

RESOLUTION NUMBER R- 306198

DATE OF FINAL PASSAGE OCT 18 2010

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXPENDITURE OF FISCAL YEAR 2008 AND FISCAL YEAR 2009 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE AMOUNT OF \$100,000 ALLOCATED TO OCEAN DISCOVERY INSTITUTE (FORMERLY KNOWN AS "AQUATIC ADVENTURES SCIENCE EDUCATION FOUNDATION") FOR THE PURCHASE OF REAL PROPERTY LOCATED AT THE 3200 BLOCK OF VAN DYKE AVENUE ON THE SOUTH SIDE OF VAN DYKE AVENUE, ASSESSOR PARCEL NUMBER 476-183-04, BY OCEAN DISCOVERY INSTITUTE ON THE CONDITION THAT THE CITY SECURES SUCH FUNDS BY A DEED OF TRUST.

WHEREAS, the Housing and Community Development Act of 1974 established the Community Development Block Grant (CDBG) Program, which is administered by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, the City of San Diego (City) has received CDBG Entitlement funds annually since its inception; and

WHEREAS, the goal of the CDBG Program is to develop viable urban communities through the provision of decent housing, suitable living environments, and economic activities for persons of low and moderate income; and

WHEREAS, on May 8, 2007, pursuant to San Diego Resolution R-302601, the City Council of the City of San Diego (City Council) approved the Fiscal Year 2008 CDBG allocation awarding a total of \$30,000 to Aquatic Adventures Science Education Foundation (currently known as Ocean Discovery Institute) for acquisition of real property to build a living laboratory facility and to relocate to a permanent facility; and

WHEREAS, on May 6, 2008, pursuant to San Diego Resolution R-303662, the City Council approved the Fiscal Year 2009 CDBG allocation awarding \$110,000 to Aquatic Adventures Science Education Foundation (currently known as Ocean Discovery Institute) to acquire real property to build a "Living Lab" facility which will provide high-quality classroom, laboratory, and field-based science education to over 38,000 students through school-based and out-of-school programs; and

WHEREAS, the acquisition of this real property is consistent with Fiscal Year 2010-2014 Consolidated Plan Goal 2, Outcome 2.4.2, to increase the number of facilities in San Diego that serve persons with special needs; and

WHEREAS, the Ocean Discovery Institute seeks to use a total of \$100,000 of CDBG funds consisting of its entire allocation of Fiscal Year 2008 CDBG funds in the amount of \$30,000 and a portion of its Fiscal Year 2009 CDBG funds in the amount of \$70,000, for the proposed acquisition of real property located at the 3200 block of Van Dyke Avenue on the south side of Van Dyke Avenue with Assessor Parcel Number 476-183-04 (Site); and

WHEREAS, on September 15, 2010, the Land Use and Housing Committee recommended that the Mayor or his designee be authorized to execute an agreement with Ocean Discovery Institute to allow \$100,000 in CDBG funds to be expended for such acquisition and that this matter be forwarded to the City Council for approval; and

WHEREAS, the City's Real Estate Assets Department (READ) has reviewed and approved an independent appraisal conducted by Hendrickson Appraisal Company (AP630409) establishing the fair market value of the Site at \$105,000; and

WHEREAS, the City intends to secure the expenditure of \$100,000 in Fiscal Year 2008 and Fiscal Year 2009 CDBG funds allocated to Ocean Discovery Institute for acquisition of the Site by a Deed of Trust on behalf of the City; NOW, THEREFORE,


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

1. That the Chief Financial Officer is authorized to expend up to \$100,000 in CDBG funds consisting of \$30,000 from the Fiscal Year 2008 and \$70,000 from the Fiscal Year 2009 CDBG allocations to Ocean Discovery Institute (formerly known as Aquatic Adventures Science Education Foundation) for the acquisition of the Site by Ocean Discovery Institute so long as the purchase price of the Site does not exceed fair market value of \$105,000 and that the expenditure is secured by a deed of trust on the Site in favor of the City; and

2. That the Mayor or his designee is authorized to negotiate and execute an agreement with Ocean Discovery Institute (formerly known as Aquatic Adventures Science Education Foundation) for the expenditure of funds related to the acquisition of the Site by Ocean Discovery Institute, contingent upon certification of availability of funds by the Chief Financial Officer; and

3. That upon any future sale of the Site, the Chief Financial Officer is authorized to accept the proceeds from such sale and shall deposit all funds from any such sale into the Community Development Block Grant Program Income Fund 600100.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Kenneth R. So  
Deputy City Attorney

KRS:mm  
10/07/10  
Or.Dept:E&D  
Prolaw #2010-02564

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 11 2010.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 10/18/10  
(date)

  
JERRY SANDERS, Mayor

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

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JERRY SANDERS, Mayor