

RESOLUTION NUMBER R- 311790

DATE OF FINAL PASSAGE JUN 14 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO CITY OF SAN DIEGO GROUND LEASE WITH SAN DIEGO COMMUNITY LAND TRUST FOR CITY REAL PROPERTY LOCATED AT LAURISTON DRIVE AND PAXTON DRIVE (APN'S 630-060-24 AND 630-160-62) IN SAN DIEGO, CALIFORNIA.

WHEREAS, on November 5, 2013, the San Diego City Council approved Resolution R-308556 authorizing the City of San Diego Ground Lease (Lease) with San Diego Community Land Trust (SDCLT), for the purpose of conducting due diligence to determine the feasibility of purchasing the approximately 3.3 acre property located at Lauriston Drive and Paxton Drive, APN's 630-060-24 AND 630-160-62 (Property), and an option to purchase the Property to construct sixteen affordable housing units (Project); and

WHEREAS, in 2015, SDCLT approached the City of San Diego (City) and requested various changes to the form quitclaim deed (Quitclaim Deed) attached to the Real Estate Purchase and Sale Agreement, which is Exhibit B to the Lease; and

WHEREAS, on July 19, 2016, the Council authorized three revisions to the Quitclaim Deed; and

WHEREAS, in accordance with the Lease, SDCLT has until November 25, 2018, to submit certain items to the City to exercise its option to purchase the Property; and

WHEREAS, in February 2018, SDCLT represented to City staff that it could not provide some of the items to exercise its option to purchase the Property until SDCLT owns the Property; and

WHEREAS, SDCLT requests that the Lease be amended to allow SDCLT to exercise its option to purchase the Property upon proof of ability to provide insurance and a faithful performance bond, and proof SDCLT has submitted an application for building permits; and

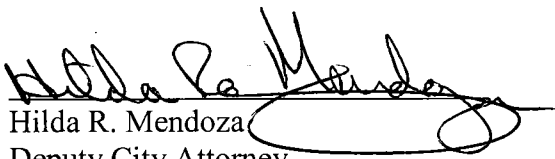
WHEREAS, SDCLT requests that the Real Estate Purchase and Sale Agreement, which is Exhibit B to the Lease, be amended to allow SDCLT to close escrow for the purchase of the Property upon the following: (1) written notice from the Development Services Department indicating that all permits for development of the Property are ready to be issued upon payment of permit and related fees; (2) proof SDCLT has secured, or will have secured concurrently upon the close of escrow, a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) for the Project or such other requirement from FEMA, and to the satisfaction of City's Engineer; (3) evidence SDCLT has secured construction loans or other funds to complete the Project; (4) proof SDCLT has secured, or will have secured concurrently upon the close of escrow, the faithful performance bond; (5) proof SDCLT has secured, or will have secured concurrently upon the close of escrow, all required insurance policies for construction of the Project; and (6) other standard terms for the close of escrow;
NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized and directed to execute, for and on behalf of City, the First Amendment to City of San Diego Ground Lease with San Diego Community Land Trust, on file in the Office of the City Clerk as Document No. RR- 311790, under the terms and conditions set forth therein.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit the independent consideration in the amount of Ten Dollars (\$10.00) into the General Fund Number 100000.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to execute and deliver all such agreements and all other instruments to effect and complete the transaction contemplated by this Resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Hilda R. Mendoza
Deputy City Attorney


HRM:nja
05/22/18
Or.Dept: READ
Doc. No.: 1756458

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 12 2018.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/12/18
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUN 12 2018, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<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"/>
Chris Ward	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 14 2018

(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:

(Seal)

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *City Clerk*, Deputy

Office of the City Clerk, San Diego, California

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