

RESOLUTION NO.

R-250641

(R.80-914)
(REV.)

WHEREAS, The City of San Diego and The City of Escondido entered into an agreement dated June 22, 1967, a copy of which is on file in the office of the City Clerk as Document No. 712945; and

NOV 19 1979

WHEREAS, pursuant to said agreement the City of San Diego conveyed to the City of Escondido 204 acres of land valued at \$615,000; and

WHEREAS, The City of Escondido, as payment for said land, agreed to provide and did provide, at Escondido's cost, sewer and water facilities to benefit the City of San Diego's remaining land in the area; and

WHEREAS, said agreement specifically provided that the land was conveyed to the City of Escondido "for the purpose of developing park and recreational facilities thereon and other uses consistent with the Master Plan developed by the Joint Land Use Study approved by the parties"; and

WHEREAS, said Master Plan provided that the land be used for recreational and commercial recreational purposes; and

WHEREAS, at the June 5, 1979, election, the electorate of the City of Escondido approved the removal of a portion of the property from park use and the City of Escondido has indicated an intent to enter into an agreement whereby said portion of the property would be utilized for commercial shopping center development; and

WHEREAS, the loss of said recreational opportunities would constitute a substantial detriment to the City of San Diego; and

WHEREAS, the development of a shopping center on said property would violate the terms and conditions of the above specified 1967 agreement; and

WHEREAS, in 1975, the City of San Diego transferred an additional parcel of property to the City of Escondido and a portion of that property is also proposed for said shopping center development; and

WHEREAS, the City reserves the right, in connection with the 1975 transfer to repurchase the property if the City of Escondido, within 99 years, proposes to dispose of the property; and

WHEREAS, the proposed long term lease constitutes a proposed disposition of the property; and

WHEREAS, by Resolution No. 198232, adopted October 14, 1969, the City Council determined that the City of Escondido had complied with the terms of the June 22, 1967, agreement in that Escondido had completed at its cost sewer and water facilities as required by said agreement as consideration for the land and all of the supporting documents for said resolution indicate that the resolution was intended solely to indicate compliance with the sewer and water facilities development requirements, and the City intends to continue to enforce its rights regarding Escondido's agreement to utilize the property transferred for park and recreational purposes; and

WHEREAS, the City has determined that certain property adjacent to the park property in Escondido is surplus to the City's need and the City Manager has solicited an offer for said property from the City of Escondido pursuant to Section 54220 et seq. of the Government Code of the State of California which provides that such surplus property be made available for acquisition under specified conditions for park and recreation purposes by the City in which said surplus property is situated; and

WHEREAS on October 15, 1979, the City of San Diego provided the City of Escondido with an updated appraisal of the 77 acres of said surplus property which appraisal indicated a value of \$1.3 million; and

WHEREAS, on November 1, 1979, the City Manager of the City of Escondido requested that the transfer of said 77 acres of surplus property be expedited in order to retain the established value at \$1.3 million; and

WHEREAS, on November 6, 1979, the City Council in Executive Session considered whether civil litigation should be directed in order to protect the City's interest and determined that as an alternative to such litigation the City Attorney and City Manager should be directed to attempt to negotiate a reasonable settlement to protect the City's interest; NOW, THEREFORE,

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

1. That the City Attorney is hereby authorized and directed to transmit a copy of this resolution together with a letter of explanation to the City Manager and City Council of the City of Escondido.

2. That the City Attorney is further authorized and directed to, in conjunction with the City Manager, take appropriate action to protect the City's interest in the property proposed for shopping center development.

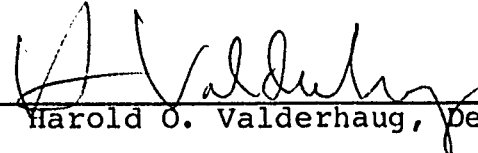
3. That Resolution No. 198232, adopted October 14, 1969, was intended solely and exclusively to indicate compliance by the City of Escondido with requirements of the June 22, 1967, agreement related to the construction of sewer and water facilities and that said resolution is not intended to waive City's rights to require that the property be utilized for park and recreation purposes.

4. That the City Attorney and the City Manager are hereby authorized and empowered to negotiate an equitable agreement with the City of Escondido whereby the City of San Diego will be equitably compensated for the substantial increase in value resulting from the change in use from park to commercial which will result from the development as a commercial shopping center of the property sold by San Diego to Escondido in 1967.

5. That the City Manager is hereby authorized and directed to attempt to coordinate the sale of the 77 acres of City surplus property adjacent to the park property with

an equitable solution to the problem involving the proposed use of the property previously transferred to the City of Escondido.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug, Deputy

HOV:dm
11/19/79 Rev. 12/5/79
Or.Dept.: Ex. sess.

Passed and adopted by the Council of The City of San Diego on NOV 19 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Walter Borcham, Deputy.

Office of the City Clerk, San Diego, California

Resolution
Number R-250641 Adopted NOV 19 1979