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RESOLUTION NUMBER R- 307604

DATE OF FINAL PASSAGE JUL 30 2012

A RESOLUTION OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE SALE OF APPROXIMATELY 27,810 SQUARE FEET OF REAL PROPERTY LOCATED IN LAKESIDE TO THE COUNTY OF SAN DIEGO FLOOD CONTROL DISTRICT; RESERVING 5,367 SQUARE FEET FOR A GENERAL UTILITY EASEMENT; FOR THE GRANT OF UTILITY EASEMENTS TO HELIX WATER DISTRICT AND PADRE DAM MUNICIPAL WATER DISTRICT; FOR THE ACCEPTANCE OF AN UTILITY EASEMENT FOR THE RELOCATION OF EXISTING PIPELINES; AND FOR THE GRANT OF A TEMPORARY CONSTRUCTION EASEMENT TO THE COUNTY OF SAN DIEGO FLOOD CONTROL DISTRICT.

WHEREAS, the City of San Diego (City) owns 7.73 acres of undeveloped property on the 11700 block of Woodside Avenue near Riverview Avenue, in Lakeside (City Property), which is within the regulatory jurisdiction of the County of San Diego and under the Riverway Specific Plan established by the County of San Diego for, among other items, flood control improvements; and

WHEREAS, in order to prevent the continued flooding of property between Woodside Avenue and Highway 67, the County of San Diego Flood Control District (District) seeks to purchase a 27,810 square foot portion (0.63 acres) of the City Property on which the District will construct drainage improvements; and

WHEREAS, to ensure the continued use of existing City water pipelines and other utilities within the portion of City Property sought to be acquired, the City will need to reserve out a 5,367 square foot general utility easement; and

WHEREAS, to ensure the continued use of existing pipelines belonging to Helix Water District (Helix) and Padre Dam Municipal Water District (Padre Dam), the City seeks to grant a

2,994 square foot non-exclusive general utility easement, from within the area reserved, to Helix and Padre Dam; and

WHEREAS, because a portion of an existing City water pipeline will need to be relocated to accommodate the District's drainage improvements, the District will assign or grant the City a 973 square foot easement, at no cost, for the relocation of the affected water pipeline; and

WHEREAS, in order to construct its flood control improvements, the County also seeks to acquire a 19,929 square foot temporary construction easement; and

WHEREAS, the District and the City have negotiated a Purchase and Sale Agreement, subject to City Council approval, which will provide for all the contemplated property interest transfers and which sets forth the negotiated purchase price, \$401,000, owed to the City by the District for said property interests; NOW, THEREFORE,

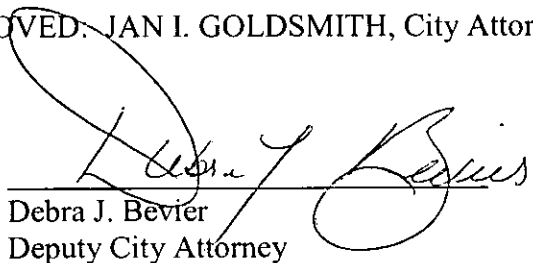
BE IT RESOLVED, by the San Diego City Council that the Mayor, or his designee, is authorized to execute that certain Purchase and Sale Agreement between the City of San Diego and the County of San Diego Flood Control District, a political subdivision of the State of California, which Agreement provides in part: (1) that the City execute a Grant Deed conveying to the County of San Diego Flood Control District 27,810 square feet of unimproved land on a portion of Assessor's Parcel Number 382-260-12; (2) that the City shall reserve from that portion of Assessor's Parcel Number 382-260-12 a 5,367 square foot General Utility Easement for the benefit of the City of San Diego, as well as for the benefit of Helix Water District and Padre Dam Municipal Water District in order to protect the rights granted to Helix and Padre Dam pursuant to the City of San Diego Resolution 120818, dated October 21, 1954, to access, construct, install, operate, maintain, repair, restore, and/or replace their water pipelines; (3) that the City of San Diego grant a 2,994 square foot Non-Exclusive General Utility Easement to

Helix Water District and Padre Dam Municipal Water District over that certain portion of Parcel No. 2008-0277-B ACQ to construct, reconstruct, maintain, operate, and repair public utilities, and for associated access purposes over, under, along, and across that certain Parcel; (4) that the County of San Diego Flood Control District assign or grant an easement to the City of San Diego, at no cost, to allow for the relocation of certain pipelines; and (5) that the City of San Diego grant a 19,929 square foot Temporary Construction Easement to the County of San Diego Flood Control District over Parcel No. 2008-0277-B ACQ for incidental purposes necessary to the Woodside Avenue Flood Control Improvements; and further that the Mayor, or his designee, is authorized to execute and/or accept all such transfer documents necessary to complete the property interest transfers contemplated by the Purchase and Sale Agreement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit the proceeds from the sale of City real property interests to the County of San Diego Flood Control District, net of costs related to the sale, into the Capital Outlay – Water Purpose Fund 400004.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Debra J. Bevier
Deputy City Attorney

DJB:mm
May 22, 2012
Or.Dept:READ
PL#2012-10020

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 24 2012.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7.30.12
(date)


JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor