



THE CITY OF SAN DIEGO

July 9, 2001

Files: Property File - G402-1 & G403-1
Permit File - Western Pacific Housing, Inc.
Job: 223122

Western Pacific Housing
5790 Fleet Street, Suite 210
Carlsbad, CA 92008

Attention: Scott Sandstrom

Reference: Right of Entry Permit - McGonigle Canyon Creek, APN's 306-020-33
and 306-020-34

The City of San Diego ("City") hereby grants permission to Western Pacific Housing, Inc. and its authorized agents ("Permittee") to enter upon the above-referenced City-owned property ("Permit Area"), as delineated on the attached Exhibit "A" upon the following terms and conditions:

1. Permittee's use of the Permit Area shall be limited to grading, installation of a temporary irrigation system, installation of plant material, maintenance and periodic monitoring; as required mitigation for the Camino Ruiz Roadway Project. A conceptual map detailing the portions of the Permit Area to be revegetated is attached as Exhibit "B."
2. Consideration to City for granting this Permit shall be the benefit of the aforementioned revegetation to the Permit Area.
3. This Permit shall commence on July 15, 2001 and shall expire on July 14, 2004.
4. Permittee certifies that a policy of public liability and property damage insurance, in which "The City of San Diego" is named as an additional insured, has been secured in an amount of not less than \$1 million combined single limit liability with an occurrence claims form and that said policy shall be kept in force for the duration of this Permit. A certificate of said insurance shall be filed with the City Real Estate Assets Department upon execution of this Permit.
5. Permittee agrees to defend, indemnify, protect, and hold the City, its agents, officers, and employees harmless from and against any and all claims asserted or liability established for damages or injuries to any person or property, including injury to Permittee's employees, invitees, guests, agents, or officers, which arise out of or are in any manner directly or indirectly connected with the development or operation of the Permit Area or the work and operations to be performed under this agreement,

Real Estate Assets

1200 Third Avenue, Suite 1700, MS 51A • San Diego, CA 92101-4199
Tel (619) 236-6020 Fax (619) 236-6706



and all expenses of investigating and defending against same; provided, however, that Permittee's duty to indemnify and hold harmless shall not include any claims or liability arising from the established active negligence, sole negligence, or sole willful misconduct of the City, its agents, officers, or employees.

6. Permittee agrees not to discriminate in any manner against any person or persons on account of race, color, religion, gender, sexual orientation, medical status, national origin, age, marital status, or physical disability in Permittee's use of the Permit Area, including but not limited to the providing of goods, services, facilities, privileges, advantages, and accommodations, and the obtaining and holding of employment.
7. All risks in connection with Permittee's use of the Permit Area and any damages to the improvements thereon, thereunder, or in the vicinity thereof shall be borne in full by Permittee.
8. Permittee shall not use the Permit Area in any manner which, in the opinion of the City Manager, creates a nuisance or disturbs the quiet enjoyment of persons in the surrounding area.
9. This Permit is revocable at any time by the City of San Diego. It is mutually agreed that the City of San Diego shall not be obligated for any loss, financial or otherwise, which may be incurred by Permittee as a result of termination of this Permit, and, further, that Permittee expressly waives any claim for expense or loss which Permittee might incur as a result of termination of this Permit.
10. Permittee recognizes and understands that this Permit may create a possessory interest subject to property taxation and that Permittee may be subject to the payment of property taxes levied on such interest. Permittee further agrees that such tax payment shall not reduce any fee paid the City of San Diego hereunder and that such tax shall be paid by Permittee before becoming delinquent.
11. Permittee shall at its sole cost and expense comply with all the requirements of all municipal, state, and federal authorities now in effect or which may hereafter be in effect, which pertain to the Permit Area.
12. Permittee shall at its sole cost remove all materials and repair and/or restore the Permit Area to its original condition, including any hazardous or toxic waste remediation, to the satisfaction of the City Manager. Any existing hazardous or toxic waste is not the responsibility of Permittee.
13. Permittee shall not assign any rights granted by this Permit nor any interest therein without the prior written approval of the City Manager. Approval of any such

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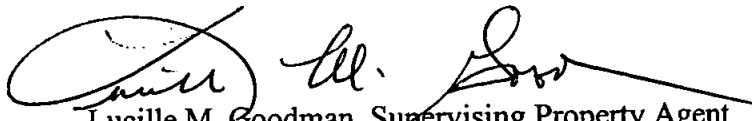
proposed assignment may be withheld in the sole and absolute discretion of the City Manager. Any assignment by operation of law shall automatically terminate this Permit.

14. Permittee will be allowed to display signs warning of construction activities and sensitive habitat restoration in progress. The dimensions, design, content and installation of said signs shall be to the satisfaction of the City Manager. No other signs shall be displayed on the Permit Area without the prior written consent of the City Manager.
15. Maintenance of the Permit Area shall be the sole responsibility of Permittee during the entire term of this Permit.
16. The City of San Diego as Lead Agency under CEQA has reviewed and considered a Mitigated Negative Declaration LDR No. 40-0386, dated January 9, 2001, covering this activity. Adopted February 12, 2001, by Resolution No. R-294537.

Please acknowledge your agreement to the foregoing terms and conditions on the enclosed copy of this letter and return it to the City Real Estate Assets Department, together with your insurance certificate within 10 days from receipt hereof.

If you should require additional information or have any questions, please call Gary Jones, Property Agent, at (619) 236-6264.

Very truly yours,


Lucille M. Goodman, Supervising Property Agent
Real Estate Assets Department

Date: 7-9-01

LMG/GJ/csn

Attachments

cc: County Assessor

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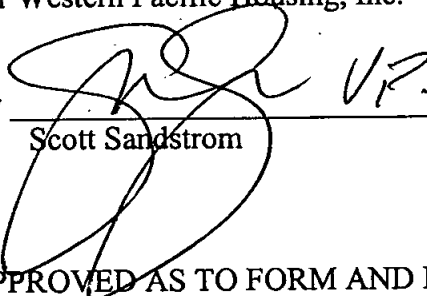
Western Pacific Housing, Inc.

July 9, 2001

THE ABOVE IS ACKNOWLEDGED AND ACCEPTED THIS 13 DAY OF
July, 2001.

For Western Pacific Housing, Inc.

By

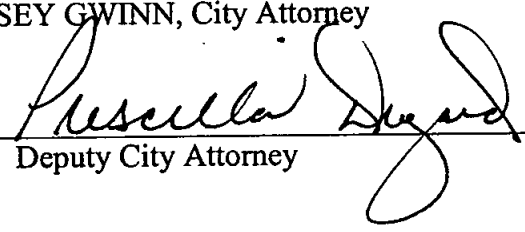


Scott Sandstrom

APPROVED AS TO FORM AND LEGALITY

CASEY GWINN, City Attorney

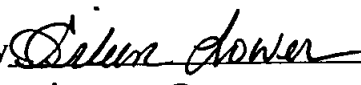
By



Deputy City Attorney

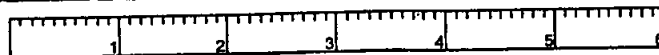
ENVIRONMENTAL ANALYSIS SECTION
ENVIRONMENTAL CLEARANCE:

By



Senior Planner

1-800-345-7334



SCALE IN 1/10 OF AN INCH

SAN DIEGO COUNTY ASSESSOR'S MAP
306-02
SHT 1 OF 2
1" = 400'
11/03/99 JK

Prereq CH#		CH#		Prereq PR#	
CHANGES					
BLK	PREREQ AP#	NEW AP#	IN	CLST	MR
020	10	23 & 24	80	2315	CARE
	10	25 & 26	80	2316	CARE
	23	27 2400 120	80	81	CARE
	23	28 2500 120	80	82	CARE
	23	29 30 31	80	200	CARE
	24 & 25	32 33	80	472	CARE
	24	34	80	473	CARE
	11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23	35 36	80	484	CARE
		PREREQ NEW CH#			
	170-12	37 3800 30	60	15	
	17-20, 21	39 3900 30	60	61	
		USE PREREQ NEW			

1. CTRL #5712
NSP
ADOBE BLUFFS

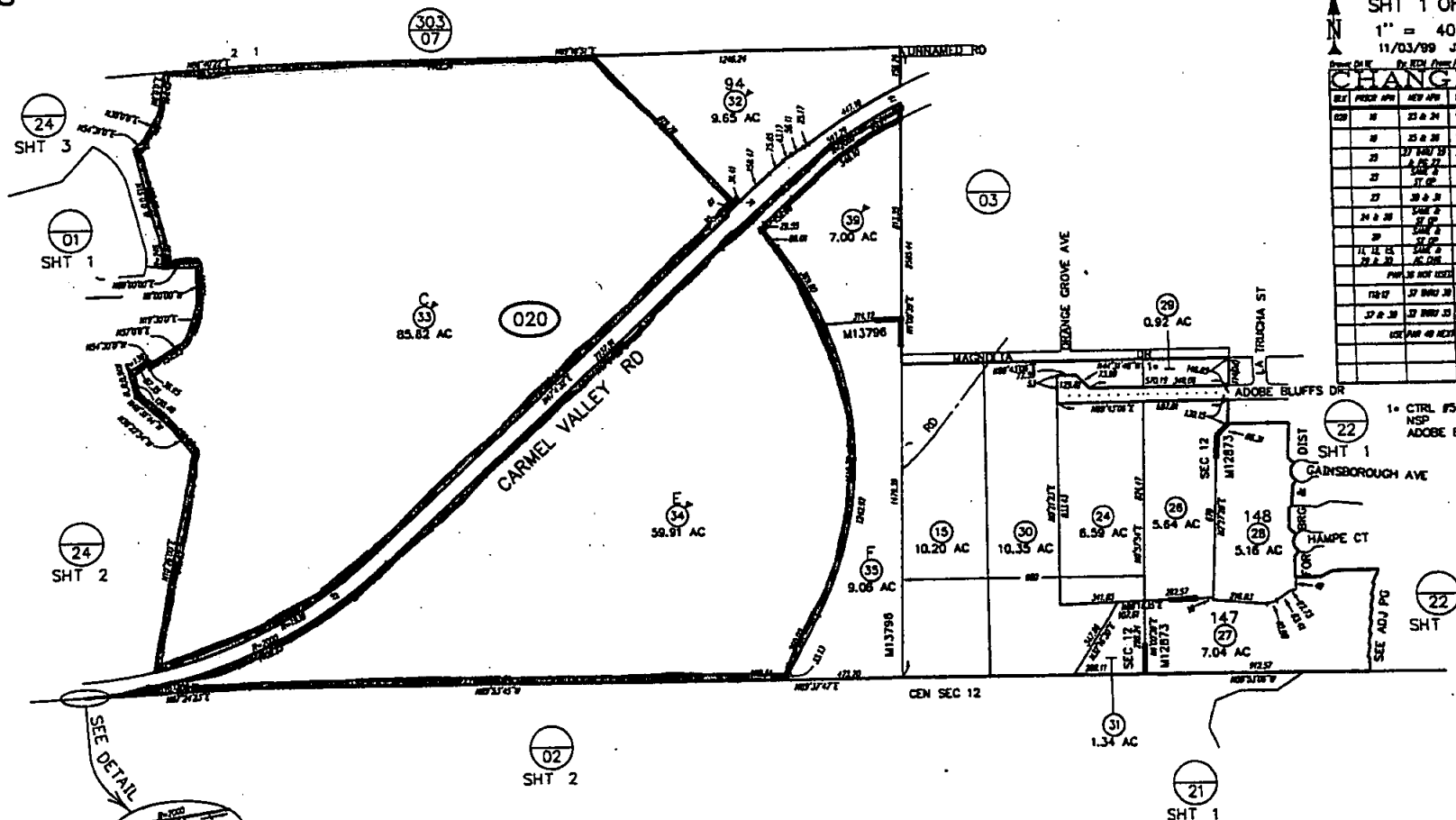
SHT 2

Exhibit "A"

6661 BC 27:01 EQ ADV PAH
Wed Nov 03 10:27:38 1999

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

08



DETAIL "A"
NO SCALE

MAP 13796 - FAIRBANKS HIGHLANDS
MAP 12873 - HAMPE HILLS
SEC 12-T14S-R3W - POR N H
ROS 8368,9419,13225

DEC 02 1999

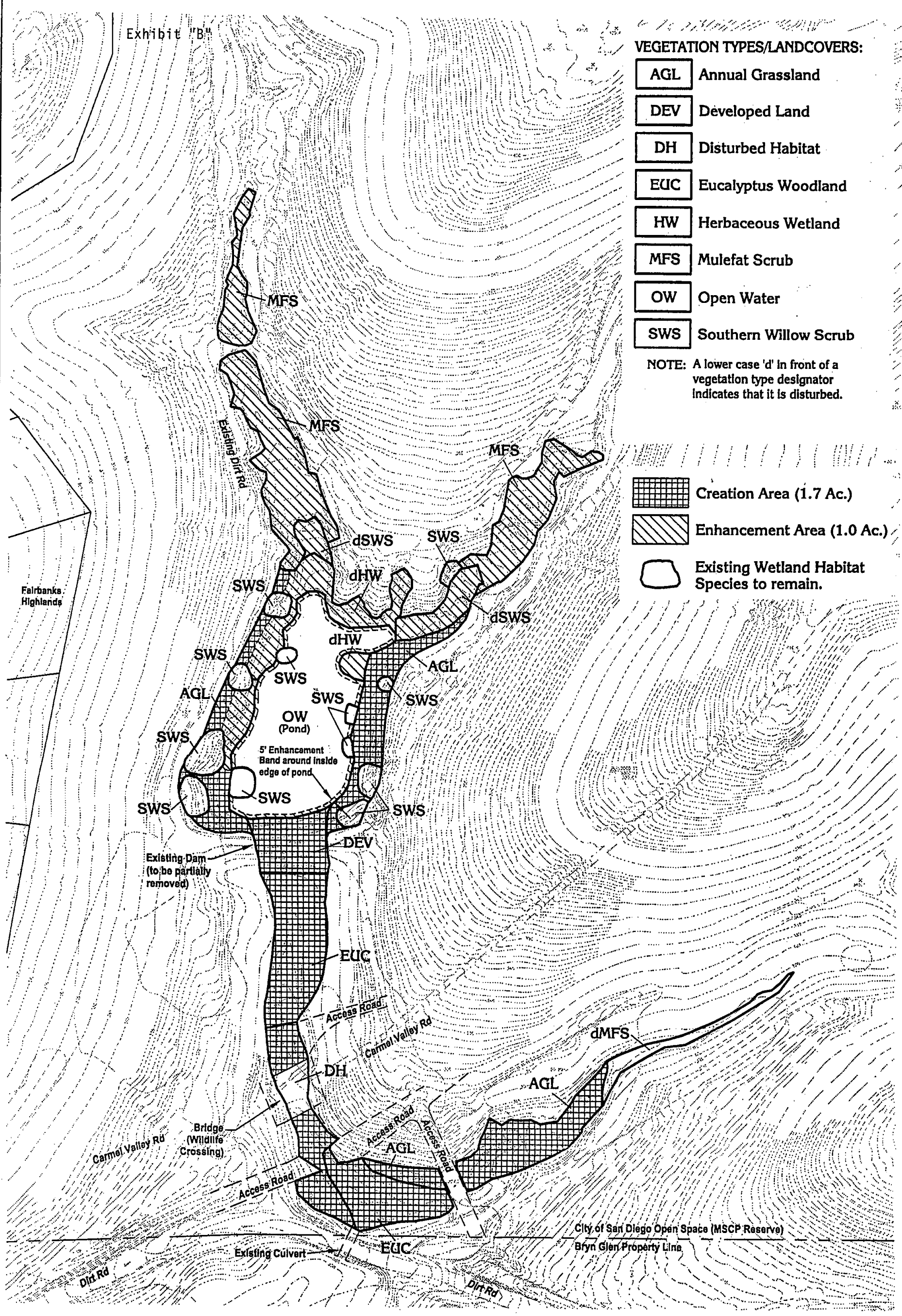
Exhibit "B"

VEGETATION TYPES/LANDCOVERS:

- AGL Annual Grassland
- DEV Developed Land
- DH Disturbed Habitat
- EUC Eucalyptus Woodland
- HW Herbaceous Wetland
- MFS Mulefat Scrub
- OW Open Water
- SWS Southern Willow Scrub

NOTE: A lower case 'd' in front of a vegetation type designator indicates that it is disturbed.

- Creation Area (1.7 Ac.)
- Enhancement Area (1.0 Ac.)
- Existing Wetland Habitat Species to remain.



BASE TOPO SOURCE: HUNSAKER & ASSOCIATES



Conceptual Wetland Mitigation & Monitoring Plan - Camino Ruiz Roadway Project
Conceptual Revegetation Map (Offsite Location)

1189

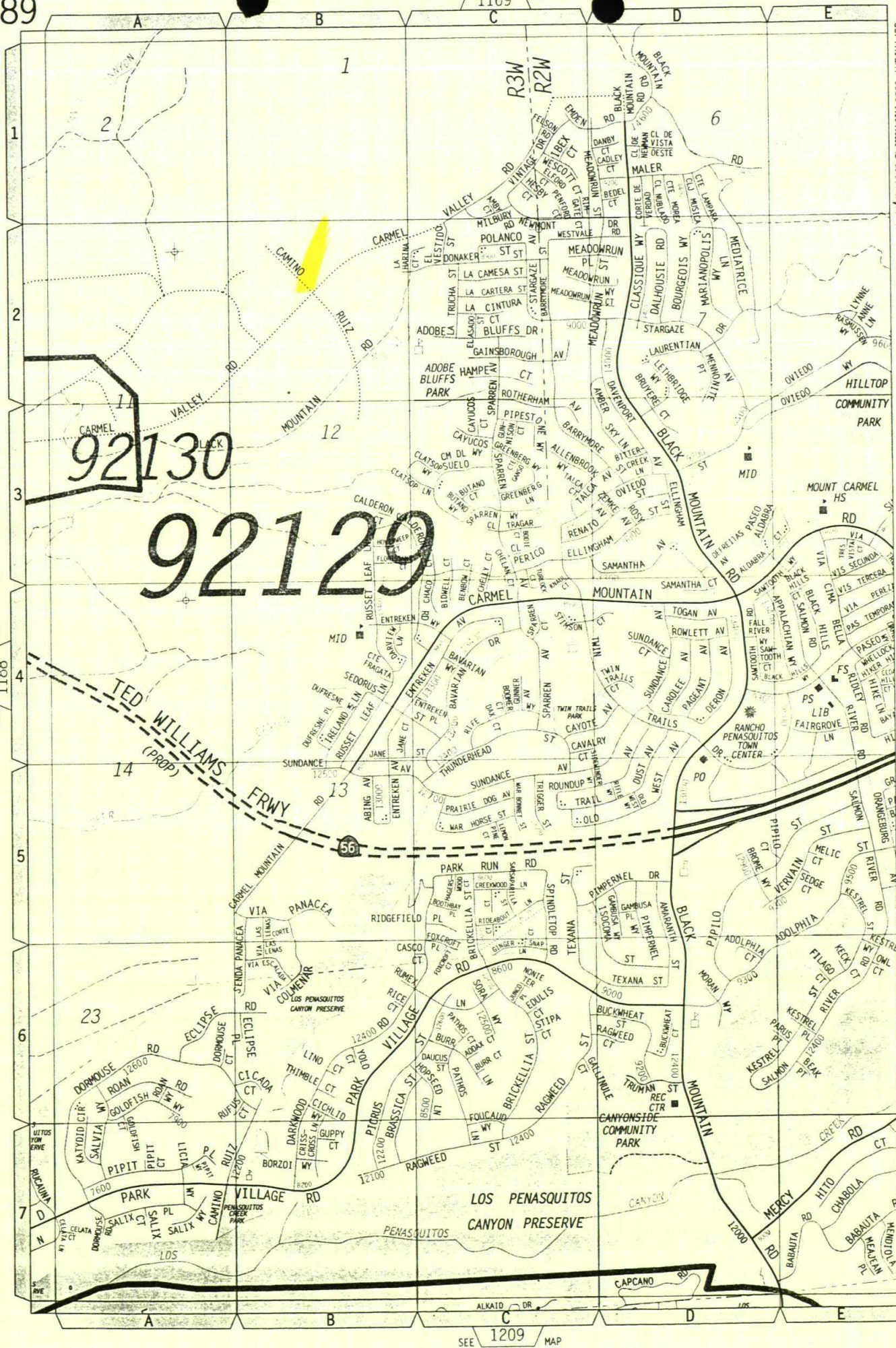
SEE 1169 MAP

SAN DIEGO CO.

ZIP

SEE 1188 MAP

MAP



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