

RESOLUTION NUMBER R- 310824  
DATE OF FINAL PASSAGE DEC 16 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE, TO GRANT AN EASEMENT TO ARE-SD REGION 42, LLC, FOR UNDERGROUND SEWER AND WATER PIPELINES ON UNIMPROVED CITY-OWNED DEDICATED PARKLAND SOUTH OF LUSK BOULEVARD IDENTIFIED AS ASSESSOR'S PARCEL NUMBER (APN) 340-090-54; AUTHORIZING THE NEGOTIATION AND EXECUTION OF AN UNDERGROUND SEWER AND WATER EASEMENT AGREEMENT AND ALL OTHER DOCUMENTS NECESSARY TO COMPLETE THE CONVEYANCE OF THE EASEMENT; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT AND DEPOSIT THE PROCEEDS FROM THE SALE OF THE EASEMENT.

WHEREAS, the City of San Diego (City) is the owner in fee of approximately 36-acres of unimproved real property, located on the south side of Lusk Boulevard, southwest of Headquarters Point, identified as Assessor's Parcel Number (APN) 340-090-54 (Property), which was dedicated for park and recreation purposes pursuant to San Diego Ordinance O-19136 (January 7, 2003); and

WHEREAS, ARE-SD Region 42, LLC, a Delaware limited liability company (ARE-SD 42) is currently in escrow with the City to purchase 10.31 acres of unimproved real property adjacent to the Property; and

WHEREAS, the real property being acquired by ARE-SD 42 will require an approximate 5,015 square foot easement across the Property for the purpose of installing underground water and sewer pipelines (Easement) to facilitate the development of ARE-SD 42's adjacent property; and

WHEREAS, the construction and maintenance of the Easement will not negatively impact the availability of the Property for park and recreation purposes and is in compliance with City Charter section 55; and

WHEREAS, if authorized, the Easement will be granted subject to the terms and conditions of an underground water and sewer easement agreement which has been determined to be reasonable and in the best interest of the City by the Mayor or his designee; and

WHEREAS, an independent real estate appraiser determined the market value of the Easement to be \$2,500.00; and


WHEREAS, pursuant to Charter section 77, all proceeds from the sale of real property shall be deposited into the 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 grant an approximate 5,015 square foot easement to ARE-SD Region 42, LLC, for the appraised value of \$2,500.00, for underground water and sewer pipelines which will run across that certain 36-acres of City-owned unimproved real property, located on the south side of Lusk Boulevard, southwest of Headquarters Point, identified as APN 340-090-54; said easement being further described and depicted on the drawings on file with the City Clerk as Document No. RR310824. The conveyance of the easement shall occur concurrent with the closing of escrow of ARE-SD Region 42, LLC's purchase of the adjacent City-owned property.

BE IT FURTHER RESOLVED, that the Mayor or his designee is authorized to negotiate and execute an underground sewer and water easement agreement, and any other documents necessary to grant said easement.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit \$2,500.00 into Capital Outlay Fund 400002.

APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Melissa D. Ables  
Deputy City Attorney

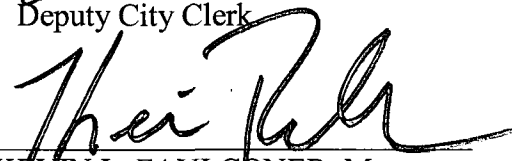
MDA:mcm  
November 17, 2016  
Or.Dept: Real Estate Assets Dept.  
Doc. No.: 1392966

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 06 2016.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 12/14/16  
(date)

  
KEVIN L. FAULCONER, Mayor

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

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

Passed by the Council of The City of San Diego on DEC 06 2016, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherr 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"/>
District 3 - (Vacant)	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 16 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 Genda Bruen, Deputy

Office of the City Clerk, San Diego, California

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