

Item 110 - 12/16/16  
(R-2017-279)  
Subitem A

RESOLUTION NUMBER R- 310829

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 THAT CERTAIN .234 ACRES OF UNIMPROVED LAND LOCATED AT CHADWICK AVENUE AND MANOS DRIVE, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 591-260-14 AND A PORTION OF ASSESSOR'S PARCEL NUMBER 591-040-42; AUTHORIZING THE MAYOR TO ENTER INTO AGREEMENTS TO CONSUMMATE THE REAL PROPERTY SALE(S); AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT AND DEPOSIT ANY INDEPENDENT CONTRACT CONSIDERATION RECEIVED AND TO ACCEPT AND DEPOSIT THE PROCEEDS OF THE SALE.

WHEREAS, the City is the owner of that certain .234 acres of real property located at Chadwick Avenue and Manos Drive, described as unimproved real property and identified as Assessor's Parcel Number (APN) 591-260-14 and a portion of APN 591-040-42 (Property); and

WHEREAS, the City acquired the Property for the Bonita Pipeline Project, which was abandoned in 1994, and the Public Utilities Department has since determined that the Property is non-essential and in excess of the Public Utilities Department's needs; and

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

WHEREAS, all required 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, the value of the Property as disclosed by an appraisal made by a qualified real estate appraiser within the past six (6) months is \$27,500.00; and

WHEREAS, the Property is located behind and adjacent to five separate privately-owned lots of real property on the east side, and two separate privately-owned lots of real property on the west side. It is anticipated that the Property will be sold to one or more of the adjacent private property owners through exclusive negotiation(s) and, therefore, it is anticipated that the Property may be sold in divided parts to one or more individual property owners or in its entirety to one property owner, depending on future negotiations; and

WHEREAS, if the Council authorizes the Mayor or his designee to sell the Property, the value of the Property as disclosed by the appraisal will become the minimum acceptable sale price for which the Property may be sold for at least the first twelve (12) months following the passage of this resolution. Thereafter, the Property will be re-appraised at least once every twelve months until sold, and if the re-appraised value is greater than the minimum acceptable sale price set on the date of this resolution, the re-appraised value will become the minimum acceptable sale price; however, if after attempting to sell the property, the Mayor or his designee determines that the Property cannot be sold at or above the minimal acceptable sale price, the Mayor will seek review and additional direction from the Council as to the disposition of the Property; and

WHEREAS, if Council authorizes the Mayor to sell the Property, and an offer to purchase the Property that meets the above criteria is received, the Mayor or his designee will be authorized to accept the offer or offers, on terms and conditions that the Mayor or his designee determine to be reasonable and in the best interests of the City, and to execute and deliver on behalf of the City, the purchase and sale agreement(s), grant deed(s), and all other agreements

and documents necessary to complete the sale transaction(s) and transfer the Property to the buyer(s); and

WHEREAS, the City may receive consideration for executing and delivering into escrow the purchase and sale agreement(s) (Independent Contract Consideration); such Independent Contract Consideration will be non-refundable and due to the City regardless of whether the escrow closes and City transfers the Property to buyer(s); 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 .234 acres of real property located at Chadwick and Manos Drive described as vacant unimproved real property and identified as Assessor's Parcel Number (APN) 591-260-14 and a portion of APN 591-040-42, either in its entirety or in divided parts, as appropriate, provided that the total purchase price is not less than \$27,500.00, which is the minimum acceptable sale price for which the Property may be sold for at least the first twelve (12) months following the passage of this resolution.

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(s), grant deed(s), and all other agreements and documents, necessary to complete the sale and transfer of the Property.

BE IT FURTHER RESOLVED, that the Mayor or his designee, are directed to have the Property re-appraised at least once every twelve months until sold, and if the re-appraised value is greater than the minimum acceptable sale price set on the date of this resolution, the re-appraised value will become the minimum acceptable sale price; however, if after attempting to

sell the property, the Mayor or his designee determines that the Property cannot be sold at or above the minimum acceptable sale price, the Mayor will seek review and additional direction from the Council as to the disposition of the Property

BE IT FURTHER RESOLVED, the Chief Financial Officer is authorized and directed to accept any Independent Contract 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.: 1394629

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 Babin  
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  
Resolution Number R- 310829