

RESOLUTION NUMBER R- 309136

DATE OF FINAL PASSAGE JUL 30 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO TO AUTHORIZE THE FIRST AMENDMENT
TO REAL ESTATE PURCHASE AND SALE AGREEMENT
WITH BALDWIN & SONS, LLC REGARDING PROPERTY
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 (Property), 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, on July 9, 2013, the City Council authorized and directed the sale of 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 (Baldwin), 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 (PSA), with the reservation of an easement for existing City water pipelines installed under the Property and the authority to obtain access easements on adjacent property to allow City access to the City's water pipelines; and

WHEREAS, the closing of the transaction under the PSA was extended pursuant to the terms and conditions of the PSA when Baldwin notified the City that pursuant to San Diego Superior Court Case No. 37-2012-00085855-CU-OR-CTL (Litigation), a lis pendens was recorded affecting two of the adjacent properties on which the access easements were to be

provided (Litigation Properties), and Baldwin's ability to legally convey valid access easements to the City over the Litigation Properties became uncertain; and

WHEREAS, the Litigation has not yet been resolved and may not be resolved in the near future; and

WHEREAS, in the interest of finalizing the transaction of the PSA, Baldwin proposed an amendment to the PSA to provide for one access easement to the City in lieu of two access easements over the Litigation Properties, and Baldwin will pay the City additional cash consideration in the amount of \$75,000; and

WHEREAS, the one proposed access easement will provide the City sufficient access to its water pipelines; NOW, THEREFORE,

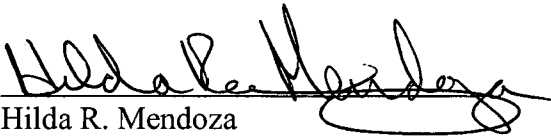
BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute the First Amendment to Real Estate Purchase and Sale Agreement by and between the City and Baldwin & Sons, LLC, on file in the Office of the City Clerk as Document No. RR- 309136 (First Amendment), for the price of Three Hundred Sixty-One Thousand Three Hundred Ninety-Five Dollars (\$361,395), under the terms and conditions set forth in the First Amendment; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to obtain an access easement as set forth in the First Amendment 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
Deputy City Attorney


HRM:meb
6/27/2014
Or.Dept: READ
Doc. No. 812153

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 15 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 7/30/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 15 2014, 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"/>
Ed Harris	<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 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 JUL 30 2014

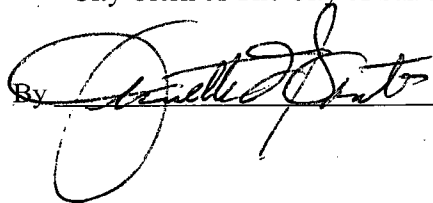
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

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

(Seal)

By , Deputy

Office of the City Clerk, San Diego, California

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