

Item 332 - April 5, 2016

(R-2016-433)
(COR. COPY)

Subitem A

RESOLUTION NUMBER R- 310338

DATE OF FINAL PASSAGE APR 13 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SELL CERTAIN EXCESS CITY PROPERTY LOCATED AT THE SOUTHEAST CORNER OF JAMACHA ROAD AND CARDIFF STREET BY NEGOTIATION; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS TO CONSUMMATE THE SALE; AUTHORIZING THE PAYMENT OF REAL ESTATE BROKERAGE COMMISSIONS RELATED TO THE SALE; AND AUTHORIZING THE AUDITOR AND COMPTROLLER TO ACCEPT AND DEPOSIT THE PROCEEDS OF THE SALE.

WHEREAS, the City is the owner of that certain .602 acres of real property (Property) located at the southeast corner of Jamacha Road and Cardiff Street, described as a vacant unimproved lot, and identified as Assessor's Parcel Number 577-370-20; and

WHEREAS, the City has no current or foreseeable use for the Property and has determined the Property to be in excess of the City's needs, subject to a reservation of an easement for public street and public utility purposes, such as public street, sidewalk, and drainage; and

WHEREAS, the value of the Property as disclosed by an appraisal made by a qualified real estate appraiser within the past six (6) months is \$660,000.00; and

WHEREAS, if the Council authorizes the Mayor or his designee to sell the Property, the value of the Property as disclosed by the appraisal will become the minimum acceptable sale price for which the Property may be sold for at least the first twelve (12) months following the passage of this resolution. Thereafter, the Property will be re-appraised at least once every twelve months until sold, and if the re-appraised value is greater than the minimum acceptable sale price

set on the date of this resolution, the re-appraised value will become the minimum acceptable sale price; however, if after attempting to sell the property, the Mayor or his designee determines that the Property cannot be sold at or above the minimal acceptable sale price, the Mayor will seek review and additional direction from the Council as to the disposition of the Property; and

WHEREAS, if Council authorizes the Mayor to sell the Property, and an offer to purchase the Property that meets the above criteria is received, the Mayor or his designee will be authorized to accept the offer, on terms and conditions that the Mayor or his designee determine to be reasonable and in the best interests of the City, and to execute and deliver on behalf of the City, a purchase and sale agreement, grant deed, and all other agreements and documents necessary to complete the sale transaction and transfer the property to the buyer; and

WHEREAS, City staff has determined it is in the best interests of the City to retain the services of a real estate broker to represent the City and facilitate the sale of the Property through negotiations on the open market in order to achieve the highest sale price for the City, and that the City should pay real estate broker's commissions, in an amount not to exceed six percent (6%) of the sale price, all in compliance with San Diego Municipal Code section 22.0905; and

WHEREAS, San Diego Charter section 77 requires all proceeds from the sale of City real property be deposited into the City's Capital Outlay Fund; NOW, THEREFORE

BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his designee, is authorized to sell that certain .602 acres of real property owned by the City, located at the southeast corner of Jamacha Road and Cardiff Street, in the City of San Diego, identified by Assessor's Parcel Number 577-370-20, and described as a vacant unimproved lot, subject to reservation of ownership by the City of the street and utility improvements (Public Improvements) and further a reservation of an easement for public street and public utility

purposes, such as public street, sidewalk, and drainage, at a price equal to or greater than Six Hundred Sixty Thousand Dollars (\$660,000.00), which is the minimum acceptable sale price for at least the twelve month period following the passage of this resolution.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is directed and authorized to do all of the following in connection with the sale of the Property.

1. The Property shall be re-appraised at least once every twelve (12) months until sold, and the resulting appraised value of the Property shall become the minimum acceptable sales price, provided that it is greater than Six Hundred Sixty Thousand Dollars (\$660,000.00). If the re-appraised value is less than the minimum acceptable sale price set on the date of this resolution, or the Mayor or his designee determine that the Property cannot be sold at or above the minimum acceptable sale price set on the date of this resolution, the Mayor shall seek review and additional direction from the Council as to the disposition of the Property.
2. To retain, on terms deemed by the Mayor or his designee to be reasonable and in the best interests of the City, the services of a real estate broker to represent the City and facilitate the sale of the Property, and to pay said real estate broker a commission related to the sale of the Property in an amount not to exceed six percent (6%) of the sale price, which shall be done in compliance with San Diego Municipal Code section 22.0905.
3. To accept an offer to purchase the Property based on the above criteria, on terms and conditions deemed by the Mayor or his designee to be reasonable and in the best interest of the City, and to execute and deliver, on behalf of the City, a purchase and

sale agreement, grant deed, and all other agreements and documents, necessary to complete the sale and transfer the property to the buyer.

BE IT FURTHER RESOLVED, the Chief Financial Officer is authorized and directed to accept the proceeds of the sale of the Property, net of brokerage commissions and other costs of selling the Property, and deposit them into the Capital Outlay Fund 400002.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

MDA:mcm
February 12, 2016
March 29, 2016 Cor. Copy
Or.Dept: Real Estate Assets Department
Doc. No.: 1250038

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 05 2016.

ELIZABETH S. MALAND
City Clerk

By Mary Stearns
Deputy City Clerk

Approved: 4/11/16
(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 APR 05 2016, 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"/>
Lorie Zapf	<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"/>
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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 13 2016

(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 *Mary Fernandez*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- **310338**