

Item 109 12/6/16
(R-2017-277)
Sub Item 'A'

RESOLUTION NUMBER R- 310827

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 SELL APPROXIMATELY 1,412 SQUARE FEET OF UNIMPROVED CITY-OWNED REAL PROPERTY LOCATED WITHIN THE DEDICATED RIGHT-OF-WAY AT THE NORTHEAST CORNER OF WASHINGTON STREET AND PACIFIC HIGHWAY IN THE CITY OF SAN DIEGO TO KENNEBEC PROPERTIES II, LLC,; 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 RECEIVED, AND TO ACCEPT AND DEPOSIT THE PROCEEDS OF THE SALE.

WHEREAS, the City of San Diego (City) is the owner of that certain 1,412 square feet of unimproved real property located in the dedicated right-of-way at the northeast corner of Washington Street and Pacific Highway, in the City of San Diego (Property); and

WHEREAS, upon contacting all applicable City Departments, City staff has determined that City has no current or foreseeable use for the Property and that the Property is in excess of City's needs; and

WHEREAS, the public agencies listed in California Government Code section 54222 were not notified of the City's intent to dispose of the Property, because the Property is exempt surplus land being sold to a contiguous property owner; 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 \$21,500.00; and

WHEREAS, if approved, the sale of the Property, the negotiation of which was conducted via direct and exclusive negotiation due to the fact that Kennebec Properties II, LLC,

a California limited liability company, is the adjacent property owner to this right-of-way, will be subject to the terms and conditions of the purchase and sale agreement (Purchase and Sale Agreement) negotiated by staff; and

WHEREAS, Kennebec Properties II, LLC, is currently processing a street vacation through the Development Services Department, in a separate item that will be brought before the City Council for approval; and

WHEREAS, as part of the Purchase and Sale Agreement, Kennebec Properties II, LLC, 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 Independent Consideration 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 Kennebec Properties II, LLC; 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 1,412 square feet of unimproved real property located in the dedicated right-of-way at the northeast corner of Washington Street and Pacific Highway, in the City of San Diego Property), to Kennebec Properties II, LLC, for a purchase price of \$21,500.00, which is the minimum acceptable sale price, and subject to the further terms and conditions of the Purchase and Sale Agreement on file with the City Clerk as Document No. 310827.

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, and all other agreements and documents, necessary to complete the sale and transfer of the Property to Kennebec Properties II, LLC.

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
Melissa D. Ables
Deputy City Attorney

MDA:mcm
November 17, 2016
Or.Dept:Real Estate Assets Dept.
Doc. No.: 1392652

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 Hinda Irwin
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 Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

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