

ORDINANCE NO. **12687** (0.79-129)

(New Series)

JUL 2 1979

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2
DIVISION 9, SECTIONS 22.0902 AND 22.0902.1
RELATING TO SALE OF CITY OWNED LANDS

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

Section 2. That Chapter II, Article 2, Division 9 of the
San Diego Municipal Code be amended by amending Section 22.0902 to
read as follows:

SEC.22.0902 SALES OF REAL PROPERTY

Except as otherwise provided in the City Charter, the
Council shall sell the real property of the City in
compliance with the requirements herein established.
No real property belonging to the City shall be sold
except in pursuance of a resolution passed by an
affirmative vote of five members of the Council, which
shall contain the following:

- (a) The reason for selling such real property;
- (b) A description of the real property to be sold;

(c) A statement of the value of such property as disclosed by an appraisal made by a qualified real estate appraiser, who may be a professional appraiser or a qualified employee of the City of San Diego, together with the minimum amount the Council will consider for the sale of each parcel of property;

(d) A statement that the City may at its discretion pay a real estate broker's commission under the provisions of Section 22.0905 for the sale of such real property;

(e) A statement that the property will be sold by negotiation or by public auction, or by sealed bids, or by a combination of public auction, and sealed bids; providing, however, that in the event that such property is to be sold by negotiation, then the reasons therefore shall be included in the resolution.

Section 3. That Chapter II, Article 2, Division 9 of the San Diego Municipal Code be amended by amending Section 22.0902.1 to read as follows:

SEC. 22.0902.1 SALES OF REAL PROPERTY-REQUIREMENTS
FOR SALE AT AUCTION

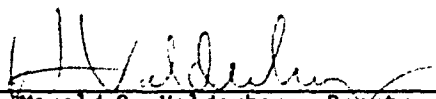
When real property belonging to the City is sold under the provisions of Section 22.0902 by public auction or by sealed bids or by a combination of public auction and sealed bids, whichever shall be recommended by the City Manager, then and

in that event, a notice thereof shall be published for not less than three (3) consecutive days in the official newspaper, which notice shall contain a statement of the minimum price set by the Council for each parcel of property to be sold. The Council shall have the right to reject any and all bids herein provided for. Real property belonging to the City may be put up for sale upon recommendation of the City Manager approved by the City Council. In the case of sale by auction, or a sealed bid, the bid will not be less than the minimum amount fixed by the Council, pursuant to subdivision (c) of Section 22.0902. The public auction or the sale by sealed bids shall be conducted by the Property Department and shall be held at such a location as shall be determined by the City Manager. At or before the making of a bid at such auction or sale by sealed bids the bidder must identify himself to, and register his name and address with, the Property Department; before any bid can be received, the bidder must have deposited with the Property Department a certified check or cashier's check in the amount of not less than 10 percent of the required minimum acceptable price; the amount so deposited shall be applied on the purchase price of the property if the City Council approves to sell to such bidder. Within ten (10) days of the approval of the sale by the City Council, the successful bidder and City shall formally open escrow with specific executed instructions that provide the date for payment of balance of the bid and delivery of the executed deed. In the event said person becomes the Council

approved purchaser of the property, the Property Department shall cause said sum to be deposited in the City Treasury, and the same shall be applied on the purchase price; provided, however, that if the City does not have a marketable title to such real property or if the property is not sold to such depositor the Property Department shall return said deposit to the person from whom the deposit was received; provided further that if, after the City Council approves the sale to said bidder, said bidder refuses or is unable to proceed with consummation of the property transfer, said deposit shall be forfeited to City as liquidated damages to reimburse City for its cost of processing the bid and proposed sale.

Section 4. 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 
Harold O. Valderhaug, Deputy

5/30/79 (REV.)
Job: 13904
Property Department

SEC. 22.0902

SALE OF REAL PROPERTY

Except as otherwise provided in the City Charter, the Council shall sell the real property of the City in compliance with the requirements herein established. No real property belonging to City shall be sold except in pursuance of a resolution passed by an affirmative vote of five members of the Council, which shall contain the following:

- (a) The reason for selling such real property;
- (b) A description of the real property to be sold;
- (c) A statement of the value of such real property as disclosed by an appraisal made by a qualified real estate appraiser, who may be a professional appraiser or a qualified employee of the City of San Diego, together with the minimum amount the Council will consider for the sale of each parcel of property.
- (d) A statement that the City ~~will or will not~~ may at its discretion pay a real estate broker's commission under the provisions of Section 22.0905 for the sale of such real property.
- (e) A statement that the property will be sold by negotiation or by public action, or by sealed bids, or by a combination of public auction and sealed bids, providing, however, that in the event that such property is to be sold by negotiation, then the reasons therefore shall be included in the resolution. (Amended 3-30-61 by Ord. 8463 N.S.)

SEC. 22.092.1 SALES OF REAL PROPERTY-REQUIREMENTS FOR SALE AT AUCTION

When real property belonging to the City is sold under the provisions of Section 22.0902 by public auction or by sealed bids or by a combination of public auction and sealed bids, whichever shall be recommended by the City Manager, then and in that event, a notice thereof shall be published for not less than ~~five (5)~~ three (3) consecutive days in the official newspaper, which notice shall contain a statement of the minimum price set by the Council for each parcel of property to be sold. The Council shall have the right to reject any and all bids herein provided for. Real property belonging to the City may be put up for sale upon recommendation of the City Manager approved by the City Council, ~~or at the request of any person desiring to purchase City property.~~ Any person making such request for sale of City property shall concurrently therewith deposit with the City an amount designated by the Property Supervisor as sufficient to cover all costs pertaining to the sale, ~~in~~ In the case of sale by auction, or sale by a sealed bid, and ~~will~~ the bid ~~will not be~~ will not be less than the minimum amount fixed by the Council, pursuant to subdivision (c) of Section 22.0902. Said deposit shall be in the form of a certified check or a cashier's check, and delivered to the Property Supervisor who shall make disposition thereof as where in after provided.

The public auction or the sale by sealed bids shall be conducted by the Property Supervisor, Department and shall be held in the office of the Property Supervisor or at the site at such location as shall be determined by the City Manager. of the property to be sold, or in the Council Chamber in the presence of and during of session of the Council of the City of San Diego. The location of such auction sale be determined by the City Manager. At or before the making of a bid at such auction or sale by sealed bids the bidder must identify himself to and register his name and address with the Property Supervisor, Department; before any bid can be accepted, received, the bidder must have deposited with the Property Supervisor Department a certified check or cashier's check in the amount of not less than 10 percent of his bid the required minimum acceptable price; the amount so deposited shall be applied on the purchase price of the property if the City Council approves to sell to such bidder. In the case of sale by sealed bids, such bids must be accompanied by certified check or cashier's check in the amount not less than 10 percent of bid; the amount so deposited shall be applied on the purchase price of the bid. In case of a combination of sealed bids and public auction there shall first have been deposited with the City by one or more certified checks or cashier's check an amount not less than ten percent (10%) of the combined bid before it can be accepted. In any case the unpaid balance shall be due and payable within five (5) days after notification that the duly executed deed of the type specified in notice of sale is ready for delivery. Failure or inability to make such final payment shall terminate the bidder's right and the amount of his deposit shall be forfeited to, and become the property of the City. Within ten (10) days of the date of sale, successful bidder and City shall formally open escrow with specific executed instructions that provide the date for payment of balance of the bid and delivery of the executed deed. In the event that any bidder does not complete the payment of his bid, the Council may accept the bid of another bidder provided such bidder deposits the amount of his bid with the

In the event said person becomes the actual Council approved purchaser of the property at the sale held pursuant to his request, the property supervisor Department shall cause said sum to be deposited in the City treasury, and the same shall be applied on the purchase price; provided, however, that if the City does not have a merchantable marketable title to such real property or if at the sale the same has been sold at a higher price than that bid by such depositor the City Council shall by resolution direct the property is not sold to such depositor the Property Supervisor Department shall return said deposit to the person from who the deposit was received; provided further that if, at the sale no bid is received equal to or greater than the after the after City Council approves the sale to said bidder, said bidder refuses or is unable to proceed with consummation of the minimum amount fixed by the Council, the Council shall by resolution direct the property transfer, said deposit shall be forfeited to City as liquidated Property Supervisor to place said deposit in the City treasury to the credit of the General Fund. damages to reimburse City for its costs of processing the bid and proposed sale.

(Renumbered Sec. 22.0902.2, 3-30-61 by Ord. 8463 N.S.)

(Added 3-30-61 by Ord. 8463 N.S.)

Passed and adopted by the Council of The City of San Diego on JUL 2 1979
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<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"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

JUN 18 1979, and on JUL 2 1979

~~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.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>12687</u>	Adopted <u>JUL 2 1979</u>

ATTORNEYS

City of San Diego
12th floor, City Admin. Bldg.
202 C St.
San Diego, CA 92101

Attn: Ellen Bovard

RECEIVED
CITY CLERK'S OFFICE

1979 JUL 20 PM 4: 04

SAN DIEGO, CALIF.

CERTIFICATE OF PUBLICATION

No. _____

IN THE MATTER OF

SALE OF CITY OWNED LANDS

ORDINANCE NO. 12687
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 2, DIVISION 9, SECTIONS 22.0902 AND 22.0902.1 RELATING TO SALE OF CITY OWNED LANDS

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(b) A description of the real property to be sold;

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Section 3. That Chapter II, Article 2, Division 9 of the San Diego Municipal Code be amended by amending Section 22.0902.1 to read as follows:

(over)

I Paula J. Santonocito, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NO. 12687

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to-wit:

July 16, 1979

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 18th day of July, 1979.

Paula J. Santonocito
(Signature)

16" - \$97.12



