

RESOLUTION NUMBER R- 309536

DATE OF FINAL PASSAGE MAR 25 2015

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO AUTHORIZING THE SALE OF CITY-OWNED
LAND IN CITY HEIGHTS TO NEW CREATION CHURCH OF
SAN DIEGO AND WAIVE COUNCIL POLICY 700-06.

WHEREAS, the City of San Diego (City) has owned certain real property known as Chollas Parkway Park since April 1, 1953; and

WHEREAS, in 2012, the City's Park & Recreation Department requested dedication status of the Chollas Parkway Park for park and recreation purposes, and the City's Real Estate Assets Department identified an encroachment on a portion of the Chollas Parkway Park requiring further investigation, thus removing it from the list of properties to be dedicated; and

WHEREAS, it was determined that the encroached portion of the Chollas Parkway Park had been incorporated into the large parking lot belonging to the New Creation Church of San Diego (NCCSD); and

WHEREAS, NCCSD acquired its property in 1993 from a previous church entity who originally developed its property, and who inadvertently incorporated a portion of Chollas Parkway Park into its parking lot; and

WHEREAS, the most prudent way to cure the encroachment and allow for the eventual dedication of the Chollas Parkway Park, is to sell a portion of Assessor's Parcel Number 477-240-11, consisting of approximately 14,503 square feet of land located at an adjoining area of Chollas Parkway Park and 3115 Altadena Avenue (Property), to the NCCSD;

WHEREAS, in accordance with Council Policy number 700-10, an exclusively negotiated sale is justified when the sale is to a contiguous owner to correct a site deficiency; 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 Fifty One Thousand Dollars (\$51,000) and the appraiser used a November 20, 2012 "Date of Value," and said appraisal was reviewed by the City's Principal Appraiser on February 6, 2015, to form an opinion whether there has been a change in value since the "Date of Value" and the City's Principal Appraiser found that there has been no change in value of the Property; and

WHEREAS, the City's Principal Appraiser determined that NCCSD would expend approximately Five Thousand Dollars (\$5,000) for the cost of merging the Property to its adjacent property; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that approximately 14,503 square feet of City-owned real property in City Heights (a portion of APN 477-240-11), may be sold by direct negotiation to a contiguous owner to correct a site deficiency; and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized and directed to execute and deliver the Purchase and Sale Agreement on file in the Office of the City Clerk as Document No. RR- 309536, and

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized and directed to sell approximately 14,503 square feet of City-owned real property in City Heights (a portion of APN 477-240-11) to the New Creation Church of San Diego 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- 309536, for the price of Forty Six Thousand Dollars (\$46,000); 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 Council Policy 700-06, Encroachments on City Property, is hereby waived; 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 escrow costs related to the sale, into the Capital Outlay Fund 400002.

APPROVED: JAN I. GOLDSMITH, City Attorney

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

HRM:meb
2/23/2015
Or.Dept: Real Estate Assets
Doc. No.: 960965

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 10 2015.

ELIZABETH S. MALAND
City Clerk

By Stacy Brady
Deputy City Clerk

Approved: 3/24/15
(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 MAR 10 2015, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr Lightner	<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"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<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 MAR 25 2015

(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 Sty Brady, Deputy

Office of the City Clerk, San Diego, California

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