

PERMIT TO ACCESS PRIVATE PROPERTY

THIS PERMIT TO ACCESS PRIVATE PROPERTY ("Permit") is entered into by and between **ATLAS WOOD PRODUCTS, INC.**, and **MORENO PALLETS, INC.**, ("Property Owner"), and **THE CITY OF SAN DIEGO**, a California municipal corporation ("City"), to be effective as of May 17, 2017 (the "Effective Date"), when signed by the parties and approved by the San Diego City Attorney.

RECITALS

- A. Property Owner is the owner of that certain real property located at 6904 Cactus Court, San Diego, CA 92154, with APN 667-050-44 ("Property").
- B. City requests permission to use a twenty-five foot (25') wide paved path on the Property ("Road") for ingress and egress by City (including City's agents, employees, contractors and consultants) to access City-owned property to the west of the Property, to perform work associated with City's Wruck Canyon Project ("Project").
- C. The Road is located on and runs on the most southerly portion of the Property, as shown on the attached "Exhibit A."

PERMIT

- 1. Property Owner hereby grants City and City's agents, employees, consultants and contractors permission to enter upon the Property for the sole purpose of using the Road for ingress and egress for City and City's agents, employees, consultants and contractors to access City-owned property to the west of the Property. The scope of City's use of the Road pursuant to this Permit shall include (1) City's right of ingress and egress over the Road with its vehicles, equipment and personnel between 10am and 4pm Monday through Friday throughout the term of this Permit; and (2) City's right to install a gate with a City lock, which gate shall be removed upon the expiration or earlier termination of this Permit.
- 2. Property Owner shall keep the Road clear at all times for use by City and City's agents, employees, consultants and contractors.
- 3. This Permit is a license to use the Road, and may be revoked at will by either party. This Permit shall expire upon completion of the Project, as determined by the San Diego City Engineer, but in no event shall the term of this Permit go beyond five (5) years from the Effective Date without approval by the City Council by ordinance.
- 4. City shall pay Property Owner two thousand and five hundred dollars \$2,500.00 in consideration for this Permit.
- 5. City shall, to the extent authorized by law, hold Property Owner harmless from any and all damages to the Property resulting from City's use of the Road. City shall be responsible for the restoration, to a condition as near as possible to the condition existing at the time of

commencement of City's initial use of the Road, of any property damaged or disturbed as a result of City using the Road.

6. City agrees to give Property Owner notice at least one (1) week prior to the estimated commencement of City's use of the Road; said use is currently scheduled to commence approximately July 2017. Currently, the Project contemplates an approximately one (1) week of frequent use of the Road once use of the Road commences and thereafter intermittent use for three (3) years, through approximately December 31, 2020 in order to perform required maintenance on the City-owned property. City shall provide Property Owner with contact information for City's Resident Engineer, and any onsite contractor(s), prior to commencement of its use of the Road.
7. This Permit sets forth the entire agreement and understanding between the Property Owner and City with respect to the subject matter of this Permit and may not be modified or altered except in a writing which is signed by all parties hereto and/or their successors or assigns.
8. This Permit 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.
9. With the promises contained herein as consideration, the parties hereto agree to the terms of this Permit, as evidenced by their signatures below.

Date:

3/9/17

PROPERTY OWNER:

BY:

BY: ATLAS WOOD PRODUCTS, INC

Date:

3/09/17

PROPERTY OWNER:

BY:

BY: MORENO PALLETS, INC

Date:

3/9/17

THE CITY OF SAN DIEGO, a California
municipal corporation

BY:

Name:

Title:

CAROL MONTANO
DIRECTOR, PUBLIC WORKS

ENVIRONMENTAL ANALYSIS SECTION ENVIRONMENTAL CLEARANCE:

This activity is adequately addressed in Mitigated Negative Declaration No. 230429 for Sewer and Water Group 809 (SCH# 2012071079) certified by the City of San Diego Planning Commission on September 20, 2012, and is part of a series of subsequent discretionary actions, and, therefore, not considered to be a separate project for purposes of CEQA review as defined in State CEQA Guidelines Section 15378(c). Pursuant to Section 15162 of CEQA, there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

Date: 3/16/17

BY: [Signature]
Name: Carrie Turcell
Title: Assistant Deputy Director

Approved as to form this 17th day
of March, 2017.

MARA W. ELLIOT, City Attorney

BY: [Signature]
Name: Hilda R. Mendoza
Title: Deputy City Attorney

Exhibit A



SEE REVERSE SIDE
FOR OPENING INSTRUCTIONS

SEE REVERSE SIDE
OR OPENING INSTRUCTIONS



THE CITY OF SAN DIEGO
OFFICE OF THE CITY COMPTROLLER
202 C STREET, 7TH FLOOR
SAN DIEGO, CA 92101-3867

ATLAS WOOD PRODUCTS INC

6904 Cactus Ct
San Diego, CA 92154

0001564996 04/06/2017