

000243

REQUEST FOR COUNCIL ACTION  
CITY OF SAN DIEGO

1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) 104  
290046  
3. DATE: 01/27  
October 7, 2008

TO: CITY ATTORNEY

2. FROM (ORIGINATING DEPARTMENT):  
Real Estate Assets Department

4. SUBJECT:  
Sewer and Water Group Job 689—Property Rights Acquisition

5. PRIMARY CONTACT (NAME, PHONE, & MAIL STA.)  
STEVE GEITZ (619) 236-6311, MS 51A

6. SECONDARY CONTACT (NAME, PHONE, & MAIL STA.)  
David Yeargain (619) 236-6721, MS 51A

7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED  
X

8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST:
41506	773	960	4643 4638	174829	44-001.0/44-215.7	\$45,000	Cost: \$10,000 for property rights Other related costs: \$35,000 Total: \$45,000 Job: 530078 cc: Dept. Docket Clerk Thomas Guide Page: 1269 B-5

10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>[Signature]</i>	10/23/08	8	COUNCIL LIAISON	<i>[Signature]</i>	11/21/08
2	E&CP	<i>[Signature]</i>	10/28/08	9	DEPUTY CHIEF	<i>[Signature]</i>	11/16/08
3	<del>MANAGER</del>			10	CITY ATTORNEY	<i>[Signature]</i>	11/6/08
4	EAS	Anne P. Quigley	10/19/08	11	ORIG. DEPT	<i>[Signature]</i>	11/2/08
5	EOCP/MEMO 5/3/96				DOCKET COORD:	<i>[Signature]</i>	11/16/08
6	FINANCIAL MANAGEMENT	<i>[Signature]</i>	12/8/08		COUNCIL PRESIDENT	<i>[Signature]</i>	
7	COMPTROLLER	Van Nguyen	12/16/08				

COUNCIL PRESIDENT  SPOB  CONSENT  ADOPTION  
REFER TO: \_\_\_\_\_ COUNCIL DATE: 1-27-09

11. PREPARATION OF:  RESOLUTION(S)  ORDINANCE(S)  AGREEMENT(S)  DEED(S)

1) Authorizing the Mayor to accept Grant of Easement document, executed by Richard S. Henderson, granting a sewer easement across portions of Lots 21 and 22, in Block 4, of D. B. Williams Subdivision in the City of San Diego, according to Map thereof, No. 855, filed in the office of the County Recorder on February 06, 1899.

2) Authorizing the expenditure of \$45,000 from CIP 44-001.0, Annual Allocation-Sewer Main Replacements, Fund 41506, Sewer, for the easement acquisition and other related costs, contingent upon the City Comptroller furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

11A. MANAGER'S RECOMMENDATIONS: ADOPT THE RESOLUTION

12. SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION.)  
COUNCIL DISTRICT(S): 3  
COMMUNITY AREA(S): UNIVERSITY HEIGHTS  
ACTION REQUESTED BY: REAL ESTATE ASSETS DEPARTMENT  
LOCATION: Near the end of the cul-de-sac at Hayes Avenue north of Washington St., sloping down to Hwy 163.  
ENVIRONMENTAL ASSESSMENT: This activity is covered under Project No. 103533, Sewer & Water Group Job 689. The activity is adequately addressed in the environmental document and there is no change in circumstance, additional information or project changes to warrant additional environmental review. Therefore the activity is not a "project" and is therefore not subject to CEQA pursuant to State CEQA Guidelines Section §15060(c) (3).  
COST OF PROPERTY RIGHTS: Easement: \$2,500; Temporary Construction Areas: \$7,500; Real Estate Assets labor costs, title and miscellaneous acquisition costs: \$35,000. Total: \$45,000.  
HANDLING: DO NOT RECORD: RETURN DOCUMENTS TO Real Estate Assets Department, Attention: David Yeargain, M.S. 51A for further handling.

EXECUTIVE SUMMARY SHEET

000245

DATE REPORT ISSUED: REPORT NO.  
ATTENTION: Council President and City Council  
ORIGINATING DEPT: Real Estate Assets  
SUBJECT: Acquisition of property rights for sewer main  
repair, relocation, and replacement.  
COUNCIL DISTRICT: 3  
STAFF CONTACT: Steve Geitz (619-236-6311)

REQUESTED ACTION:

Adopt Resolutions authorizing the acceptance of an Easement Deed for property rights required for the repair, relocation, and replacement of sewer mains proposed by Sewer and Water Group Job 689, & authorizing the expenditure of up to \$45,000 from CIP No. 44-001. 0 Annual Allocation-Sewer Main Replacements, Fund 41506, Sewer, for the acquisition of required property rights.

STAFF RECOMMENDATION:

Staff recommends adopting the Resolution.

EXECUTIVE SUMMARY:

Sewer and Water Group 689, located in the Uptown Community, consists of installation of approximately 9,866 LF of sewer main and 3,003 LF of water main. The project proposes to replace, rehabilitate and/or relocate concrete, vitrified clay or cast iron pipe. The objectives of the sewer portion of the project are to replace deteriorating sewer mains and to relocate as much of the inaccessible sewer mains to more accessible locations within the street. The plan proposes to abandon approximately 2,800 LF of existing, inaccessible sewer main. Approximately 1,800 LF of sewer main will be abandoned from Buchanan Canyon.

FISCAL CONSIDERATIONS:

\$10,000 for acquisition of property rights; \$35,000 for Real Estate Assets labor charges, title & miscellaneous costs associated with the acquisition of property rights. Total: \$45,000.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

None

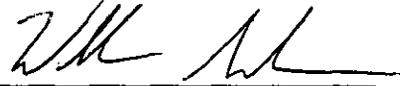
KEY STAKEHOLDS & PROJECTED IMPACTS (if applicable):

Improved sewer service to community by replacement of deteriorating and inaccessible sewer mains.

000246



Jim Barwick, CCIM  
Real Estate Assets Director



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

Attachments:

1. Acquisition Drawing
2. Legal Description

000247

The City of San Diego  
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2900466  
ORIGINATING DEPT. NO.: 773

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: \$45,000.00 Fund: 41506

Purpose: Authorizing the expenditure of funds for Property Rights Acquisition and Related Costs for Sewer and Water Group Job 689.

Date: December 16, 2008

By: Van Nguyen

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	41506	773	960	4638	174829				\$45,000.00
TOTAL AMOUNT										\$45,000.00

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: \_\_\_\_\_

Vendor: \_\_\_\_\_

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

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

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

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

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

000249

Real Estate Assets Dept.  
City of San Diego  
Mail Station 51A



444	590	27	PTN
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SPACE ABOVE THIS LINE FOR RECORDER'S USE  
NO DOCUMENTARY TAX DUE - R & T 11922 (amended)  
Presented for record by the CITY OF SAN DIEGO

**EASEMENT DEED**

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

**RICHARD S. HENDERSON**

HEREBY GRANT(S) To The City of San Diego, a municipal corporation, in the County of San Diego, State of California, a permanent easement and right-of-way to construct, reconstruct, maintain, operate and repair a public SEWER PIPELINE including all incidents and appurtenances thereto, together with the right of ingress and egress, over, under, upon, along and across all that real property situated in the City of San Diego, County of San Diego, State of California, described as follows:

See Exhibit "A" attached hereto and as shown on Exhibit "B" attached hereto for illustration purposes.

Reserving unto Grantor herein, their heirs and assigns, the continued use of the above described parcel of land 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 privately pipelines shall be prohibited except by written permission of the City of San Diego.

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.

**RICHARD S. HENDERSON**

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

Dated \_\_\_\_\_ By \_\_\_\_\_

By \_\_\_\_\_

Jim Barwick, Director  
Real Estate Assets Department

000251

EXHIBIT "A"

SEWER EASEMENT

APN: 444-590-27

That portion of Lots 21 and 22, in Block 4, of D.B. Williams Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map 855, filed in the office of the County Recorder of San Diego County on February 06, 1899, included within a strip of land 20.00 feet wide, the centerline being more particularly described as follows:

**Beginning** at a point on the North line of Lot 21, said point being the Southerly terminus of the Centerline of 10<sup>th</sup> avenue as shown on Map 851, Fleischer's Addition to San Diego, recorded on July 20, 1898; Thence along the prolongation of said centerline South 0°19'52"East 113.32 feet to an intersection with the Northerly sideline of an existing 6.00 foot wide sewer easement recorded October 15, 1928 in book 1528, pg. 372, of Deeds.

The sidelines of said strip shall be prolonged or shortened so as to terminate as follows:

On the North, at their intersection with the Northerly Boundary of said Map 855.

On the South, at their intersection with the Northerly sideline of said existing 6.00 foot wide sewer easement.

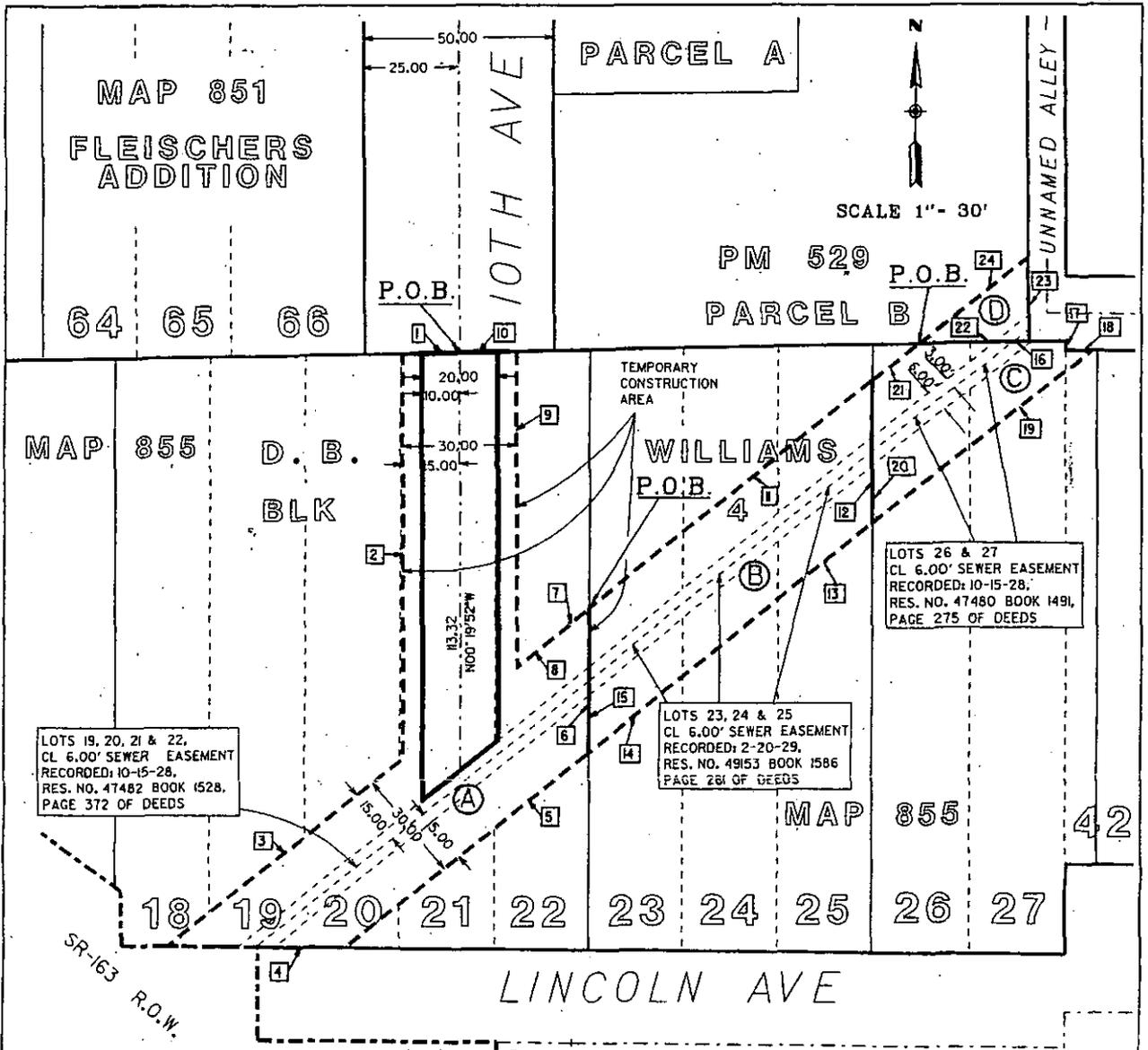
The above described area containing 2,266.21 Square feet, or 0.05203 acres.

See City of San Diego Drawing 20248-B

*Frederick R. LePage* 7/20/2004  
Frederick R. LePage PLS 7524 Date  
Associate Land Surveyor, Field Engineering  
My Registration Expires 12/31/2005



000253



LEGEND

SEWER EASEMENT ACQUIRED  
AREA = 2266.21 SQ. FT.  
0.05203 ACRES

TEMPORARY CONSTRUCTION  
AREA

P.O.B. = POINT OF BEGINNING

<p>APN: 444-590-27 OWNER: HENDERSON, RICHARD S.</p> <p>1) S88°58'26"W 15.00 2) S00°19'52"E 109.80 3) S50°26'08"W 80.37 4) S89°34'00"E 46.67 5) N50°26'08"E 83.44 6) N00°04'00"W 38.37 7) S50°27'13"W 12.36 8) S50°26'08"W 12.46 9) N00°19'52"W 85.77 10) S88°58'26"W 15.00</p>	<p>APN: 444-590-26 OWNER: WALLACE, MICHAEL C.</p> <p>11) N50°27'13"E 97.17 12) S00°04'00"E 38.87 13) S50°27'13"W 84.81 14) S50°26'08"W 12.36 15) N00°04'00"W 38.87</p>	<p>APN: 444-590-34 OWNER: WALLACE, MICHAEL C.</p> <p>16) N88°58'26"E 37.88 17) S00°04'00"E 2.57 18) S89°38'56"E 6.90 19) S50°27'13"W 73.72 20) N00°04'00"W 38.87 21) N50°27'13"E 15.71</p>	<p>APN: 444-353-03 OWNER: NELSON, ELIZABETH</p> <p>22) N88°58'26"E 28.07 23) N00°15'55"W 22.58 24) S50°27'13"W 36.25</p>
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<p>TEMPORARY CONSTRUCTION AREAS</p> <p>A) 4079.12 Sq. Ft. 0.09364 Acres</p>	<p>B) 2915.10 Sq. Ft. 0.06692 Acres</p>	<p>C) 1384.39 Sq. Ft. 0.03178 Acres</p>	<p>D) 316.85 Sq. Ft. 0.00727 acres</p>
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PREPARED BY:

THE CITY OF SAN DIEGO ENGINEERING & CAPITAL  
PROJECTS DEPT., FIELD DIV, LAND SURVEY  
SECTION, UNDER THE DIRECTION OF  
FREDERICK R. LoPAGE, ASSOC. LAND SURVEYOR.

*Frederick R. LoPage 4/16/07*  
FREDERICK R. LoPAGE P.L.S. 7524 DATE



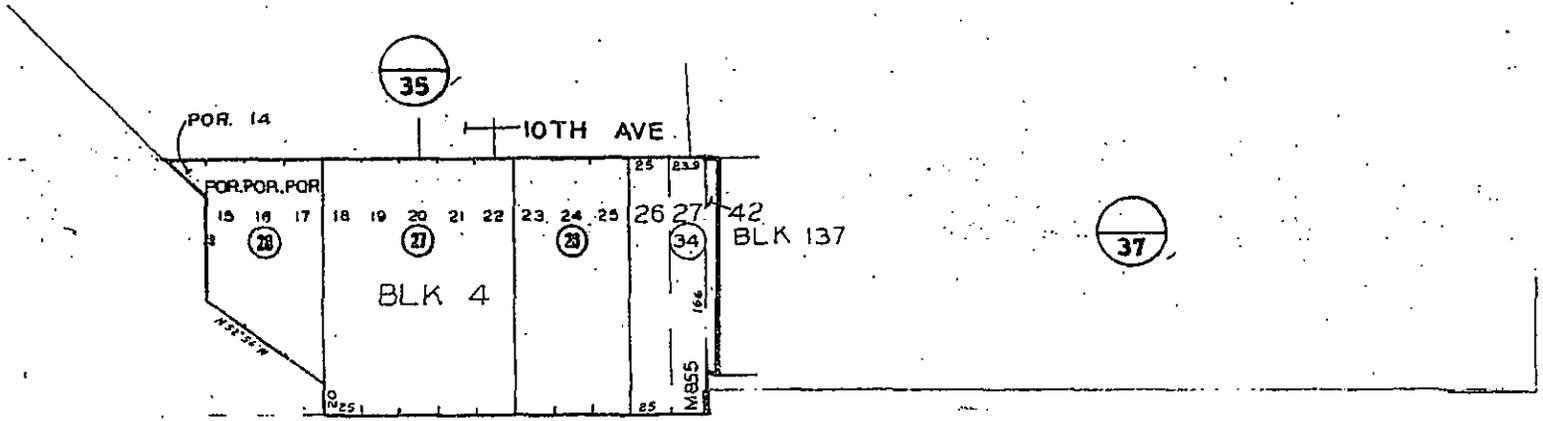
RESOLUTION No.: \_\_\_\_\_  
(SEWER EASEMENT)  
ADOPTED: \_\_\_\_\_  
F/P: \_\_\_\_\_  
RECORDED: \_\_\_\_\_

SEWER EASEMENT - LOTS 21 & 22 IN BLOCK 4 OF D.B. WILLIAMS SUBDIVISION MAP 855

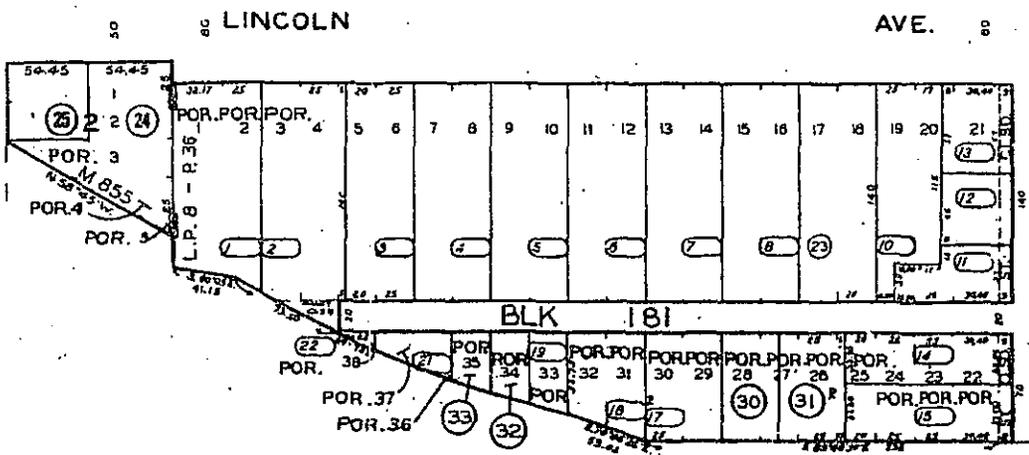
DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O.
ORIGINAL	MV	FRL			SHEET 2 OF 2 SHEET	174821
					<i>Donald J. O'Neil</i> 4/20/07	1854-6281
					FOR CITY ENGINEER DATE	NAD 83 COORDINATES
						214-1721
						NAD 27 COORDINATES
						20248-2-B

STATUS

000255



HWY 163  
 XI-SD-77-SD  
 HWY



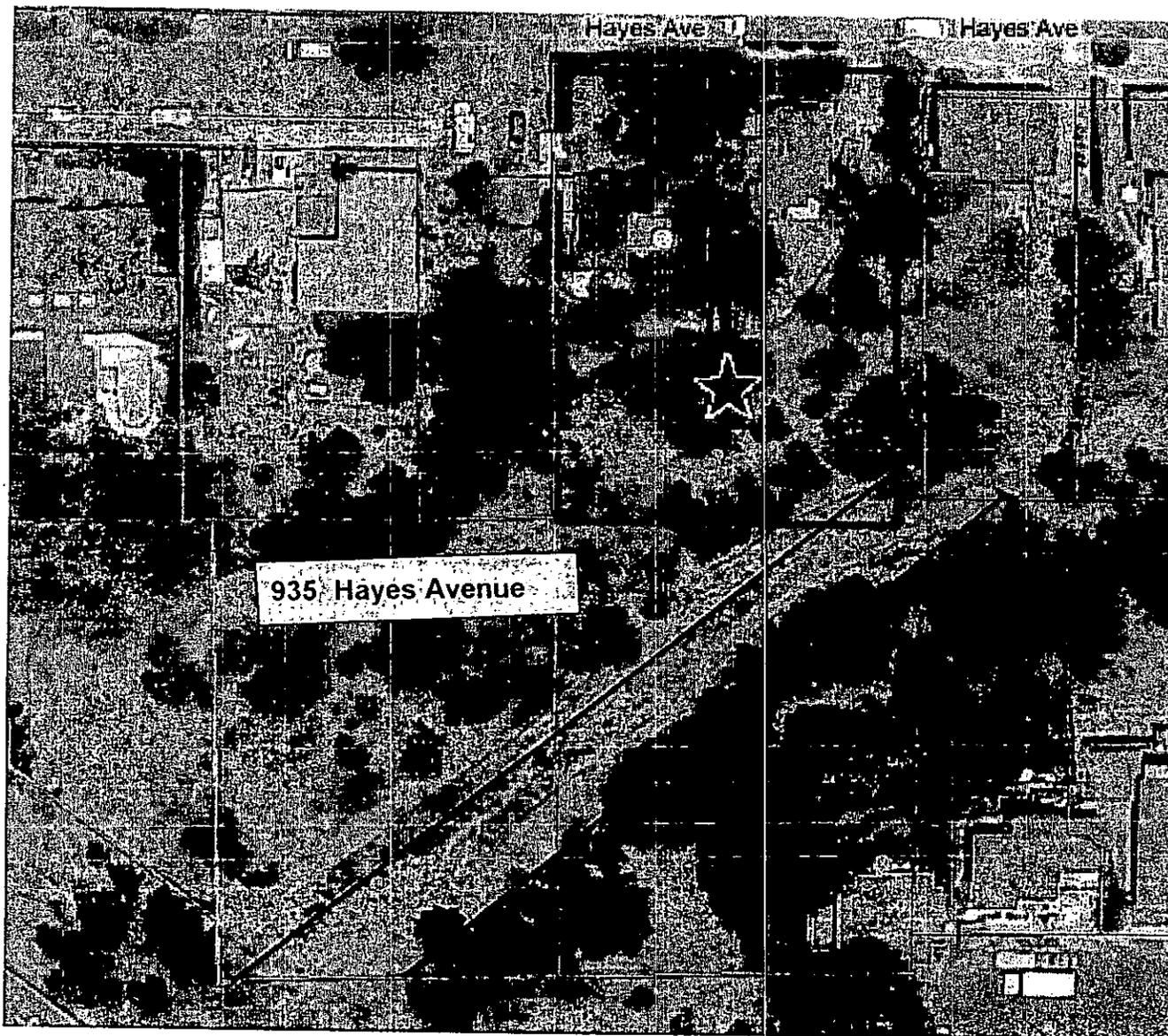
VERMONT ST.

56

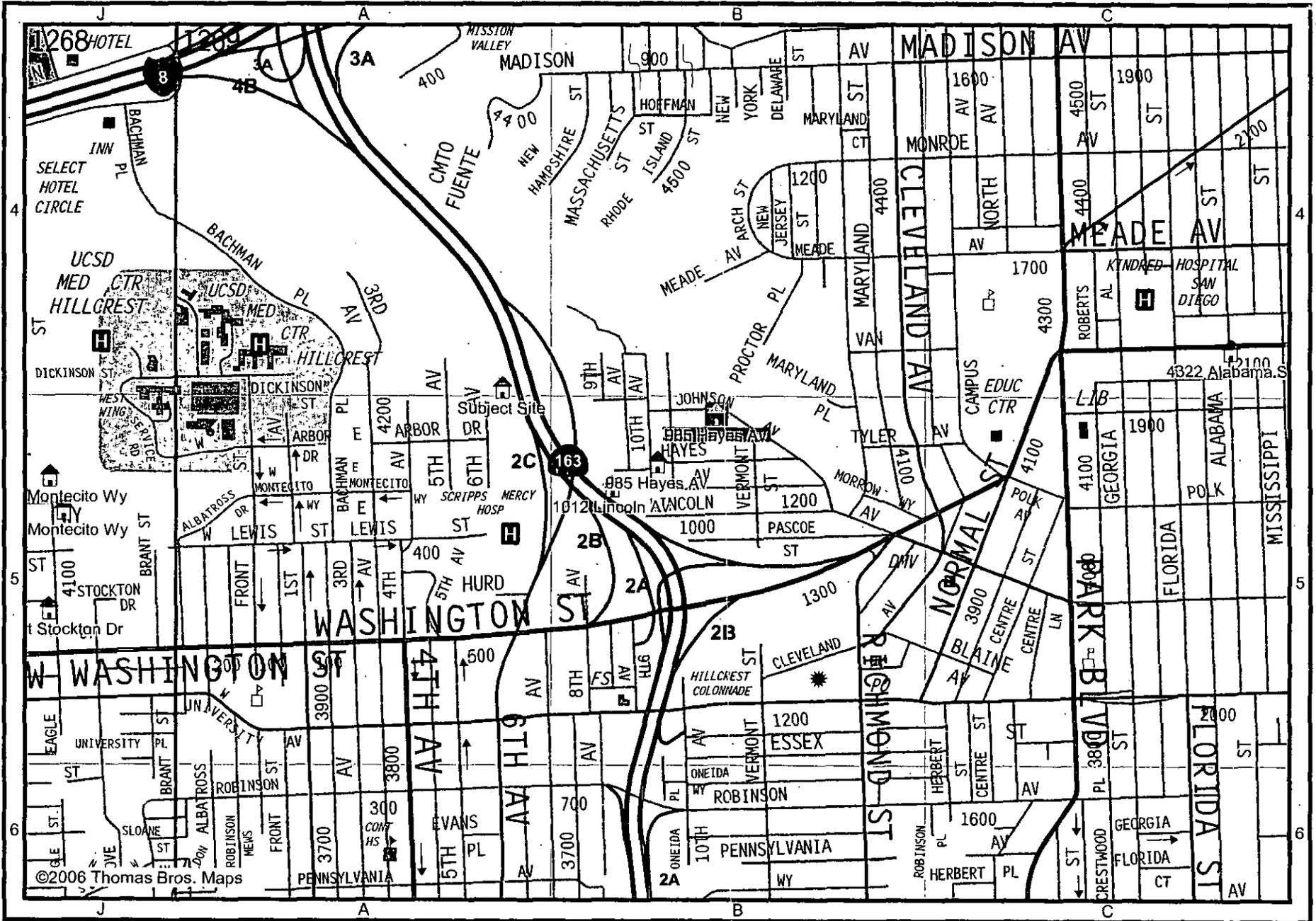
445  
48

445  
60

EXHIBIT 2



000257



935 Hayes Av: San Diego, CA 92103, 1269 - B5  
 935 Hayes Av: San Diego, CA 92103, 1269 - B5  
 4322 Alabama St: San Diego, CA 92104, 1269 - C4  
 1000 E Montecito Wy: San Diego, CA 92103, 1268 - J5

1012 Lincoln Av: San Diego, CA 92103, 1269 - B5  
 Subject Site: 4200 6th Av, San Diego, CA 92103, 1269 - A4  
 600 Montecito Wy: San Diego, CA 92103, 1268 - J5  
 701 Fort Stockton Dr: San Diego, CA 92103, 1268 - J5

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

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

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT OF EASEMENT, GRANTING A SEWER EASEMENT ACROSS PORTIONS OF LOTS 21 AND 22, IN BLOCK 4, OF D.B. WILLIAMS SUBDISION IN THE CITY OF SAN DIEGO

WHEREAS, The City of San Diego [City] requires a permanent easement and several temporary construction easements [collectively, the Easements] to construct, reconstruct, maintain, operate, and repair a public sewer pipeline near the end of the cul-de-sac at Hayes Avenue north of Washington Street, sloping down to Highway 163; and

WHEREAS, the value of the Easements is \$10,000, as valued by the City's Real Estate Assets Department [READ] staff; and

WHEREAS, READ staff expects to charge up to \$35,000 in City-staff labor and miscellaneous costs [Costs] to the project; and

WHEREAS, Auditor's Certificate No. 2900466 certifies that \$45,000 is available in Fund 41506 and authorizes the expenditure of funds for the Easements and Costs; and

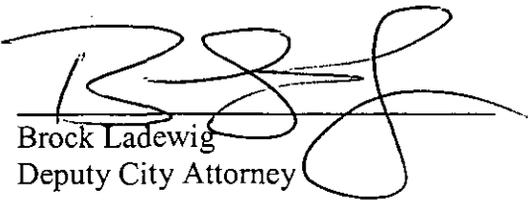
WHEREAS, the acquisition of the Easements and the payment of the Costs will benefit the public health, safety, or general welfare; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the Mayor or his designee is authorized to accept an easement deed for a permanent easement and several temporary construction easements proposed by Sewer and Water Group Job 689 [collectively, the Easements] to construct, reconstruct, maintain, operate, and repair a public sewer pipeline

near the end of the cul-de-sac at Hayes Avenue north of Washington Street, sloping down to Highway 163; and

BE IT FURTHER RESOLVED, the Comptroller is authorized to expend up to Forty Five Thousand Dollars (\$45,000) from Capital Improvement Project No. 44-001.0 Annual Allocation-Sewer Main Replacements, Fund 41506, Sewer, for the acquisition of the Easements and payment of related City-staff labor and miscellaneous costs.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Brock Ladewig  
Deputy City Attorney

BL:bas  
12/23/08  
Or.Dept: READ  
R-2009-767  
MMS #7345

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