

RESOLUTION NUMBER R- 307111
DATE OF FINAL PASSAGE NOV 17 2011

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SALE OF CITY-OWNED
REAL PROPERTY AT 1331 MORENA BOULEVARD AND
THE PAYMENT OF A REAL ESTATE BROKERAGE
COMMISSION.

WHEREAS, The City of San Diego (City) owns real property (Property) consisting of approximately .42 acre of land improved with an approximately 10,496 square-foot, two-story office building and located at 1331 Morena Boulevard, San Diego, California 92110; and

WHEREAS, the Property was purchased in 1957 with Gas Tax Fund monies for the widening of Morena Boulevard; and

WHEREAS, the Property is not currently used by a City department and does not support a municipal function; and

WHEREAS, the Property is currently subject to a ground lease that expires on June 30, 2013, but has two ten-year options to extend the term; and

WHEREAS, the proceeds of the proposed sale of the Property will generate revenue for the Gas Tax Capital Outlay Fund for street improvements; and

WHEREAS, the fair market value of the Property as determined by an appraisal performed by a qualified, independent MAI appraiser as of February 8, 2011, is \$1,350,000; and

WHEREAS, City staff propose to retain CB Richard Ellis, a real estate broker selected through a request-for-proposals process and subsequent bid, to represent the City and facilitate

the sale of the Property for a sale commission not to exceed three percent (3%) of the sale price;

NOW, THEREFORE,

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

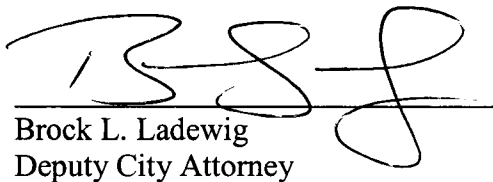
1. That that certain City-owned property (Property) consisting of approximately .42 acre of land improved with an approximately 10,496 square-foot, two-story office building and located at 1331 Morena Boulevard, San Diego, California 92110, may be sold because the Property is not currently used by a City department and does not support a municipal function, and the sale will generate revenue for the Gas Tax Capital Outlay Fund for street improvements.
2. That the fair market value of the Property is \$1,350,000 as determined by an appraisal performed by a qualified, independent MAI appraiser, and that value shall be the minimum amount the Council will consider for the sale of the Property.
3. That, as required by San Diego Municipal Code (SDMC) section 22.0902(d), 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 Property.
4. That the retention of CB Richard Ellis to represent the City and facilitate the sale of the Property and the payment of a sale commission not to exceed three percent (3%) of the sale price is authorized.
5. That the Property will be sold by any method allowed by Council Policy and the San Diego Municipal Code.
6. That the Mayor or his designee is authorized to negotiate a sale of the Property at or above the minimum amount the Council will consider for the sale of the Property, and

to execute and deliver, on behalf of the City, purchase and sale agreements, grant deeds, 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.

7. That the Chief Financial Officer is authorized to appropriate and expend funds for the payment of the real estate brokerage commission authorized by this Resolution and as provided in San Diego Municipal Code section 22.0905.
8. That the Comptroller is authorized to accept and deposit the proceeds of the sale of the Property, net of costs related to the sale, into Gas Tax Street Improvement Fund 200118.
9. That this authorization will be valid for twelve months after the date of final passage of this Resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Brock L. Ladewig
Deputy City Attorney

BLL:mm
07/20/2011
Or.Dept:READ
PL#2011-06970

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 08 2011.

ELIZABETH S. MALAND
City Clerk

By *Mary Zuzumaya*
Deputy City Clerk

Approved: 11-17-11
(date)

JSL
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor