

RESOLUTION NUMBER R-281561

ADOPTED ON MARCH 1, 1993

WHEREAS, The City of San Diego is the owner of Site 787, a 2.88-acre site located at the southeast corner of Aero Drive and Kearny Villa Road, being portions of Lots 9 and 18 of New Riverside; and

WHEREAS, the City desires to negotiate the sale of said land to CHILDREN'S HOSPITAL-SAN DIEGO, a California nonprofit corporation, under the provisions of Section 22.0902 of the San Diego Municipal Code which permit the sale of real property belonging to The City of San Diego by negotiation; and

WHEREAS, the sale of such real property as this may reasonably be accomplished by negotiation; and

WHEREAS, the value of the property to be conveyed by the City, as determined by staff appraisal, is \$692,500 as is, and \$992,500 including public improvements; and

WHEREAS, no real estate broker's commission shall be paid; and

WHEREAS, the sale of the aforementioned property right is consistent with the public interest; NOW, THEREFORE,

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

1. That certain real property described in that grant deed on file in the office of the City Clerk as Document No.

RR-281561, be, and the same is hereby authorized to be sold by negotiation for the amount of \$800,000 (less up to \$43,000 for Children's Hospital to install public sidewalks and widen Kearny Villa Road) to CHILDREN'S HOSPITAL-SAN DIEGO, under the following terms and conditions:

a. Children's Hospital will put in the necessary sidewalks at a cost of approximately \$18,000.

b. Children's Hospital will do the necessary widening of Kearny Villa Road at a cost of approximately \$25,000.

c. Children's Hospital agrees to participate in, and not oppose, a future assessment district for improvements to Aero Drive and agrees to have discussion and agreement with the Manager's office concerning transportation improvements prior to the March 1, 1993, Council hearing.

d. Children's Hospital agreed to pay escrow and brokerage commission fees.

e. Children's Hospital agreed to have Council review the terms of the Child Care Facility Permit.

f. Children's Hospital agreed to pursue a Conditional Use Permit if the Child Care Facility Permit is not granted by the City.

g. Children's Hospital will fully inform the Kearny Mesa and Serra Mesa Planning Groups of the project's plans and traffic considerations.

h. Children's Hospital will provide assurances to the City in the form of a reversionary clause in the deed that, within three years from the date of deed recordation, there will be a child care center on this site.

i. Children's Hospital will provide ten percent (10%) of the full-time spaces at the facility to the public on a first-come first-served basis.

j. The City retains the option to buy back the site for \$800,000 (\$757,000 if Children's Hospital has not installed public sidewalks and widened Kearny Villa Road) plus a cost-of-living adjustment to be agreed upon by Children's Hospital and the City Manager and specified in the deed, if a child care center is not completed within three years of the recording date of the deed or if the use as a child care center is discontinued within 15 years of the date of issuance of a certificate of occupancy.

2. That the City Manager or his designee is hereby authorized and empowered to execute, for and on behalf of The City of San Diego, a grant deed, a copy of which is on file in the office of the City Clerk as Document No. RR-281561, granting to CHILDREN'S HOSPITAL-SAN DIEGO all that portion of Lots 9 and 18 of New Riverside, as more particularly described in the grant deed.


3. That the recommendations of the Public Facilities and Recreation Committee, as amended to include the City Manager's recommendation that a maximum of \$43,000 be deducted from the

purchase price of \$800,000 for Children's Hospital to install public sidewalks and widen Kearny Villa Road, is hereby adopted.

4. In the event that, after 15 years, the use of the facility as a child care center is changed, CHILDREN'S HOSPITAL-SAN DIEGO will give the City the right of first refusal to buy back the site at fair market value.

5. That the City Clerk is hereby authorized and directed to deliver the grant deed and a certified copy of this resolution, attested by him under seal, to the Property Department for further handling.

APPROVED: John W. Witt, City Attorney

By 
Harold O. Valderhaug
Chief Deputy City Attorney

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02/26/93
03/23/93 REV.1
Job:221172
Or.Dept:PF&R
R-93-1353
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Passed and adopted by the Council of The City of San Diego on MAR 01 1993,
 by the following vote:

| Council Members | Yeas | Nays | Not Present | Ineligible |
|---------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Abbe Wolfsheimer | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Ron Roberts | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| John Hartley | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| George Stevens | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Tom Behr | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Valerie Stallings | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judy McCarty | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Juan Vargas | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mayor Susan Golding | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

AUTHENTICATED BY:

SUSAN GOLDING
 Mayor of The City of San Diego, California.

(Seal)

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

By Blonda B. Barnes, Deputy.

Office of the City Clerk, San Diego, California

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