

RESOLUTION NUMBER R- 310831  
DATE OF FINAL PASSAGE DEC 08 2016

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SELL 0.31 ACRES OF EXCESS CITY-OWNED REAL PROPERTY LOCATED ON HANCOCK STREET, IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 441-530-38, TO THE ADJACENT PROPERTY OWNER, 3650 HANCOCK STREET, LLC; THAT COMPLIANCE WITH COUNCIL POLICY 700-10 CONCERNING EXCLUSIVE NEGOTIATIONS IS WAIVED; AUTHORIZING THE MAYOR TO EXECUTE ALL AGREEMENTS AND DOCUMENTS NECESSARY TO COMPLETE THE REAL PROPERTY 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 real property located on Hancock Street, improved with paving, and identified as Accessor's Parcel Number (APN) 441-530-38 (Property); and

WHEREAS, City staff seeks the City Council's authority to sell the Property to 3650 Hancock Street, LLC (Purchaser), a contiguous land owner, pursuant to the terms and conditions set forth in a Purchase and Sale Agreement (PSA); and

WHEREAS, Council Policy 700-10 states that City-owned property may become available for sale if at least one of the following has been met: (1) the property is not currently used by a City department or does not support a municipal function; (2) the property is vacant and has no foreseeable use by the City; (3) the property is a non-performing or under-performing asset and greater value can be generated by its sale; or (4) significant economic development opportunities can be generated by selling the property; and

WHEREAS, upon contacting all applicable City departments, City staff determined that City has no current or foreseeable use for the Property and that the Property is in excess of City's needs, subject to reservation of all existing and needed easements over, under, along, and across the Property; 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 of intent to acquire the Property from said public agencies; and

WHEREAS, staff recommends exclusive negotiations with Purchaser because there is no benefit to City from using a competitive process in this situation; and

WHEREAS, as part of the PSA, Purchaser agrees to pay City \$100 in consideration for City's execution and delivery of the PSA into escrow (Independent Consideration); said \$100 shall be immediately released by the Escrow Agent to City, is non-refundable, and shall be paid to City regardless of whether the sale is completed and the Property is transferred to Purchaser; and

WHEREAS, the value of the Property as disclosed by an appraisal made by a qualified real estate appraiser within the past six months is \$227,000; 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 real property owned by the City of San Diego, located on Hancock Street, which is improved with concrete paving, and identified as APN 441-530-38, to 3650 Hancock Street, LLC, for a purchase price of \$227,000, subject to reservation of all existing and needed easements over, under, along, and across the Property (as will be more

specifically set forth in the conveying grant deed), 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-310831.

BE IT FURTHER RESOLVED, that compliance with Council Policy 700-10 concerning exclusive negotiations is waived.

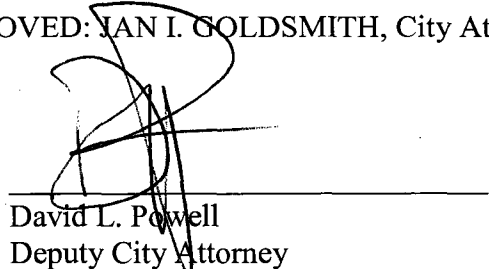
BE IT FURTHER RESOLVED, that the Mayor, or his designee, is directed and authorized to execute and deliver, on behalf of City, the Purchase and Sale Agreement, a grant deed (which shall contain the description of the reservation of all existing and needed easements over, under, along, and across the Property), and all other agreements and documents, necessary to complete the sale and transfer of the Property to 3650 Hancock Street, 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 No. 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 No. 400002.

APPROVED: IAN I. GOLDSMITH, City Attorney

By

  
\_\_\_\_\_  
David L. Powell  
Deputy City Attorney

DLP:als  
11/17/2016  
Or.Dept:Real Estate Assets  
Doc. No.: 1381521

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: 12/8/16  
(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 0 6 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 0 8 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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