

RESOLUTION NUMBER R- 291534

ADOPTED ON APR 26 1999

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO MAKE APPLICATION TO THE SECRETARY OF HEALTH AND HUMAN SERVICES FOR THE UNITED STATES OF AMERICA TO ACQUIRE CERTAIN PROPERTY AT THE NAVAL TRAINING CENTER PURSUANT TO THE PROVISIONS OF SECTION 203(K) (1) OF THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949.

WHEREAS, certain real property owned by the United States, located in the County of San Diego, State of California, has been declared surplus and is subject to assignment for disposal for public health purposes by the Secretary of Health and Human Services under the proviso of Section 203 (k) (1) of the Federal Property and Administrative Services Act of 1949, as amended [the Act], and rules and regulations promulgated pursuant thereto, more particularly described as follows: the water and sewer conveyance system determined to be surplus within the facility known as the Naval Training Center, San Diego [the Property]; and

WHEREAS, The City of San Diego needs and can utilize the Property for public purposes in accordance with the requirements of the Act and the rules and regulations promulgated thereunder of which the City Council is fully informed, including commitments regarding use and time such use shall commence; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that it authorizes and empowers the City Manager, for and on behalf of the City, to make application to the Secretary of Health and Human Services, and secure the transfer to it, the Property for the use upon and

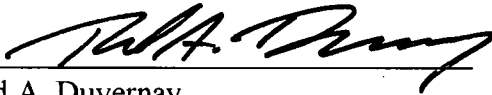
subject to such exceptions, reservations, terms, covenants, agreements, conditions, and restrictions as the Secretary of Health and Human Services, or his/her authorized representative, may require in connection with the disposal of the Property under the Act and the rules and regulations issued pursuant thereto.

BE IT FURTHER RESOLVED, that pursuant to Article I, Section 1 of the Charter of The City of San Diego California, that the City Council has the legal authority, and is willing, and is in a position financially and otherwise to assume immediate care and maintenance of the Property, and that Michael t. Uberuaga, City Manager, is further authorized, for and on behalf of the City, to do and perform any and all acts and things which may be necessary to carry out the foregoing resolution, including the preparing, making and filing of plans, applications, reports, and other documents; the execution, acceptance, delivery, and recordation of agreements, deeds, and other instruments pertaining to the transfer of the Property; and the payment of any and all sums necessary on account of the purchase price thereof, including fees or costs incurred in connection with the transfer of the Property for surveys, title searches, appraisals, recordation of instruments, or escrow costs, together with any payments by virtue of nonuse or deferral of use of the Property.

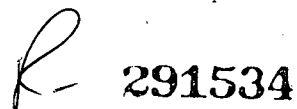
BE IT FURTHER RESOLVED, that if the City is unable to place the property into use within the time limitations indicated below (or determines that a deferral of use should occur), it is understood that The City of San Diego will pay to the Department of the Navy for each month of nonuse beginning twelve months after the date of the deed, or thirty-six months where construction or major renovation is contemplated, the sum of 1/360 of the then market value for each month of nonuse.

BE IT FURTHER RESOLVED, that if the application is approved, the City Council directs the Clerk for The City of San Diego, to place a copy of the application and standard deed conditions with the City Council's permanent minutes.

APPROVED: CASEY GWINN, City Attorney

By 
Richard A. Duvernay
Deputy City Attorney

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04/16/99
Or.Dept:REA
Aud.Cert:N/A
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