

RESOLUTION NUMBER R- 310604

DATE OF FINAL PASSAGE JUL 20 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE AMENDMENT OF THE GROUND LEASE BETWEEN THE CITY OF SAN DIEGO AND THE SAN DIEGO COMMUNITY LAND TRUST, CONCERNING 3.3 ACRES OF CITY-OWNED LAND SOUTH OF ELROSE DRIVE, BETWEEN LAURISTON DRIVE AND PAXTON DRIVE; THE AMENDMENT WILL REVISE CERTAIN CONDITIONS AND RESTRICTIVE COVENANTS CONTAINED IN THE QUITCLAIM DEED WHICH IS SET FORTH AS EXHIBIT C TO THE REAL ESTATE PURCHASE AND SALE AGREEMENT WHICH IS SET FORTH AS EXHIBIT B TO THE GROUND LEASE.

WHEREAS, in November 2013, the City Council authorized the Mayor or his designee to enter into a five (5) year ground lease (Lease) with San Diego Community Land Trust (Land Trust), a California nonprofit 501(c)(3) corporation, for the lease of 3.3 acres of City-owned land south of Elrose Drive, between Lauriston Drive and Paxton Drive, via City resolution R-308556; and

WHEREAS, the Lease contains an option to purchase provision, which option is exercisable if Land Trust satisfies certain conditions within five (5) years, and the Lease also has an attached Exhibit B, which is a negotiated Real Estate Purchase and Sale Agreement (PSA); and

WHEREAS, the PSA has its own exhibits, one of which is a quitclaim deed (QC Deed) which is set forth as Exhibit C to the PSA; both the PSA and the QC Deed are to be used by the parties should Land Trust exercise its option to purchase; and

WHEREAS, Section 1 of the PSA requires that "The Property shall be more particularly described in a quitclaim deed substantially in the form and with the conditions and restrictive

covenants as set forth in the form attached hereto as Exhibit C: Form of Quitclaim Deed.”; accordingly, without authority from the City Council, the substantive conditions and restrictive covenants contained in the QT Deed cannot be revised or otherwise modified; and

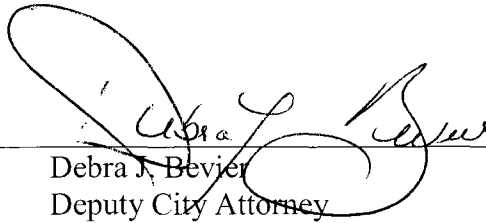
WHEREAS, Land Trust has requested certain revisions to the conditions and restrictive covenants contained in the QC Deed; and

WHEREAS, after reviewing the Land Trust’s requested revisions to the QC Deed, City staff recommends that the City Council authorize the Mayor or his designee to amend the Lease to allow the following types of revisions be made to the conditions and restrictive covenants of the QC Deed: (1) allowing the removal of the restriction on the use of the “Uniform Community Land Trust Ground Lease Rider” (Rider), so that Land Trust will be allowed to use this specific Rider only, in the form that said Rider exists as of the date of this Resolution; (2) allowing the removal of the City’s reversionary interests in the subject property; and (3) allowing the subject property to be encumbered or used to secure the payment of any lien or loan without the City’s approval therefor; NOW, THEREFORE,

BE IT RESOLVED, that the City Council of the City of San Diego hereby authorizes the Mayor or his designee to amend the ground lease between the City of San Diego and the San Diego Community Land Trust, concerning 3.3 acres of City-owned land south of Elrose Drive, between Lauriston Drive and Paxton Drive, by revising the conditions and restrictive covenants of the quitclaim deed which is set forth as Exhibit C to the Real Estate Purchase and Sale Agreement which is set forth as Exhibit B to the ground lease, to reflect the following: (1) allowing the removal of the restriction on the use of the “Uniform Community Land Trust Ground Lease Rider” (Rider), so that Land Trust will be allowed to use this specific Rider only, in the form that said Rider exists as of the date of this Resolution; (2) allowing the removal of the

City's reversionary interests in the subject property; and (3) allowing the subject property to be encumbered or used to secure the payment of any lien or loan without the City's approval therefor.

APPROVED: JAN I. GOLDSMITH, City Attorney

By  _____
Debra J. Bevier
Deputy City Attorney

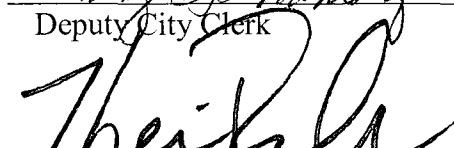
DJB:mcm
06/20/2016
Or.Dept: Real Estate Assets Dept.
Doc. No.: 1308804

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 19 2016.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: _____
(date)



KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL 19 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 JUL 20 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 , Deputy

Office of the City Clerk, San Diego, California

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