

RESOLUTION NUMBER R- 305796

DATE OF FINAL PASSAGE MAY 11 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE SALE OF A PORTION OF ASSESSOR'S PARCEL NO. 464-150-02.

WHEREAS, Lana David and Tyme, wife and husband [Proposed Buyer], own residential property adjacent to City of San Diego Public Utilities Department property on Wyoming Avenue in the City of La Mesa [City's Property; Assessor's Parcel No. 464-150-02]; and

WHEREAS, the Proposed Buyer has discovered that a fence appearing to enclose their property actually encroaches on the City's Property; and

WHEREAS, the Proposed Buyer would like to purchase the approximately 3,300 square feet of the City Property that is enclosed by the fence; and

WHEREAS, the San Diego Public Utilities Department indicates that the subject 3,300 square feet of City Property is vacant, does not support their use, is not needed for their future use, and consents to selling the subject land; and

WHEREAS, selling the City Property will relieve the City of potential liabilities and the cost of maintaining property that does not generate income or provide public benefit, and will generate revenue for an Enterprise Fund; and

WHEREAS, an appraisal of the City Property prepared by the City's Real Estate Assets Department has determined the fair market value of the City Property to be Twenty Thousand Dollars (\$20,000); and

WHEREAS, the proceeds from the sale will be deposited into the Public Utilities Department Water Fund No. 700011, which is an Enterprise Fund; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that that certain real property [City Property] owned in fee by the City and identified as a portion of Assessor's Parcel Number 464-150-02, comprised of approximately 3,300 square feet of land is excess City property and may be sold because it is not currently used by a City department, does not support a municipal function, is vacant, and has no foreseeable use by the City; and

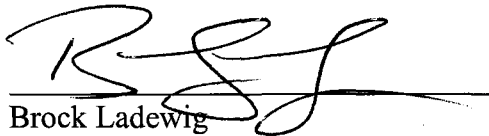
BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to sell the Property through negotiation with Lana David and Tyme, wife and husband [Buyer], as the owners of the property adjacent to the City Property; and

BE IT FURTHER RESOLVED, pursuant to San Diego Municipal Code [SDMC] Section 22.0902, the City may at its discretion pay a real estate broker's commission under the provisions of SDMC Section 22.0905 for the sale of the City Property; and

BE IT FURTHER RESOLVED, the Mayor or his designee is authorized to execute and deliver to the Buyer, on behalf of the City, a Real Estate Purchase and Sale Agreement, on file in the Office of the City Clerk as Document No. RR- 305796-1, a Grant Deed, on file in the Office of the City Clerk as Document No. RR- 305796-2, 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 sale; and

BE IT FURTHER RESOLVED, the Chief Financial Officer is authorized to accept
Twenty Thousand Dollars (\$20,000) from the Buyer and deposit said sum into Public Utilities
Department Water Fund No. 700011.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Brock Ladewig
Deputy City Attorney

BL:mm
04/05/10
Or.Dept:READ
R-2010-711
MMS#11847

I hereby certify that the foregoing Resolution was passed by the Council of the City of San
Diego, at this meeting of APR 27 2010.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5.11.10
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor