

Item 112 12/6/16

(R-2017-271)

Sub item A

RESOLUTION NUMBER R- 310833

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 0.14 ACRES OF UNIMPROVED LAND, ALSO KNOWN AS ASSESSOR PARCEL NUMBER 544-073-06, WHICH IS LOCATED ADJACENT TO PRIVATELY-OWNED PROPERTY LOCATED AT 6405 EIDER STREET; 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 0.14 acres of unimproved real property, also known as Assessor Parcel Number (APN) 544-073-05 (Property), and which is located adjacent to privately-owned property located at 6405 Eider Street; and

WHEREAS, the Public Utilities Department has reviewed its property inventory and determined that this property is non-essential and in excess of the Public Utilities Department's needs; and

WHEREAS, upon contacting all applicable City departments, City staff has determined that the City has no current or foreseeable use for the Property and that the Property is 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 54220, et. seq., and the City did not receive any offers to purchase the Property from said public agencies; and

WHEREAS, City staff believes that it is in the best interests of the City to sell the Property to a contiguous private-property owner due to the location, size, and configuration of

the Property, and seeks the City Council's permission to sell the Property to a contiguous property owner through exclusive negotiations; 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 \$10,000.00; 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 the City 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, a purchase and sale agreement, grant deed, and all other agreements and documents necessary to complete the sale transaction and transfer the Property to the buyer; and

WHEREAS, the City may receive consideration for executing and delivering into escrow the purchase and sale agreement (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; 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 through exclusive negotiations that certain 0.14 acres of unimproved real property, also known as Assessor Parcel Number (APN) 544-073-05, provided that the total purchase price is not less than \$10,000.00, 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, a purchase and sale agreement, grant deed, and all other agreements and documents, necessary to complete the sale and transfer of the Property.

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

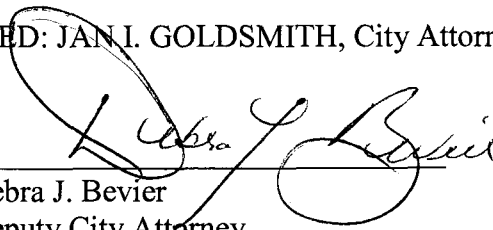
BE IT FURTHER RESOLVED, that the Mayor or his designee, are directed to have the Property re-appraised at least once every twelve months until sold, and if the re-appraised value is greater than the minimum acceptable sale price set on the date of this resolution, the re-appraised value will become the 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 Water Fund 400004.

APPROVED: JAN I. GOLDSMITH, City Attorney

By


Debra J. Bevier
Deputy City Attorney

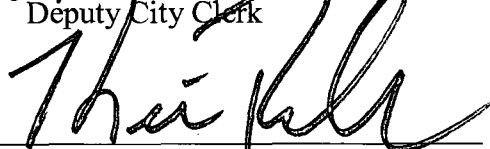
DJB:mcm
November 17, 2016
Or.Dept: Real Estate Assets Dept.
Doc. No.: 1394169

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
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 Kruein*, Deputy

Office of the City Clerk, San Diego, California

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