

RESOLUTION NUMBER R- 308334

DATE OF FINAL PASSAGE JUL 19 2013

ITEM # 110
SUB-A
7/9/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SALE OF CITY-OWNED
LAND TO BALDWIN & SONS, LLC (VILLAGE 2),
RESERVATION OF EASEMENT AND ACQUISITION OF
ACCESS EASEMENTS IN CHULA VISTA.

WHEREAS, in 1913, the City of San Diego (City) acquired various land in what is now the City of Chula Vista, County of San Diego, and these City properties are used for potable water pipelines to provide water to South San Diego, Coronado, and Imperial Beach, and to provide additional backup water service for the Otay Water District; and

WHEREAS, the City property, Assessor's Parcel Number (APN) 644-313-09, is comprised of a long, narrow strip of land (50-100 feet wide) containing City water pipelines, surrounded by land owned by various developers; and

WHEREAS, the area, known as Otay Ranch, is being developed with 11 urban villages containing housing, shops, workplaces, schools, parks, civic facilities, etc.; and

WHEREAS, the City of Chula Vista has approved a project for construction of approximately 3,000 dwelling units, 200,000 square feet of commercial/retail use, 88 acres of industrial use, and public facilities including parks and an elementary school (Village 2 Development); and

WHEREAS, Baldwin & Sons, LLC, a California limited liability company (Baldwin), would like to acquire approximately 11.32 acres of City-owned pipeline land, APN 644-313-09, (Property) for the Village 2 Development; and

WHEREAS, the City will reserve a restricted water pipeline easement from the conveyance of the Property for City's existing water main pipelines and all related facilities and appurtenances; and

WHEREAS, the City will obtain access easements to allow the City access to its water pipeline easement; and

WHEREAS, given that the Property is adjacent to property owned by Baldwin and its affiliates, no other adjacent property owner has expressed interest in purchasing the Property, and coupled with its long and narrow shape, the Property has little potential value to any party other than Baldwin; and

WHEREAS, in accordance with Council Policy number 700-10, an exclusively negotiated sale is justified when fee interest in a pipeline or other right-of-way is no longer required and it may be sold to a contiguous property owner with the reservation of a restrictive pipeline easement; and

WHEREAS, a real estate broker's commission will not be paid in the sale of the Property; and

WHEREAS, the Property was appraised by an independent MAI appraiser and the fair market value of the Property was determined to be Five Hundred Seventy Two Thousand Seven Hundred Ninety Dollars (\$572,790) and the appraiser used a December 1, 2006 "Date of Value" due to the fact that an affiliate of Baldwin's constructed Santa Diana Street across a portion of the Property on or about that date; and

WHEREAS, the City is reserving a pipeline easement valued to be one half of the fee interest, and therefore, the purchase price for the Property with the pipeline easement reserved is Two Hundred Eighty Six Thousand Three Hundred Ninety Five Dollars (\$286,395); and

WHEREAS, to secure access to the reserved pipeline easement, the City is acquiring access easements from Baldwin on that certain real property identified as APN's 644-310-41 and 644-311-18, and a portion of APN 644-311-17; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that 11.32 acres of City-owned real property in the City of Chula Vista, County of San Diego (APN 644-313-09), is no longer required and may be sold by direct negotiation to a contiguous owner with the reservation of a restrictive pipeline easement on the Property; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized and directed to sell 11.32 acres of City-owned real property in the City of Chula Vista, County of San Diego (APN 644-313-09) to Baldwin & Sons, LLC, a California limited liability company, 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- 308334, for the price of Two Hundred Eighty Six Thousand Three Hundred Ninety Five Dollars (\$286,395); and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to reserve an easement for existing City water pipelines installed under the Property; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to obtain access easements to allow City access to its existing City water pipelines; 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 No. 400004.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Hilda R. Mendoza
Hilda R. Mendoza
Deputy City Attorney

HRM:als
06/24/13
Or.Dept: READ
Doc. No.: 581053

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of July 09 2013.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

Approved: 7/19/13
(date)

Bob Filner
BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on JUL 09 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 19 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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