

ORDINANCE NO. 11556
(New Series)

APR 17 1975

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 22.0903 RELATING TO REAL ESTATE BROKER - RESIGNATION; AND BY AMENDING SECTION 22.0901, LEASES OF REAL PROPERTY, AND SECTION 22.0905, BROKER'S FEE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 9 of the San Diego Municipal Code be amended by repealing Section 22.0903 entitled "REAL ESTATE BROKER - RESIGNATION."

Section 2. That Chapter II, Article 2, Division 9 of the San Diego Municipal Code be amended by amending Sections 22.0901 and 22.0905 to read as follows:

SEC. 22.0901 LEASES OF REAL PROPERTY

Except as otherwise provided in the Charter, or by ordinance the Council shall have the power to lease the real property of the City as follows:

No real property belonging to the City shall be leased except in pursuance of a resolution passed by a majority vote of all members of the Council, which shall contain the following:

- a. the reason for leasing such real estate;
- b. a description of the real estate to be leased;
- c. a statement of the market value of such real estate as appraised by an independent fee appraiser.

Properties valued under fifty thousand dollars (\$50,000)

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may be appraised by City staff. The findings of the appraiser together with a review report by City staff shall have been on file with the City Clerk for a period of not less than thirty (30) days preceding the resolution of the Council.

d. The document number of a copy of the lease filed in the office of the City Clerk of The City of San Diego for a period of not less than thirty (30) days preceding the resolution of the Council. No lease shall be made for a longer term than two (2) years except by resolution passed by an affirmative vote of six members of the Council.

Nothing in this section contained shall be deemed to apply to any lease for a term of two (2) years or less. The City Manager, at all times, shall have power, without advertising, notice, or competitive bidding, and upon such terms as he may deem proper, to lease any of the real property of The City of San Diego for a term of two (2) years or less provided, however, that no such lease, so made, shall be renewed without the approval of the Council.

SEC. 22.0905 BROKER'S FEE AND REGISTRATION

Whenever the City Council by resolution shall have determined to pay a real estate broker's commission (fee) in connection with the lease of City-owned real property as provided in Section 22.0901 or in connection with the

sale of City-owned real property as provided in Section 22.0902, the commission payment will be made to the broker who meets all of the following conditions:

- a. Holds a valid State of California real estate broker's license;
- b. Represents a client who is willing and able to make a bona fide offer;
- c. Registers broker's name and address and client's name and address with the City Property Director, together with written confirmation by the client that the broker is authorized to represent him for a specified property:

1. No later than the day preceding the date fixed for the sale,

2. No later than the date of submittal of the lease proposal in response to solicitation for proposals, or

3. No later than the date of the first offer to lease or request to open negotiations to lease; and

- d. The sale or lease has been fully consummated between the City and the client of the broker as evidenced by an authorizing City Council resolution.

The City of San Diego shall pay a real estate broker's commission not exceeding six percent (6%) of the sale price of the property. The City of San Diego shall pay a lease

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commission pursuant to the lease commission schedule adopted by resolution of the Council, but in no event shall said commission exceed six percent (6%) of the market value of the property leased.

Provided, further, the City Council shall have the right in every instance to reject any and all bids in any sale or any offer for any lease of City-owned real property without cause or liability and, in the event of such rejection, the City shall not be obligated to pay any broker's fee whatsoever; the intent of this provision is to make the payment of any real estate commission absolutely contingent upon the acceptance of the bid or of the negotiated agreement and the complete consummation of the sale or lease, including, in the case of a sale, receipt by the City of the full purchase price. A broker not registered under the provisions hereof shall not be entitled to a commission from the City. Any dispute between brokers as to which broker is entitled to receive the broker's commission shall be decided by the City Manager, in accordance with recognized real estate industry arbitration procedures as set forth in Title 9, Part 3 of the California Code of Civil Procedure. If a commission is due and payable to any real estate broker as provided herein, the City shall pay the same out of the money received as the purchase price of the property sold or out of the money received as lease payments.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By H. Valderhaug
Harold Valderhaug, Deputy

HOV:nr
4-3-75
Or.Dept. PF&R Comm.

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Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polen*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 3 1975

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, and on _____

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By *Patricia Polen*, Deputy.

RECEIVED

1975 APR -3 PM 2:24

SAN DIEGO, CALIF.

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MAY 5 1978

Office of the City Clerk, San Diego, California

Ordinance Number

11556

Adopted

APR 17 1975

'75 APR 25 PH 3 18g

ATTORNEY(S)

San Diego, City of
12th Floor City Admin. Bldg.
San Diego, Ca. 92101

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

Sales of Real Property

APR 25 1975-g

I, PATRICIA M. APPLESTILL hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; and the

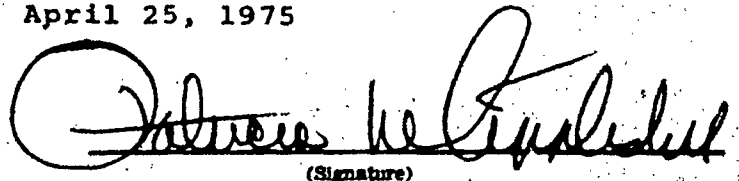
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is a true and correct copy of which this certificate is annexed and was published in said newspaper on

April 25, 1975

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on

April 25, 1975


(Signature)

02339

177/8 @ 4.42 79.01g

(New Ordinance)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 9 OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING SECTION 22.0900 RELATING TO REAL ESTATE BROKER - RESIGNATION, AND BY AMENDING SECTION 22.0901, LEASES OF REAL PROPERTY, AND SECTION 22.0906, BROKER'S FEE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 2, Division 9 of the San Diego Municipal Code be amended by repealing Section 22.0900 entitled "REAL ESTATE BROKER - RESIGNATION."

Section 2. That Chapter II, Article 2, Division 9 of the San Diego Municipal Code be amended by amending Sections 22.0901 and 22.0906 to read as follows:

SEC. 22.0901 LEASES OF REAL PROPERTY

Except as otherwise provided in the Charter, or by ordinance the Council shall have the power to lease the real property of the City as follows:

No real property belonging to the City shall be leased except in pursuance of a resolution passed by a majority vote of all members of the Council, which shall contain the following:

- a. the reason for leasing such real estate;
- b. a description of the real estate to be leased;
- c. a statement of the market value of such real estate as appraised by an independent fee appraiser. Properties valued under fifty thousand dollars (\$50,000) may be appraised by City staff. The findings of the appraiser together with a review report by City staff shall have been on file with the City Clerk for a period of not less than thirty (30) days preceding the resolution of the Council.
- d. The document number of a copy of the lease filed in the office of the City Clerk of The City of San Diego for a period of not less than thirty (30) days preceding the resolution of the Council.

No lease shall be made for a longer term than two (2) years except by resolution passed by an affirmative vote of six members of the Council.

Nothing in this section contained shall be deemed to apply to any lease for a term of two (2) years or less. The City Manager, at all times, shall have power, without advertising, notice, or competitive bidding, and upon such terms as he may deem proper, to lease any of the real property of The City of San Diego for a term of two (2) years or less provided, however, that no such lease, so made, shall be renewed without the approval of the Council.

SEC. 22.0906 BROKER'S FEE AND REGISTRATION

Whenever the City Council by resolution shall have determined to lease a real estate broker's commission (fee) in connection with the lease of City-owned real property as provided in Section 22.0901 or in connection with the sale of City-owned real property as provided in Section 22.0902, the commission payment will be made to the broker who meets all of the following conditions:

- a. Holds a valid State of California real estate broker's license;
- b. Represents a client who is willing and able to make a bona fide offer;
- c. Registers broker's name and address and client's name and address with the City Property Director, together with written confirmation by the client that the broker is authorized to represent him for a specified property:
 1. No later than the day preceding the date fixed for the sale;
 2. No later than the date of submittal of the lease proposal in response to solicitation for proposals; or
 3. No later than the date of the first offer to lease or request to open negotiations to lease; and
- d. The sale or lease has been fully consummated between the City and the client of the broker as evidenced by an authorizing City Council resolution.

The City of San Diego shall pay a real estate broker's commission not exceeding six percent (6%) of the sale price of the property. The City of San Diego shall pay a lease commission pursuant to the lease commission schedule adopted by resolution of the Council, but in no event shall such commission exceed six percent (6%) of the market value of the property leased.

Provided, further, the City Council shall have the right in every instance to reject any and all bids in any sale or any offer for any lease of City-owned real property without cause or liability and, in the event of such rejection, the City shall not be obligated to pay any broker's fee whatsoever. The intent of this provision is to make the payment of any real estate commission absolutely contingent upon the acceptance of the bid or of the negotiated agreement and the complete consummation of the sale or lease, including, in the case of a sale, receipt by the City of the full purchase price. A broker not registered under the provisions hereof shall not be entitled to a commission from the City. Any dispute between brokers as to which broker is entitled to receive the broker's commission shall be decided by the City Manager, in accordance with recognized real estate industry arbitration procedures as set forth in Title 2, Part 2 of the California Code of Civil Procedure. If a commission is due and payable to any real estate broker as provided herein, the City shall pay the same out of the money received as the purchase price of the property sold or out of the money received as lease payments.

Section 3. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Passed and adopted by the Council of The City of San Diego on April 1975.

AUTHENTICATED BY:

PETE WILSON,
Mayor of The City of San Diego, California
EDWARD NIELSEN,
City Clerk of The City of San Diego, California
By **FABRICA**, Deputy