

RESOLUTION NUMBER R- 310737

DATE OF FINAL PASSAGE NOV 07 2016

ITEM # 103  
10/25/16

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE ACQUISITION OF 3.683 ACRES OF PROPERTY (ASSESSOR'S PARCEL NUMBER 312-160-08) LOCATED IN BLACK MOUNTAIN RANCH FROM BLACK MOUNTAIN RANCH LLC, FOR THE CONSTRUCTION OF PROJECT F-2, NORTH FIRE STATION NO. 48 AND THE EXPENDITURE OF THE SUM OF \$110,000 FOR THE ACQUISITION OF THE PROPERTY AND ALL RELATED EXPENSES.

WHEREAS, on July 26, 1993, the City of San Diego (City) entered into a Development Agreement with Black Mountain Ranch Limited Partnership and PGA Tour, Inc., the predecessors in interest to Black Mountain Ranch LLC (BMR LLC), which would allow the initiation of a development plan, consisting of constructing single family residential and affordable housing, parks and open space, golf facilities, a school and other infrastructure, in exchange for a future sale of BMR LLC's property for the construction of public facilities, such as a fire station, to service the new community; and

WHEREAS, on August 7, 2006, by Resolution No. 301820, the City Council approved the Reimbursement Agreement between the City, BMR LLC and BMR Construction, Inc.; and

WHEREAS, BMR LLC anticipates constructing Project F-2, North Fire Station No. 48 (Project) on 3.683 acres, Assessor's Parcel Number (APN) 312-160-08, located in Black Mountain Ranch with (Property), in accordance with the Reimbursement Agreement; and

WHEREAS, the City desires to acquire the Property for the Project; and

WHEREAS, the proposed Purchase and Sale Agreement sets forth the City's right to acquire the Property from BMR LLC, for the purchase price of \$100,000.00 (Purchase Price), for the Project; and

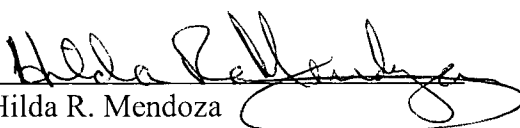
WHEREAS, the Purchase Price was determined in accordance with an appraisal, made by a qualified real estate appraiser, which was conducted as of the date three months prior to the approval of Proposition "K", approved by the qualified voters of the City of San Diego on November 3, 1998, by mutual agreement of City and BMR LLC and as required by the First Amendment to Second Amended and Restated Development Agreement Between the City of San Diego and Black Mountain Ranch Limited Partnership, adopted by the City Council on December 10, 2001, by Ordinance No. O-19020; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, as follows:

1. That the Mayor, or his designee, is authorized and directed to execute and deliver the Purchase and Sale Agreement, which is on file in the Office of the City Clerk as Document No. RR- 310737, for the acquisition of the fee interest of the Property, identified as APN 312-160-08, and to execute and deliver all such agreements and documents necessary to effect and complete the transaction contemplated by this Resolution.

2. That the Chief Financial Officer is authorized to expend an amount not to exceed \$110,000.00 (the Purchase Price plus up to \$10,000 for related expenses) from Fund 400091, Black Mountain Ranch FBA, WBS No. S-15015, Fire Station 48, for the purchase of the Property (3.683 acres, APN 312-160-08) from BMR LLC, 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  
Deputy City Attorney


HRM:als  
10/11/2016  
Or.Dept: READ  
Doc. No.: 1369789

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of OCT 25 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 11/7/16  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on OCT 25 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 07 2016

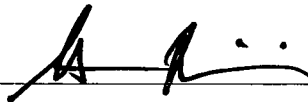
**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

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  
Resolution Number R- 310737