

RESOLUTION NUMBER R- 308299

DATE OF FINAL PASSAGE JUL 12 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING AND DIRECTING THE SALE
OF CITY-OWNED REAL PROPERTY IN DEL DIOS,
PURSUANT TO THAT CERTAIN REAL ESTATE
PURCHASE AND SALE AGREEMENT WITH DEL DIOS
MUTUAL WATER COMPANY.

WHEREAS, the City of San Diego (City) owns fee interest in that certain real property consisting of approximately 20,770 square feet of land identified as Assessor's Parcel Numbers 238-050-03 and 238-050-04 (Property), located in the unincorporated Del Dios area of the County near Escondido. City acquired the Property in 1954 as part of the Lake Hodges watershed, to protect water resource quality in the Lake Hodges area; and

WHEREAS, the Del Dios Mutual Water Company (Del Dios MWC), a California corporation and regulated utility company, has approached the City to acquire the Property. Del Dios MWC owns adjacent property, and has expressed an interest in acquiring the Property to potentially house water storage tanks to be used for firefighting purposes; and

WHEREAS, the Property is vacant and unimproved. Also, no City department has any current or foreseeable use of the Property. However, by not being developed and not increasing development impacts on the Lake Hodges watershed, the Property serves an important public benefit. Because of this public benefit, City is only willing to sell the Property to Del Dios MWC on strict condition that the Property is not used in any way to expand domestic water service beyond service to existing service connections of Del Dios MWC or of any of its successors or assigns. As a condition of sale, the Property may otherwise only be used for

supplementing water supply for firefighting purposes, or for other purposes subject to all applicable laws and required approvals of applicable governmental authorities; and

WHEREAS, the Property was appraised at a value of Twenty Nine Thousand, Seven Hundred and One Dollars (\$29,701) by an independent MAI appraiser; and

WHEREAS, the Public Utilities Department intends to use the proceeds from the sale of the Property for land acquisition or capital projects to further protect water resources in the Lake Hodges watershed; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the approximately 20,770 square feet of City-owned real property in the unincorporated Del Dios area of the County, identified as Assessor's Parcel Numbers 238-050-03 and 238-050-04 (Property), is economically underutilized and may be sold by direct negotiation to a governmental, public, or quasi-public agency for a public purpose, including to the Del Dios Mutual Water Company, a California corporation and regulated utility company; and

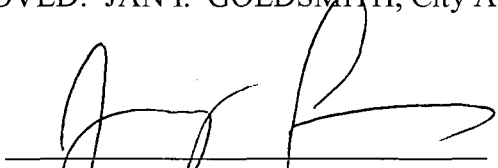
BE IT FURTHER RESOLVED, that the City is only willing to sell the Property on strict condition that the Property is not used in any way to expand domestic water service connections in the Del Dios area or to increase development impacts on the Lake Hodges watershed; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized ^{and} ~~and~~ _{directed} ~~directed~~ to sell the Property to the Del Dios Water Company, 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. RR 308299, for the price of Twenty Nine Thousand, Seven Hundred and One Dollars (\$29,701); 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.

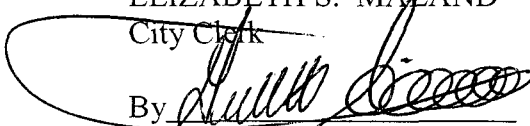
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Jeremy M. Fonseca
Deputy City Attorney

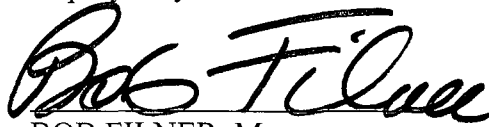
JMF:mcm
6/5/2013
Or.Dept: Real Estate Assets Dept.
Doc. No. 574969

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 25 2013

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/11/13
(date)
(as amended)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Pursuant to the City Attorney Memorandum of Law dated July 15, 2013. (see Resolution R-308282 of July 2, 2013) the strike-out amendments to this resolution have been deemed ineffectual. The resolution, as passed by the Council on June 25, 2013, is effective on the day the resolution was returned to the Office of the City Clerk with the Mayor's approval, that date being July 12, 2013.

Passed by the Council of The City of San Diego on JUN 25 2013, by the following vote:

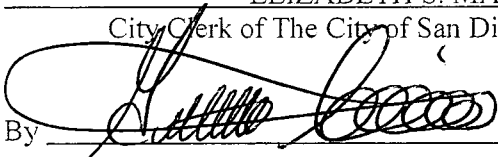
Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 12 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
Resolution Number R- 308299