

RESOLUTION NUMBER R- 308129

DATE OF FINAL PASSAGE MAY 16 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SALE OF SURPLUS
CITY-OWNED REAL PROPERTY IN BONITA, PURSUANT
TO THAT CERTAIN PURCHASE AND SALE
AGREEMENT WITH SCI CALIFORNIA FUNERAL
SERVICES, INC.

WHEREAS, the City of San Diego (City) owns fee interest in that certain 1.79 acres of real property, identified as Assessor Parcel Number 592-040-03, located in the middle of the Glen Abbey Memorial Park & Mortuary in the Bonita area outside of City limits (Property). The Property is a long, narrow swath of land surrounded by the Glen Abbey Memorial Park & Mortuary, which is operated as a cemetery. The City acquired the Property in 1915 for use as a water pipeline right-of-way, and the Property is encumbered by a deed restriction allowing ingress and egress and fencing rights benefitting the surrounding Glen Abbey Memorial Park & Mortuary land; and

WHEREAS, SCI California Funeral Services, Inc., a California corporation (SCI), operates the Glen Abbey Memorial Park & Mortuary. SCI has approached the City to acquire the Property; and

WHEREAS, Council Policy 700-10 provides that exclusively negotiated sales with contiguous land owners are justified and may be approved where a fee interest in a pipeline or other right-of-way is no longer required. The same policy also requires that certain easements be reserved for future utility use in the event of any such sale; and

WHEREAS, the water pipeline for which the Property was used has been long-abandoned, the Property is no longer needed nor is it foreseeable to be needed by the City's Public Utilities Department or any other City department for any public purpose or benefit, and the Property currently is vacant; and

WHEREAS, given its irregular, long and narrow shape, the surrounding cemetery use, and the deed restrictions for the benefit of the surrounding cemetery, the Property has no reasonable potential use or value to anyone other than SCI; and

WHEREAS, the Property was appraised at a value of Six Hundred Fifty Thousand Dollars (\$650,000) by an independent MAI appraiser in July 2012, and the appraisal was reviewed and confirmed at the same amount by the City's staff appraiser on February 8, 2013; and

WHEREAS, City staff negotiated a Purchase and Sale Agreement with SCI for the Property, a copy of which is on file in the Office of the City Clerk as Document No. 308129. The total purchase price for the Property under the Purchase and Sale Agreement is Six Hundred Thousand Dollars (\$600,000), and staff recommends the sale at this price because the configuration and location of the Property make SCI the only reasonably possible buyer; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the 1.79 acres of City-owned real property in the Bonita area which was formerly used for water pipeline and which is currently surrounded by the Glen Abbey Memorial Park & Mortuary (Property), is surplus City property and may be sold by direct negotiation; and

BE IT FURTHER RESOLVED, that, given the uniqueness of the Property and the lack of adjacent City infrastructure that foreseeably could utilize the Property, Council Policy 700-10

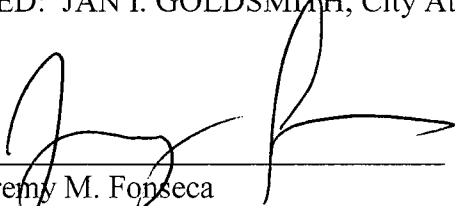
is hereby waived to the extent that no type of easement is needed to be reserved from the sale of the Property; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to sell the Property to SCI California Funeral Services, Inc., a California corporation, pursuant to the terms and conditions of that certain Purchase and Sale Agreement on file in the Office of the City Clerk as Document No. 308129, for the price of Six Hundred Thousand Dollars (\$600,000); and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit the proceeds of the sale of the Property, net of costs related to the sale, into the Capital Outlay Water Fund 400004.

APPROVED: JAN I. GOLDSMITH, City Attorney

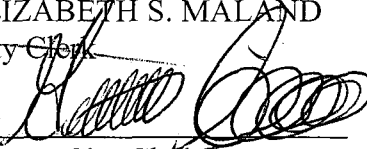
By 

Jeremy M. Fonseca
Deputy City Attorney

JMF:mcm
April 15, 2013
Or.Dept: READ
Doc. No. 533531

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of ~~APR 30 2013~~

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 5/16/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on APR 30 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 (Vacant)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

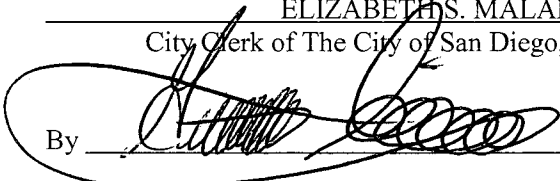
Date of final passage MAY 16 2013.

AUTHENTICATED BY:

BOB FILNER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
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