

Item 107-10/25/16

(R-2017-188)

Subitem 'A'

RESOLUTION NUMBER R- 310741

DATE OF FINAL PASSAGE NOV 07 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SELL 15.22 ACRES OF UNIMPROVED CITY-OWNED REAL PROPERTY LOCATED EAST OF ENCINO AVENUE AND WEST OF SANDMARK AVENUE IDENTIFIED BY ASSESSOR'S PARCEL NUMBER 433-100-31 TO SAN DIEGO GAS AND ELECTRIC COMPANY, THE TERMS OF WHICH WERE NEGOTIATED VIA DIRECT NEGOTIATION; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND DOCUMENTS NECESSARY TO CONSUMMATE THE SALE; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT AND DEPOSIT THE INDEPENDENT CONSIDERATION, AND TO ACCEPT AND DEPOSIT THE PROCEEDS OF THE SALE.

WHEREAS, the City of San Diego (City) is the owner of that certain 15.22 acres of real property (Property) located east of Encino Avenue and west of Sandmark Avenue, described as a vacant unimproved lot, and identified as Assessor's Parcel Number 433-100-31; 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 \$304,000.00; and

WHEREAS, the Property is Pueblo Land subject to San Diego Charter section 219; in accordance with Charter section 219, the Property was authorized for sale by San Diego Ordinance O-7360 (March 5, 1957), and said Ordinance was thereafter ratified by the electorate on April 16, 1957; and

WHEREAS, public agencies were notified of the City's intent to dispose of the Property in accordance with California Government Code section 54222, and the City did not receive any offers to purchase the Property from said public agencies; and

WHEREAS, City has no current or foreseeable use for the Property and has determined the Property to be in excess of City's needs, subject to a reservation of an easement for a water main pipeline; and

WHEREAS, if approved, the sale of the Property, the negotiation of which was conducted via direct negotiation due to the fact that San Diego Gas and Electric Company (SDG&E) has a facility adjacent to the Property, will be sold to SDG&E, a regulated utility, will be subject to the terms and conditions of a negotiated Purchase and Sale Agreement (Purchase and Sale Agreement); and

WHEREAS, as part of the Purchase and Sale Agreement, SDG&E agrees to pay City \$100.00 in consideration for City's execution and delivery of the Purchase and Sale Agreement into escrow (Independent Consideration); said \$100.00 shall be immediately released by the Escrow Agent to City, is non-refundable, and shall be paid to the City regardless of whether the sale is completed and the Property is transferred to SDG&E; 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,

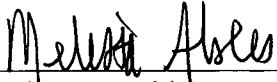
BE IT RESOLVED, by the City Council of the City of San Diego, that the Mayor or his designee, is authorized to sell that certain 15.22 acres of real property owned by the City of San Diego, located east of Encino Avenue and west of Sandmark Avenue, described as a vacant unimproved lot, and identified as Assessor's Parcel Number 433-100-31, subject to a reservation of an easement for a water main pipeline, to San Diego Gas and Electric Company, for a purchase price of \$304,000.00, which is the minimum acceptable sale price, and subject to the further terms and conditions of the Purchase and Sale Agreement which is on file with the City Clerk as Document No. RR- 310741.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is directed and authorized to execute and deliver, on behalf of City, the Purchase and Sale Agreement, a grant deed (which shall contain the description of the reservation of an easement for a water main pipeline), and all other agreements and documents, necessary to complete the sale and transfer of the Property to SDG&E.

BE IT FURTHER RESOLVED, the Chief Financial Officer is authorized and directed to accept the Independent Consideration and deposit it into the General Fund 100000.

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

APPROVED: JAN I. GOLDSMITH, City Attorney

By 

Melissa D. Ables
Deputy City Attorney

MDA:mcm
October 7, 2016
Or.Dept:Real Estate Assets Dept.
Doc. No.: 1371106

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 Linda Bruen
Deputy City Clerk

Approved: 11/7/16
(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 OCT 25 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input checked="" 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- 310741