

Item 108-12/6/16

(R-2017-259)

Sub item
'A'

RESOLUTION NUMBER R- 310825
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 ACQUIRE FROM THE COUNTY OF SAN DIEGO THREE PARCELS, IDENTIFIED AS APN 667-040-04-00, APN 645-075-13-00, AND APN 307-100-14-00, THAT ARE AVAILABLE DUE TO TAX DEFAULTS, IN ORDER TO ADD THE PARCELS TO THE CITY'S MULTIPLE SPECIES CONSERVATION PROGRAM MULTI-HABITAT PRESERVE AREA; AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT FOR SALE AND PURCHASE OF TAX-DEFAULTED REAL PROPERTY AND COVENANTS, CONDITIONS AND RESTRICTIONS AGREEMENT WITH THE COUNTY OF SAN DIEGO; AND AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$50,000 FROM THE HABITAT ACQUISITION FUND.

WHEREAS, the City of San Diego (City) is the lead agency in the development of the Multiple Species Conservation Program (MSCP) having adopted the City's MSCP Subarea Plan in March 1997; and

WHEREAS, the MSCP is a comprehensive habitat conservation planning program which addresses multiple species habitat needs and the preservation of natural communities for an approximate 900 square mile area in southwestern San Diego County; and

WHEREAS, an objective of the MSCP is to conserve a connected system of biologically viable habitat lands in a manner that maximizes the protection of species and precludes the need for future listing of species as threatened or endangered; and

WHEREAS, in order to advance MSCP goals, the City seeks to acquire natural open space lands within the MSCP's Multi-Habitat Preserve Area (MHPA) in both the Otay Mesa and Torrey Hills community plan areas that are available from San Diego County (County) due to tax defaults (the Project); and

WHEREAS, parcel APN 667-040-04-00 is within the MHPA and is surrounded by City-owned open space; parcel APN 645-075-13-00 is located within the Southwest Village and contains vernal pool resources including restorable habitat; and parcel APN 307-100-14-00 is located in the Torrey Hills plan area, is within the MHPA, and would support native habitat (collectively, all three parcels are hereinafter referred to as the "Properties"); and

WHEREAS, acquisition of the Properties would protect them from future development and ensure the on-site native habitat/endangered and threatened species would be conserved; and

WHEREAS, upon acquisition, the Properties will be managed by the City's Park and Recreation Open Space Division; and

WHEREAS, the County has determined the sale prices for the Properties as follows: \$2,414.60 for parcel APN 667-040-04-00; \$3,570.78 for parcel APN 645-075-13-00; and \$37,157.74 for parcel APN 307-100-14-00 (Sale Prices); and

WHEREAS, the Sale Prices are the sums of the redemption amounts, plus the current taxes due, plus costs and fees; and

WHEREAS, the City is responsible for cost of giving public notice pursuant to California Revenue and Taxation Code section 3800; and

WHEREAS, the City created the Habitat Acquisition Fund (HAF) in 1990 pursuant to Resolution No. R-275129 for the acquisition, maintenance, and administrative costs associated with the establishment of biological habitat preserves; and

WHEREAS, the Project will utilize \$50,000 from the HAF for the acquisition of the Properties and related escrow costs; and

WHEREAS, the County of San Diego has provided to the City an Agreement for Sale and Purchase of Tax-Defaulted Real Property and Covenants, Conditions and Restrictions; and

WHEREAS, pursuant to the terms of that agreement, the City Council must agree to the Sale Prices for the Properties; NOW THEREFORE,

BE IT RESOLVED, that the Council of the City of San Diego agrees to pay the County of San Diego the following amounts as purchase prices for the following parcels: \$2,414.60 for parcel APN 667-040-04-00; \$3,570.78 for parcel APN 645-075-13-00; and \$37,157.74 for parcel APN 307-100-14-00.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego authorizes the Mayor, or designee, to execute and deliver the Agreement for Sale and Purchase of Tax-Defaulted Real Property and Covenants, Conditions and Restrictions, which is on file in the Office of the City Clerk as Document No. RR- 310825, for the acquisition of the Properties identified as APN 667-040-04-00, APN 645-075-13-00, and APN 307-100-14-00, and to execute and deliver all such agreements and documents necessary to effect and complete the transaction contemplated by this Resolution, including acceptance of all associated Grant Deeds.

BE IT FURTHER RESOLVED, that the Council of the City of San Diego authorizes the Chief Financial Officer to expend an amount not to exceed \$50,000.00 from the Habitat Acquisition Fund (HAF) 200401 for the acquisition of the parcels identified as APN 667-040-04-00, APN 645-075-13-00, and APN 307-100-14-00, 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Debra J. Bevier
Deputy City Attorney

DJB:mcm
November 17, 2016
Or.Dept: Real Estate Assets Dept.
Doc. No.: 1394133

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 Linda Bruin
Deputy City Clerk

Approved: 12/14/16
(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 DEC 06 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"/>
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 Gonda Irwin, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 310825