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5/9/06
(R-2006-974) ORLA.

RESOLUTION NUMBER R-301436

DATE OF FINAL PASSAGE MAY 09 2006

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE SALE OF THE CITY-OWNED PARCEL KNOWN AS SITE 653 TO HILLEL OF SAN DIEGO.

WHEREAS, the City of San Diego is the owner of a vacant triangular shaped approximately 15,341 square-foot parcel located at the intersections of La Jolla Village Drive, La Jolla Scenic Drive North, and La Jolla Scenic Way, south of the University of California at San Diego campus [UCSD], known as Site 653; and

WHEREAS, on April 12, 2000, the Land Use & Housing Committee authorized the Real Estate Assets Department [READ] staff to issue a request for proposal [RFP] for the potential sale or lease of Site 653 with a higher priority to be given to student organizations based at UCSD; and

WHEREAS, Hillel of San Diego, who proposed to develop and operate a facility serving the UCSD Jewish student community, responded to the RFP, along with one other respondent; and

WHEREAS, Hillel of San Diego was selected by the committee reviewing the proposals; and

WHEREAS, on November 20, 2000, the City Council authorized READ staff to enter into exclusive negotiations with Hillel of San Diego;

WHEREAS, an independent fee appraisal of Site 653 dated June 8, 2005, estimated the sale value at \$780,000; the appraisal was updated on January 25, 2006, to a sale value of \$940,000;

WHEREAS, on September 27, 2005, the City Council held a public meeting to discuss a sale or lease of Site 653 to Hillel of San Diego, and voted to continue the item to address noticing issues and the ability to conduct the hearing in the evening at a location in the community where the project is located; and

WHEREAS, on May 9, 2006, the City Council held a public meeting in the evening at the Museum of Contemporary Art in La Jolla to discuss a sale or lease of Site 653 to Hillel of San Diego; NOW, THEREFORE,

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

1. That the Mayor, or designee, is authorized and empowered to execute, for and on behalf of the City of San Diego, a Real Estate Purchase and Sales Agreement, with Hillel of San Diego to implement the transaction, in substantially the same form as that attached to this Resolution, a copy of which is on file in the office of the City Clerk as Document No.


RR-301436-1

2. That the Mayor, or designee, is authorized and empowered to execute, for and on behalf of the City of San Diego, a Grant Deed, conveying the approximately 15,341 square foot parcel and 17,923 square-foot street vacation area located at the intersections of La Jolla Village Drive, La Jolla Scenic Drive North, and La Jolla Scenic Way, south of the University of California at San Diego campus, known as Site 653, APN 334-120-26, to Hillel of San Diego, a copy of which is on file in the Office of the City Clerk as Document No. RR301436-2

3. That the Mayor is authorized to make any non-material changes to the Purchase and Sales Agreement and Grant Deed, if necessary.

4. That the City Auditor is authorized to accept the \$940,000 proceeds of sale, and to deposit this amount into the General Fund.

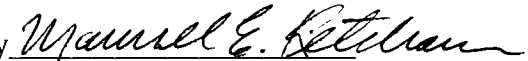
APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Leslie A. FitzGerald
Chief Deputy City Attorney

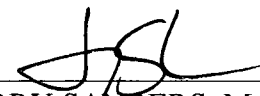
LAF:pev
05/11/06
Or.Dept:City Clerk
R-2006-974
MMS #3294

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAY 9 2006.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5-15-06
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor

**Office of
The City Attorney
City of San Diego**

**MEMORANDUM
MS 59**

(619) 533-5800

DATE: May 11, 2006
TO: City Clerk
FROM: City Attorney
SUBJECT: Sale of City-Owned Site 653 to Hillel of San Diego

In accordance with the City Council's direction on May 9, 2006, the City Attorney's Office has prepared Resolution Number R-301436 authorizing the sale of Site 653 to Hillel of San Diego. However, we could not attach the Purchase and Sales Agreement or the Grant Deed because the documents have not been finalized.

Specifically, in light of the Council's action, the Purchase and Sales Agreement must be revised to include the following indemnification language:

HILLEL OF SAN DIEGO shall protect, defend, indemnify, and hold CITY, its elected officials, officers, representatives, agents and employees, harmless from and against any and all claims asserted or liability established which arise out of or are in any manner directly or indirectly connected with this Agreement or the acquisition, development, occupancy, or use of the property, and all costs and expenses of investigating and defending against same, including without limitation attorney fees and costs. CITY may, at its election, conduct the defense or participate in the defense of any claim related in any way to this indemnification. If CITY chooses at its own election to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification, HILLEL OF SAN DIEGO shall pay all of the costs related thereto, including without limitation reasonable attorney fees and costs.

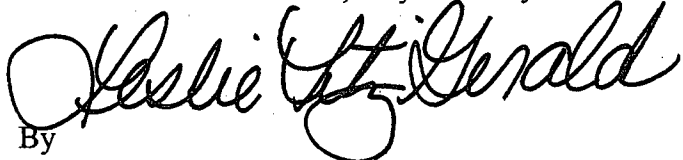
Additionally, the proposed Grant Deed has not yet been reviewed and approved by the City Attorney's Office. Once these documents have been finalized by the Real Estate Assets

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City Clerk
May 11, 2006
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Department and approved by my office, they will be forwarded to you. Please contact me if you have any questions or concerns.

MICHAEL J. AGUIRRE, City Attorney

A handwritten signature in black ink that reads "Leslie A. FitzGerald". The signature is written in a cursive style with a large initial "L".

By

Leslie A. FitzGerald
Chief Deputy City Attorney

LAF:if

R- 301436

#331a
5/9/06

Passed by the Council of The City of San Diego on MAY 09 2006, by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 09 2006

AUTHENTICATED BY:

(Seal)

JERRY SANDERS
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Manuel E. Ketchum, Deputy

Office of the City Clerk, San Diego, California

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