

#103
10/18/16

(R-2017-130)

RESOLUTION NUMBER R- 310716

DATE OF FINAL PASSAGE OCT 19 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO EXPEND \$6,610,000 TO ACQUIRE 13.599 GROSS ACRES OF REAL PROPERTY FROM PARDEE HOMES PURSUANT TO THE PACIFIC HIGHLANDS RANCH – SUBAREA III NCFUA COMMUNITY PARK SITE PURCHASE AGREEMENT.

WHEREAS, Pardee Homes, a California corporation, (Pardee) owns that certain 13-acre parcel of real property located within Subarea III in the North City Future Urbanizing Area in the City of San Diego, California with Assessor Parcel Number APN 305-040-33 (Property); and

WHEREAS, the City of San Diego and Pardee's predecessor, Pardee Construction Company, entered into that certain Pacific Highlands Ranch – Subarea III NCFUA Community Park Site Purchase Agreement, which was approved by the San Diego City Council on September 8, 1998, by San Diego Ordinance O-18579 (Purchase Agreement). The Purchase Agreement provided for the City's purchase of either a 13-acre site or a 20-acre site for a community park; and

WHEREAS, the Purchase Agreement was amended by that certain First Amendment to Pacific Highlands Ranch – Subarea III NCFUA Community Park Site Purchase Agreement approved by City Council on February 18, 2003, by San Diego Ordinance O-19150 (First Amendment), which identified the Property as the 13-acre community park site; and

WHEREAS, the First Amendment established a formula for determining the purchase price of the community park site as the market value of the community park site as of September 26, 2001, plus costs incurred by Pardee since September 26, 2001, for the following: (i) real property taxes attributable to the community park site; (ii) maintenance costs; and (iii) interest costs on loans attributable to the community park site; and

WHEREAS, an independent MAI appraiser determined the market value of the Property as of September 26, 2001, to be \$5,060,000; and

WHEREAS, the City and Pardee have agreed that the costs attributable to the Property incurred by Pardee since September 26, 2001, total \$1,550,000. The agreed upon total purchase price of the Property is \$6,610,000; and

WHEREAS, pursuant to the Purchase Agreement, the grant deed will restrict use of the Property as a park site in perpetuity and provide for reversion of the Property to Pardee in the event that the Property is not used solely and perpetually for a park site; and

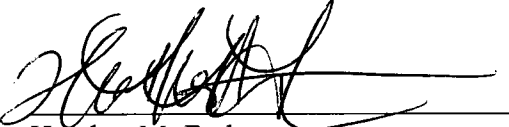
WHEREAS, the City and Pardee have entered into a Reimbursement Agreement, approved by the City Council on April 13, 2016, as Ordinance O-20633, for the design and construction of a community park and recreation building on the Property, which will be reimbursed from the Pacific Highlands Ranch Facilities Benefit Assessment funds pursuant to that Reimbursement Agreement; and

WHEREAS, the City desires to acquire the fee interest in the Property for a community park; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Chief Financial Officer is authorized to expend an amount not to exceed \$6,610,000 from CIP RD-16002, PHR Community Park and Rec Bldg, Fund 400090, Pacific Highlands Ranch Facilities Benefit Assessment, for the purchase of 13.599 gross acres of real property from Pardee Homes, a California corporation, for a community park, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver all such agreements and all other instruments, including acceptance of the Grant Deed, to effect and complete the acquisition of the 13.599 gross acres of land from Pardee Homes.

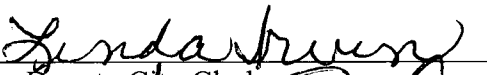
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heather M. Ferbert
Deputy City Attorney

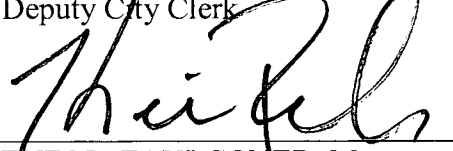
HMF:nja
09/12/16
Or.Dept: Real Estate Assets
CC No. 3000009244
Doc. No.: 1348475

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of _____ **OCT 18 2016** _____.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 10/19/16
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

The City of San Diego
COMPTROLLER'S CERTIFICATE

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000009244
 DEPT. NO. 1613
 COMPTROLLER'S DEPARTMENT

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____ By: _____
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$6,610,000.00

Vendor: Pardee Homes

Purpose: To authorize the expenditure of funds not to exceed \$6,610,000.00 to Pardee Homes for Land Acquisition of APN 305-040-33 for the construction of Project P-3.1, Pacific Highlands Ranch Community Park and Recreation Building.

Date: September 7, 2016 By: James Long
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	RD16002	400090		512204	OTHR-00000000-CL	1714	1714121301	RD-16002	\$6,610,000.00
TOTAL AMOUNT									\$6,610,000.00

FUND OVERRIDE

CC 3000009244

Passed by the Council of The City of San Diego on OCT 18 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 OCT 19 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 *Linda Brown*, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310716