

RESOLUTION NUMBER R- 305902  
DATE OF FINAL PASSAGE JUN 21 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE PURCHASE OF REAL  
PROPERTY LOCATED AT 2750-27789 THIRD AVENUE  
AS A FUTURE PARK SITE.

WHEREAS, the City’s Park and Recreation Department has recommended the purchase of approximately 15,000 square feet (approximately 0.34 acres) of residentially zoned vacant land [Land] located in the Uptown Community at 2750-2778 Third Avenue, San Diego, California, as a site for the development of a neighborhood park; and

WHEREAS, the Uptown Community is currently 92.33 acres deficient in useable population-based park acreage as required by the City of San Diego General Plan as adopted by City Council Resolution No. R-303473 on March 10, 2008; and

WHEREAS, City staff have negotiated a purchase and sale agreement with the owner of the Land for a purchase price of One Million Four Hundred Thousand Dollars (\$1,400,000), based on appraisals conducted by the City and the owner, and current market conditions; and

WHEREAS, City staff estimates transactional costs related to the purchase of the Land, such as City staff time, escrow fees, title insurance, closing fees, etc., will be approximately \$25,000; and

WHEREAS, in March 2002, California voters approved Proposition 40, the \$2.6 billion 2002 State Resources Bond “Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Act of 2002 (bond); on December 8, 2003, the Mayor and City Council approved Resolution R-298699, which included a distribution of the \$11,063,430 Per Capita / RZH Per Capita funds to each Council District, with a portion of the funding set aside for projects with

citywide and regional impact; and on February 20, 2004 the City entered into an umbrella contract with the State of California for the 2002 Resources Bond Act Per Capita / RZH Per Capita Grant Program; therefore, this action will authorize the application for \$201,585 (a portion of the 2002 Resources Bond Per Capita funding allocated to Council District 2) for acquisition of the Land; and

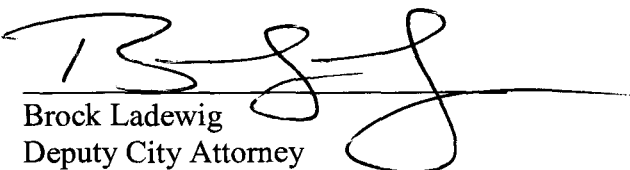
WHEREAS, funding for the acquisition of the Land will come from two sources: (1) \$201,585 of previously allocated but undisbursed funds from the Per Capita funds under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002; and (2) \$1,223,415 from S-10051, Olive Street Park Acquisition and Development Fund 400121, Uptown DIF; NOW, THEREFORE,

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

1. The Mayor or his designee is authorized to make application to the State of California for \$201,585 in Per Capita funds [Grant] under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 for acquisition of approximately 0.34 acres of land [Land] located in the Uptown Community at 2750-2778 Third Avenue, San Diego, California.
2. The Mayor or his designee is authorized to take all necessary actions to secure funding from the State of California for acquisition of the Land.
3. The Chief Financial Officer is authorized to appropriate and expend \$201,585 from CIP S-10051, Olive Street Park Acquisition and Development, 2002 Resources Bond Per Capita funding, and \$1,223,415.00 from Fund 400121, Uptown DIF for the purpose of acquiring the Land upon receipt of a fully-executed grant agreement for the Grant.

4. Upon receipt of a fully-executed grant agreement for the Grant, the Fiscal Year 2010 Capital Improvements Program Budget in CIP No. S-10051, Olive Street Park Acquisition and Development, 2002 Resources Bond Per Capita funding shall be increased in the amount of \$201,585.
5. The Chief Financial Officer is authorized to establish a special interest-bearing fund for the Grant funds.
6. Upon receipt of a fully-executed grant agreement for the Grant, the Mayor or his designee is authorized to execute and deliver the Real Estate Purchase and Sale Agreement on file in the Office of the City Clerk as Document No. RR- 305902 for the acquisition of the Land for a purchase price of \$1,400,000, plus an amount not to exceed \$25,000 to cover transactional costs, such as City staff time, escrow fees, title insurance, closing fees, etc., for a total acquisition cost not to exceed \$1,425,000.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Brock Ladewig  
Deputy City Attorney

BL:mm  
05/25/2010  
Or.Dept: READ  
R-2010-708  
MMS#11845

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 15 2010

ELIZABETH S. MALAND  
City Clerk

By *Ana Richard*  
Deputy City Clerk

Approved: 6-21-10  
(date)

*JSL*  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

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JERRY SANDERS, Mayor

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