

Item 333 9/30/2014  
(R-2015-149)

RESOLUTION NUMBER R- 309243

DATE OF FINAL PASSAGE OCT 14 2014

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE ACCEPTANCE OF  
THE GRANT DEED FOR THE PACIFIC HIGHLANDS  
RANCH LIBRARY SITE

WHEREAS, on September 8, 1998, the City Council adopted Ordinance No. O-18579, which authorized the City Manager to execute the Pacific Highlands Ranch – Subarea III NCFUA Library Site Purchase Agreement (Purchase Agreement), on file with the Office of the City Clerk as Document OO-18579-3, by and between the City and Pardee Homes, formerly Pardee Construction Company (Pardee), for the purchase of a 3.003-acre site located at the intersection of Carmel Valley Road and Del Mar Heights Road in the Pacific Highlands Ranch community (Property), for a library; and

WHEREAS, in accordance with the Purchase Agreement, the grant deed includes a condition which requires the City use the Property solely and perpetually as a library, or be subject to the power to terminate the City's right, interest and title in the Property; and

WHEREAS, the acquisition of the Property is identified as Project L-1, Branch Library, in the Torrey Highlands Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2013; and

WHEREAS, on November 9, 2011, the City and Pardee agreed to extend the close of escrow until June 30, 2014, pursuant to the Purchase Agreement; and

WHEREAS, on November 7, 2012, Pardee transferred and assigned all rights therein to the Purchase Agreement to PHR Village, LLC, a California limited liability company; and

WHEREAS, on May 6, 2014, the City and PHR Village, LLC agreed to extend the close of escrow until August 31, 2014, pursuant to the Purchase Agreement; and

WHEREAS, on August 28, 2014 the City and PHR Village, LLC agreed to extend the close of escrow until November 14, 2014, pursuant to the Purchase Agreement; and

WHEREAS, in accordance with the Purchase Agreement, the Property has been appraised by Dave Davis, MAI with a market value of \$2,610,000; and

WHEREAS, in accordance with the Purchase Agreement, the grading, and carrying costs for interest and taxes associated with the Property calculated through July 1, 2014, are \$497,956.00. After July 1, 2014, carrying costs are an additional \$399.70 per day until the close of escrow; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor, or his designee, is authorized to accept the Property, pursuant to the grant deed as set forth in the Purchase Agreement.

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

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to expend an amount not to exceed \$3,656,000 from CIP S-14023, Pacific Highlands Ranch Library/Civic Use Site, from Fund 400094, Torrey Highlands Facilities Benefit Assessment (FBA), for reimbursement to PHR Village, LLC for the acquisition of the Property and related expenses,

contingent upon the Chief Financial Officer furnishing a certificate certifying that funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

HRM:meb  
9/9/2014  
Or.Dept:READ  
CC No. 3000007229  
Doc. No. 859147

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 30 2014.

ELIZABETH S. MALAND  
City Clerk

By Mary Fernandez  
Deputy City Clerk

Approved: 10/14/14  
(date)

Kevin L. Faulconer  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on SEP 30 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 14 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 *Maya Fernandez*, Deputy

Office of the City Clerk, San Diego, California  
Resolution Number R- **309243**