

RESOLUTION NUMBER R-305681

DATE OF FINAL PASSAGE MARCH 26, 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SALE OF PROPERTY IN
EXCHANGE FOR AN EASEMENT AND LICENSE TO USE
REAL PROPERTY RELATED TO PUMP STATION 82.

WHEREAS, this action requires the affirmative vote of five (5) members of the City Council; and

WHEREAS, the City operates Pump Station 82, a wastewater facility in Del Mar, on property adjacent to property owned by Larry G. Mabee, an individual ("Mabee"); and

WHEREAS, the City wants to install an underground emergency storage tank within a portion of Mabee's property and has requested an easement (the "Easement") for that purpose; and

WHEREAS, the City has also requested the temporary use of a portion of Mabee's property for the temporary use as a construction staging area (the "Staging Area") for the installation of the emergency storage tank; and

WHEREAS, to compensate Mabee for the easement and the use of the staging area, City staff recommends conveying to Mabee fee title to that certain City-owned real property (the "Property," Assessor's Parcel Number 298-490-40) comprised of approximately 231.0 square feet of land, subject to the reservation of a non-exclusive surface easement for the City's beneficial use as a parking lot; and

WHEREAS, the Council finds that at least one of the following criteria has been met: (1) the sale of the Property will provide revenues necessary for public facilities which are not

fundable through other revenue sources; (2) the Property cannot be leased because of its location, access, topography, or other considerations; (3) the sale would enhance the City's position relative to other activities, such as economic development efforts; or (4) the sale would maximize the total economic return to the City; and

WHEREAS, an appraisal of the Property, subject to the reserved surface easement in favor of the City, prepared or obtained by the City's Real Estate Assets Department has determined the fair market value of the Property to be Eight Thousand Six Hundred Sixty Dollars (\$8,660.00); and

WHEREAS, an appraisal of the Easement and use of the Staging Area, prepared or obtained by the City's Real Estate Assets Department has determined the fair market value of the Easement and use of the Staging Area to be Eight Thousand Dollars (\$8,000.00); and

WHEREAS, the Council deems the exchange of the Property, subject to the reserved surface easement in favor of the City, for the Easement and use of the Staging Area is an acceptable price for the Property; and

WHEREAS, the Council deems it in the best interests of the City to authorize the Mayor or his designee to sell the Property through negotiation with Mabee; and

WHEREAS, the total estimated costs related to the Easement acquisition is \$20,000;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that that certain real property [Property] owned in fee by the City and identified as Assessor's Parcel Number 298-490-40, comprised of approximately 231.0 square feet of land is excess City property and may be sold, subject to the reservation of a non-exclusive surface easement for the City's beneficial use as a parking lot; and

BE IT FURTHER RESOLVED, the Property cannot be leased because of its location, access, topography, or other considerations; and

BE IT FURTHER RESOLVED, the Property may be exchanged for an easement and the use of a staging area within certain real property identified as Assessor's Parcel Number 298-490-39 for the installation of an underground emergency storage tank related to the City's Pump Station 82 in Del Mar; and

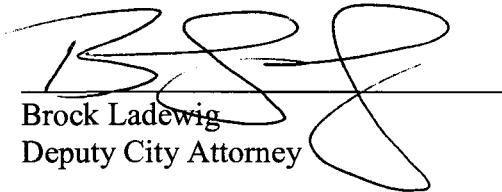
BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to sell the Property through negotiation with Larry G. Mabee, an individual, as the owner of the property adjacent to the Property; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to execute and deliver, on behalf of the City, a Grant of Easement and Agreement, on file in the Office of the City Clerk as Document No. RR- 305681-1, a Grant Deed, on file in the Office of the City Clerk as Document No. RR- 305681-2, and all other agreements and documents necessary and on terms and conditions deemed by the Mayor or his designee to be reasonable and in the best interests of the City to consummate the exchange; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to disburse up to Twenty Thousand Dollars (\$20,000) from Capital Project No. S-00303 Legacy CIP No. 4192690, Pump Station Upgrades, Group I, Fund 700000, Sewer, for costs related to this

transaction, contingent upon the City Comptroller furnishing a Certificate certifying that funds necessary for expenditures are, or will be on deposit with the City Treasurer.

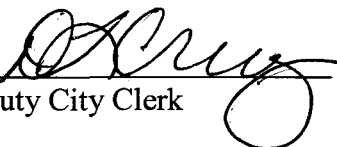
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Brock Ladewig
Deputy City Attorney

BL: mm
02/17/10
03/18/10 REV. COPY
Or.Dept:READ
R-2010-523
MMS #10919

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 16 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 3-16-10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor