

KM Item # 2
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(RA-2009-78) RAN

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04376

DATE OF FINAL PASSAGE APR 29 2009

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE PURCHASE AND SALE AGREEMENT WITH THE CITY OF SAN DIEGO FOR THE ACQUISITION OF THE REAL PROPERTY LOCATED WITHIN THE CITY HEIGHTS REDEVELOPMENT PROJECT AREA, ALONG INTERSTATE 15 AT EL CAJON BOULEVARD AND 40TH STREET, ASSESSOR'S PARCEL NUMBER 447-202-31, FOR A PURCHASE PRICE OF \$575,932; AND AUTHORIZING THE EXECUTIVE DIRECTOR OR DESIGNEE, ON BEHALF OF THE REDEVELOPMENT AGENCY, TO EXECUTE THE PURCHASE AND SALE AGREEMENT WITH THE CITY OF SAN DIEGO.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan [Redevelopment Plan] for the City Heights Redevelopment Project Area [Project Area]; and

WHEREAS, the Agency proposes to acquire from the City of San Diego [City] certain real property consisting of approximately 8,596 square feet of vacant land within the Project Area, located along Interstate 15 at the northwest quadrant of El Cajon Boulevard and 40th Street in San Diego, California, designated as Assessor's Parcel Number 447-202-31 [Site], in order to facilitate future redevelopment of the Site; and

WHEREAS, the Agency is authorized to acquire the Site for redevelopment purposes by voluntary purchase pursuant to the Redevelopment Plan and the California Community Redevelopment Law (set forth in California Health and Safety Code section 33000 et seq.), specifically California Health and Safety Code sections 33342 and 33391(a); and

WHEREAS, California Health and Safety Code section 33036(d) contemplates the remedying of conditions of blight within designated redevelopment project areas through the public acquisition of adequate areas at “fair prices” and the redevelopment of such areas; and

WHEREAS, California Health and Safety Code section 33037(c) states, in part, that the redevelopment of blighted areas constitutes a public use and purpose for which public money may be advanced, and is a governmental function of state concern in the interest of health, safety and welfare of the State of California and of the communities in which the areas exist; and

WHEREAS, California Health and Safety Code section 33021(c) states that “redevelopment” includes: “The replanning or redesign or original development of undeveloped areas as to which either of the following conditions exist. (1) The areas are stagnant or improperly utilized because of defective or inadequate street layout, faulty lot layout in relation to size, shape, accessibility, or usefulness, or for other causes. (2) The areas require replanning and land assembly for reclamation or development in the interest of the general welfare because of widely scattered ownership, tax delinquency, or other reasons.”; and

WHEREAS, the Agency’s present acquisition of the Site and an adjacent parcel, together with the Agency’s future proposed acquisition of adjacent land from the City, will allow the Agency to assemble several irregularly-shaped and small-sized “remnant” or “excess” parcels in the same vicinity related to the California Department of Transportation’s prior widening of Interstate 15 and will enable the orderly redevelopment of those parcels, thereby implementing the overall intent of the Redevelopment Plan consistent with the above-described provisions of the Community Redevelopment Law; and

WHEREAS, the City and the Agency have negotiated the terms and conditions of the proposed Real Estate Purchase and Sale Agreement for the Agency's acquisition of the Site in its "as-is" condition; and

WHEREAS, the purchase price of the Site is \$575,932, which equals the negotiated fair market value of the Site, less an offset for anticipated remediation of the present environmental condition of the Site; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego [Agency], as follows:

1. That the Agency approves the Real Estate Purchase and Sale Agreement [Agreement] with the City of San Diego [City], together with its Exhibits, a copy of which, upon execution by the Agency, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04376 .
2. That the Executive Director of the Agency, or designee, is authorized to execute, for and on behalf of the Agency, the Agreement, the Grant Deed attached as Exhibit B to the Agreement and all other closing documents that are contemplated by the Agreement with respect to the Agency's acquisition of the real property designated as Assessor's Parcel Number 447-202-31 [Site] located along Interstate 15 at El Cajon Boulevard and 40th Street within the City Heights Redevelopment Project Area [Project Area], for the purchase price of \$575,932.
3. That the Agency authorizes the transfer of \$575,932 from the Project Area's tax increment funds (specifically Fund 98200) to the City as payment of the purchase price for the Site.

4. That the Agency's acquisition of the Site is not a "project" for purposes of the California Environmental Quality Act [CEQA] because it does not have the potential for resulting in a physical change in the environment and does not otherwise meet the criteria set forth in CEQA Guidelines section 15378; and that, pursuant to CEQA Guidelines section 15060(c)(3), the Agency's acquisition of the Site is thus not subject to CEQA.

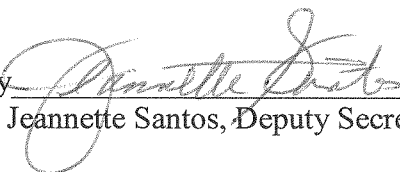
APPROVED: JAN I. GOLDSMITH, GENERAL COUNSEL

By Kevin J. Reisch
Kevin J. Reisch
Deputy General Counsel

KJR:pev
02/23/09
Or.Dept:RA
RA-2009-78
MMS #7837
Comp. R-2009-680
RA-2009-79

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of APR 14 2009.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 4-29-09
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

**The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER**

CERTIFICATE OF UNALLOTTED BALANCE

AC 2900627

ORIGINATING

DEPT. NO.: 9975

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: _____ Fund: _____

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										

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: \$1,383,550.00

Vendor: City of San Diego

Purpose: Agency to purchase two parcels in the City Heights Project area from the City of San Diego (Fund 38978 - State Route 209 & 274 Cooperative Agreement). Parcels are listed as APN 447-202-31 and APN 44-202-32, are located on El Cajon Blvd / 40th Street.

Date: February 25, 2009 By: Francisco Lopez
 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	98200	9823	2004	4638	002004				1,383,550.00
TOTAL AMOUNT										\$1,383,550.00

AC-361 (REV 2-92)

FUND OVERRIDE

AC 2900627

Passed by the Redevelopment Agency of The City of San Diego on APR 14 2009, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Date of final passage APR 29 2009

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

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

By , Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R- R- 04376