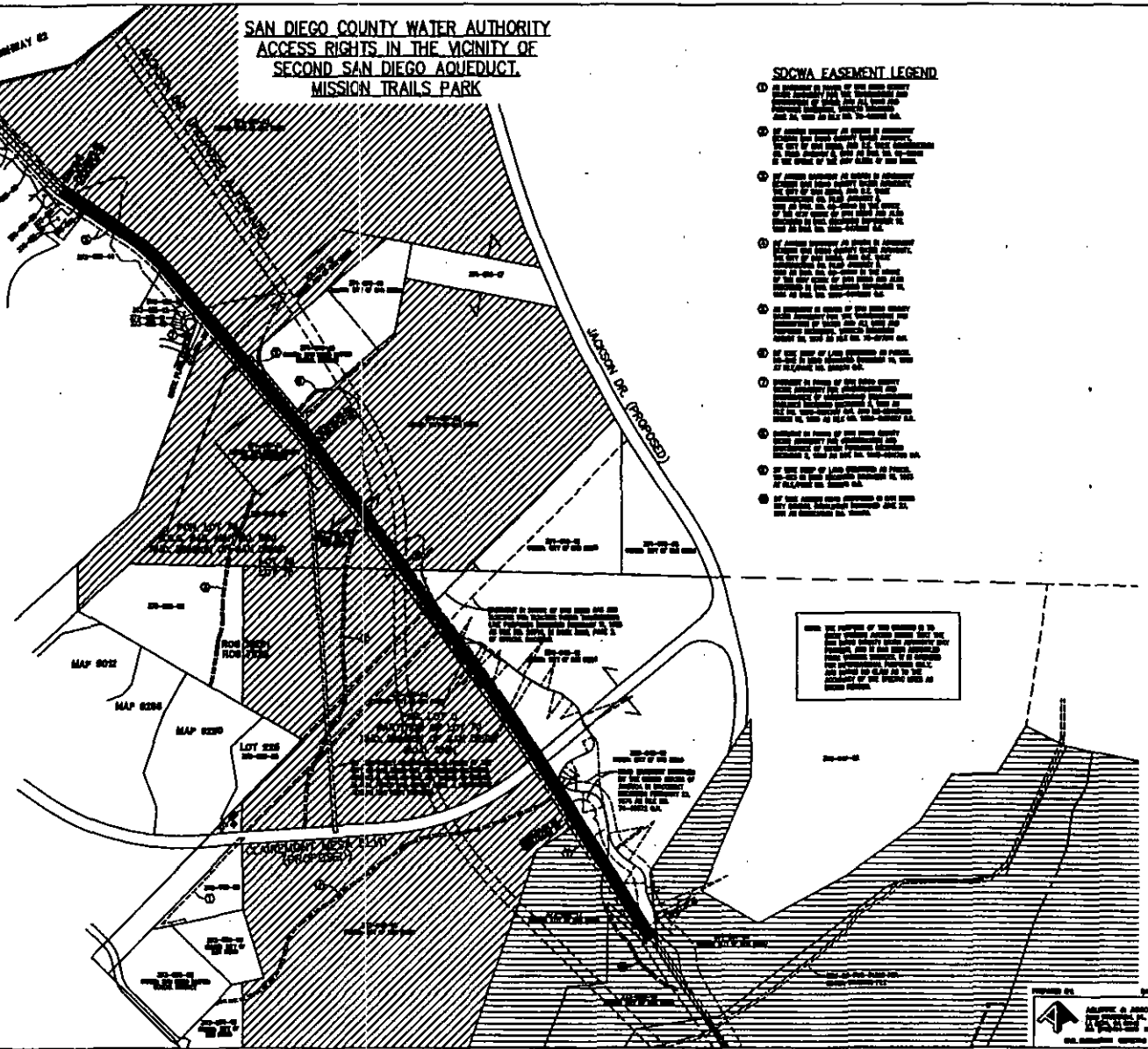
### SAN DIEGO COUNTY WATER AUTHORITY ACCESS RIGHTS IN THE VICINITY OF SECOND SAN DIEGO AQUEDUCT, MISSION TRAILS PARK

#### LEGEND

- EASEMENT RIGHTS OF THE WATER AUTHORITY TO CONVEY WATER TO THE SECOND SAN DIEGO AQUEDUCT, AND TO MAINTAIN AND OPERATE THE SAME, AS SHOWN ON THE MAP.
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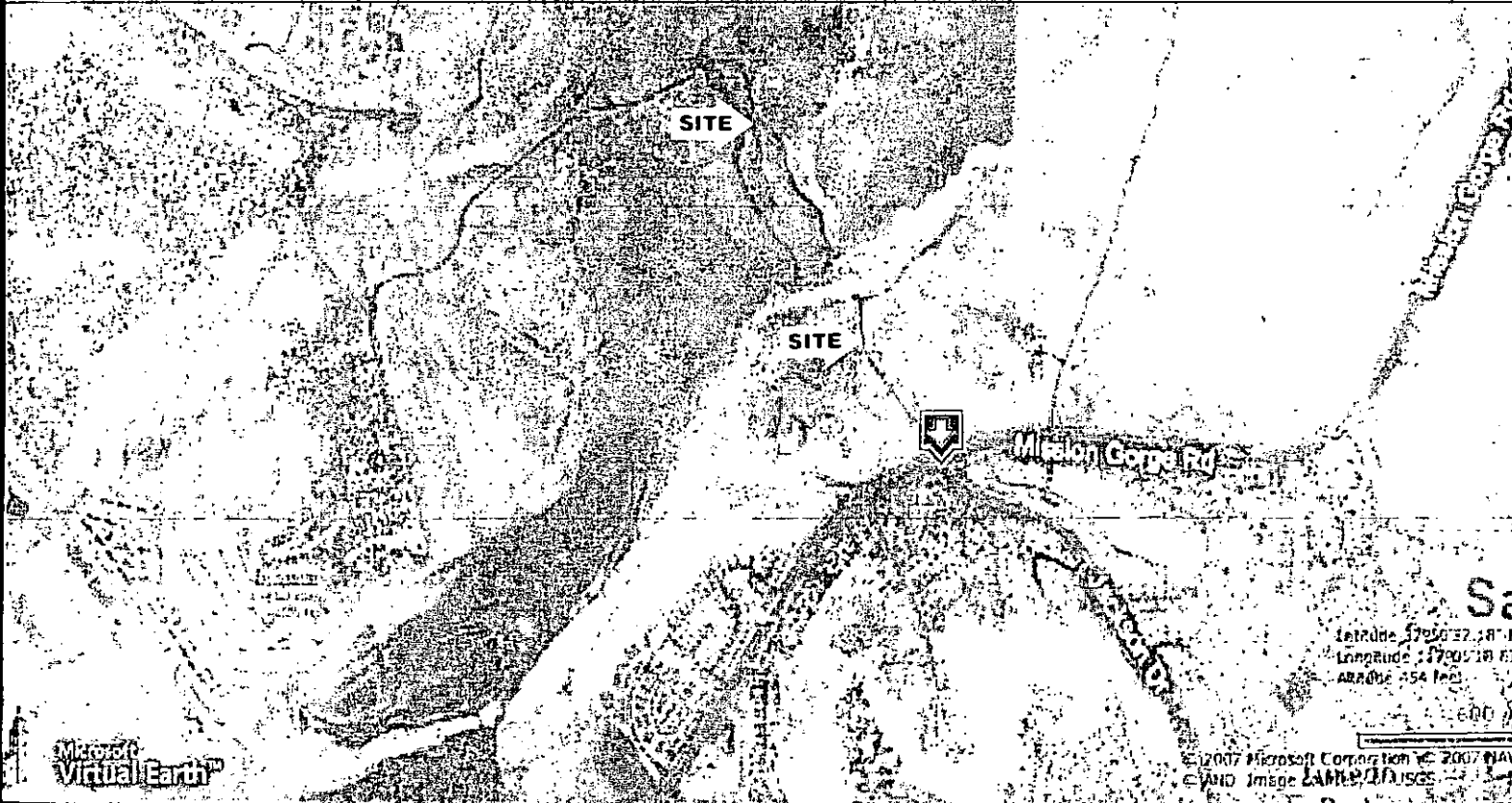
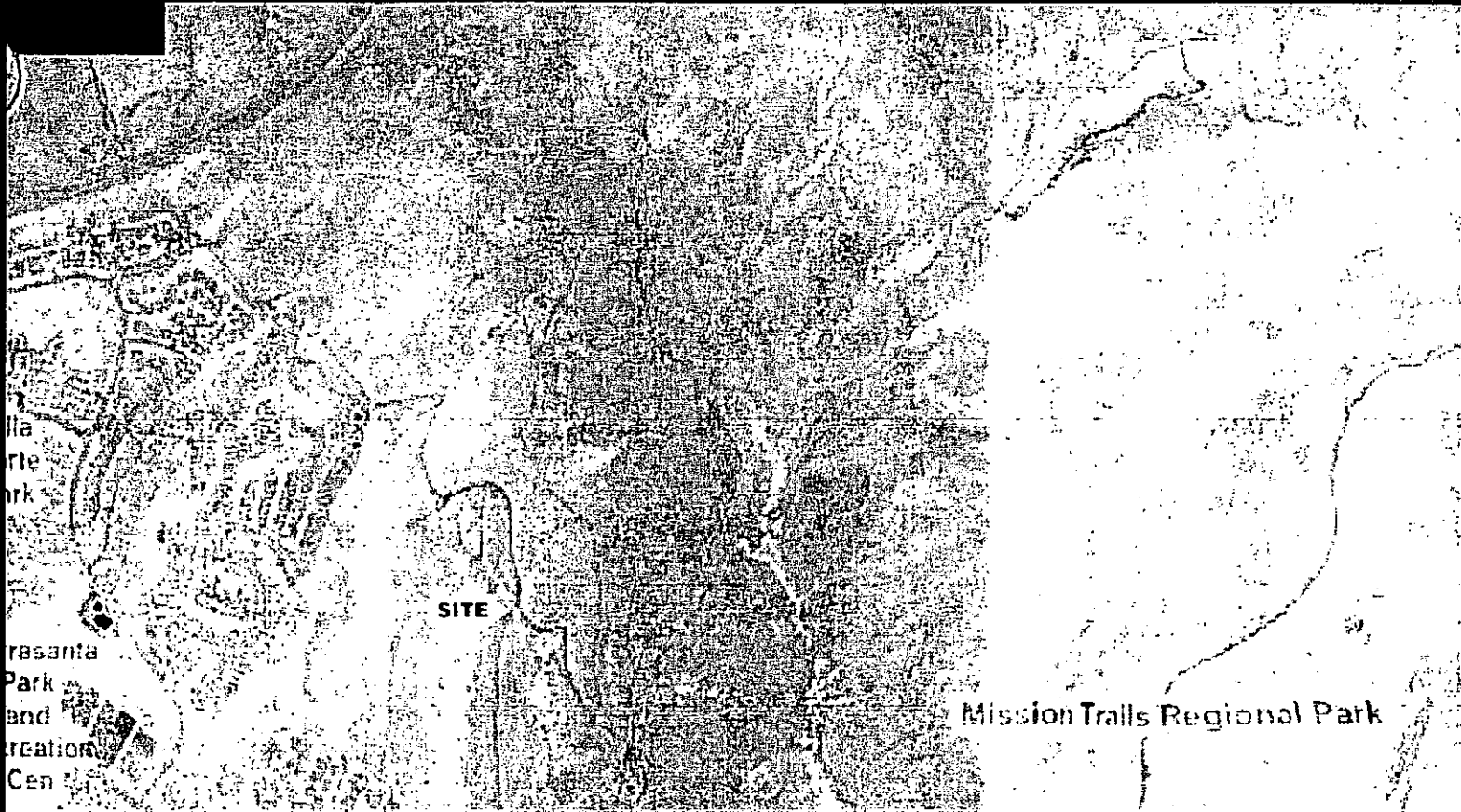
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NOTE: THE PORTION OF THE MAP WHICH IS IN THE SHADY AREA IS THE PORTION OF THE MAP WHICH IS THE PROPERTY OF THE WATER AUTHORITY.

PREPARED BY: **ENGINEER & ARCHITECT**  
**PLANNING & DESIGN**  
 1000 G STREET, N.W.  
 WASHINGTON, D.C. 20004



<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO				1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY) <b>N/A</b>			
TO: City Attorney		2. FROM (ORIGINATING DEPARTMENT): Real Estate Assets Department		3. DATE: January 16, 2008			
4. SUBJECT: Sale of City Property for the Mission Trails Flow Regulatory System							
5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.) David Sandoval, 236-5548, 51A			6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) B. Lane MacKenzie, 236-6050, 51A			7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>	
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.				Cost: N/A			
ORGANIZATION				Fiscal Impact: \$209,000 for sale of easements to General Fund Capital Outlay 302453			
OBJECT ACCOUNT				302453			
JOB ORDER				Thomas Guide Page: 1250 CI			
C.I.P. NUMBER							
AMOUNT							
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	1/25/08	8	DEPUTY CHIEF	<i>[Signature]</i>	1/24/08
2	PARK & REC	<i>[Signature]</i>	1/25/08	9	CITY ATTORNEY	<i>[Signature]</i>	2/22/08
3	DSD/EAS	<i>[Signature]</i>	1/25/08				
4	EOCP MEMO 5-3-96	<i>[Signature]</i>		10	ORIGINATING DEPARTMENT	<i>[Signature]</i>	2/25/08
5	CFO/FM	<i>[Signature]</i>	1/28/08		DOCKET COORD: <i>[Signature]</i>	COUNCIL LIAISON <i>[Signature]</i>	
6	CFO/AUDITORS	<i>[Signature]</i>			COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input checked="" type="checkbox"/> ADOPTION <input type="checkbox"/>		
7	COUNCIL LIAISON	<i>[Signature]</i>	1/30/08		REFER TO: _____	COUNCIL DATE: 3/11/08	
11. PREPARATION OF: <input checked="" type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
<p>① Authorize the sale and granting of all required property rights, fee and easements, to the County Water Authority for the construction of the Mission Trails Flow Regulatory Structure, and;</p> <p>② Authorize the Auditor and Comptroller to accept and deposit the proceeds of the sale into Capital Outlay Fund 302453; <i>Revenue Account 70336, Sale of Property and Right Away</i></p>							
11A. STAFF RECOMMENDATIONS: Approve the resolution							
12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)							
COUNCIL DISTRICT(S): 7							
COMMUNITY AREA(S): MISSION TRAILS							
ENVIRONMENTAL IMPACT: Stating for the record that the City of San Diego as responsible agency under CEQA has reviewed and considered the Final Environmental Impact Report, Findings and Statement of Overriding Considerations and the Mitigation, Monitoring, and Reporting Program prepared by the San Diego County Water Authority (SCH No. 2005041025) dated August 2006, and certified by the San Diego County Water Authority Board of Directors on August 24, 2006							
CITY CLERK INSTRUCTIONS: DO NOT RECORD. Return documents to Real Estate Assets Department, Attention: B. Lane MacKenzie, M.S. 51A, for further handling.							

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE GRANTING OF PROPERTY RIGHTS TO THE SAN DIEGO COUNTY WATER AUTHORITY FOR THE CONSTRUCTION OF THE MISSION TRAILS FLOW REGULATORY STRUCTURE.

WHEREAS, to meet increasing demand for drinking water for the San Diego area, the San Diego County Water Authority (CWA) will need to construct additional facilities for increased water flow and storage; and

WHEREAS, the construction of the Mission Trails Flow Regulatory Structure II (FRSII) is designed to assist the CWA achieve these goals; and

WHEREAS, in order to transport water to and from the FRSII it will be necessary to construct pipeline tunnels through Mission Trails Park, and

WHEREAS, the CWA has requested certain property rights to facilitate the construction, operation and maintenance of the Mission Trails FRSII, and

WHEREAS, the pipeline tunnels will parallel the existing water line that the CWA currently has in the park area; and

WHEREAS, the existing vent structures will be removed as part of the project, and

WHEREAS, the conveyance of the permanent easements would create a reversionary interest in favor of the City if CWA either changes or ceases its use of the property; NOW,

THEREFORE;

BE IT RESOLVED, that the Council finds that the sale and granting of the fee and easements [the "Property Rights"] more particularly described in the documents listed below, to the CWA for the construction, operation and maintenance of the Mission Trails FRSII, is required for a public purpose:

1. Grant Deed, on file in the Office of the City Clerk as Document No. RR-\_\_\_\_\_.
2. Permanent Tunnel Easement, on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
3. Permanent Pipeline Surface and Drainage Easement, on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
4. Permanent Access Easement, on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
5. Temporary Construction Easement (Access Roads), on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
6. Temporary Construction Easement (River Crossing and Concrete Removal), on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
7. Permanent Easement (Stabilized River Crossing), on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
8. Temporary Construction Easement (Vent Demolition), on file in the Office of the City Clerk as Document No. \_\_\_\_\_.



9. Temporary Construction Easement (Storage Facilities), on file in the Office of the City Clerk as Document No. \_\_\_\_\_.
10. Temporary Construction Easement (Access Road), on file in the Office of the City Clerk as Document No. \_\_\_\_\_.

BE IT FURTHER RESOLVED, that the Council finds that the sale and granting of the Property Rights is consistent with City Charter Section 55, in that it will not change or interfere with the use or purpose of the parkland or open space;

BE IT FURTHER RESOLVED, that the Council deems that the sale and granting of the Property Rights to be used sole for the construction, operation and maintenance of the Mission Trails FRSII to be fair and equitable and in the public interest;

BE IT FURTHER RESOLVED, that the Council authorizes the sale and granting of the Property Rights to the County Water Authority for the construction of the Mission Trails FRSII;

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to execute and deliver, for and on behalf of the City of San Diego, the Purchase and Sale Agreement, the grant deed conveying the above-described property in fee, and the grants of easements and agreements conveying the above-described permanent and temporary easements to the County Water Authority;

BE IT FURTHER RESOLVED, that the Council authorizes the Auditor and Comptroller

to accept and deposit the proceeds of the sale of the Property Rights, in the amount of \$209,000, into Capital Outlay Fund No. 302453, revenue account No. 78336, Sale of Property and Right of Way.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Kimberly Ann Davies  
Kimberly Ann Davies  
Deputy City Attorney

KAD:mm  
02/25/08  
Aud. Cert:  
Or.Dept:READ  
R-2008-648  
MMS: 5870

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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

\_\_\_\_\_  
JERRY SANDERS, Mayor