

RESOLUTION NUMBER R- 311867DATE OF FINAL PASSAGE JUL 20 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING THE MAYOR OR HIS DESIGNEE TO SELL BY NEGOTIATION CERTAIN EXCESS CITY PROPERTY LOCATED BETWEEN 3555 AND 3453 SILKTREE TERRACE, SAN DIEGO, CALIFORNIA IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 550-780-39; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AGREEMENTS TO CONSUMMATE THE SALE; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT AND DEPOSIT THE INDEPENDENT CONSIDERATION AND THE PROCEEDS OF THE SALE.

WHEREAS, the City of San Diego (City) is the owner of approximately .118 acres of real property, improved with a walkway, located between 3555 and 3543 Silktree Terrace, identified as Assessor's Parcel Number 550-780-39 (Property); and

WHEREAS, the City has no current or foreseeable use for the Property, with the exception of reserving an easement for an existing water pipeline, and City staff has determined the Property to be in excess of the City's needs; and

WHEREAS, the value of the Property as disclosed by an appraisal made by a qualified real estate appraiser or a qualified employee of the City within the past six months is \$7,500; and

WHEREAS, if the Council of the City of San Diego (Council) authorizes the Mayor or his designee to sell the Property, City Staff recommends setting the minimum acceptable sale price at the appraised value set forth above, of \$7,500, for at least the first 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 minimum acceptable sale price, the Mayor or his designee will seek review and additional direction from the Council as to the disposition of the Property; and

WHEREAS, if the Council authorizes the Mayor to sell the Property, the Mayor or his designee will be authorized to accept the offer, on terms and conditions that the Mayor or his designee determines 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, deed, and all other agreements and documents necessary to complete the sale transaction and transfer the Property to the buyer; and

WHEREAS, the Purchase and Sale Agreement may require the buyer to pay City \$100.00 in consideration for City's execution and delivery of the Purchase and Sale Agreement into escrow (Independent Consideration), which shall be immediately released by the Escrow Agent to City, and is non-refundable regardless of whether the sale is completed; and

WHEREAS, the potential sale of the Property is a subsequent discretionary action that was adequately addressed in the Notice of Exemption prepared in accordance with the California Environmental Quality (CEQA) for the Silktree Terrace Public Right-of-Way (PROW) Vacation and Future Sale of City-owned Land dated May 14, 2018, wherein the sale was determined to be categorically exempt from CEQA pursuant to Section 15312 of the CEQA Guidelines; 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 Council of the City of San Diego, that the Mayor or his designee, is authorized to sell the real property located between 3555 and 3543 Silktree Terrace, identified as Assessor's Parcel Number 550-780-39, improved with a walkway, at a minimum

acceptable sale price of \$7,500 (Property). The minimum acceptable sale price shall be established for at least the 12-month period following the passage of this resolution.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized to do all of the following in connection with the sale of the Properties:

1. The Property shall be re-appraised at least once every 12 months until sold, and the resulting appraised value of the Property shall become the minimum acceptable sale price, provided that it is greater than the minimum acceptable sale price established by this resolution. If the re-appraised value is less than the minimum acceptable sale price set on the date of this resolution, or the Mayor or his designee determines that the Property cannot be sold at or above the minimum acceptable sale price, the Mayor or his designee shall seek review and additional direction from the Council as to the disposition of the Property.

2. To accept an offer to purchase the Property based on the above criteria, on terms and conditions deemed by the Mayor or his designee 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, deed, and all other agreements and documents, necessary to complete the sale, reserve the water pipeline easement, and transfer the Property to the buyer.

BE IT FURTHER RESOLVED, that 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, that the Chief Financial Officer is authorized and directed to accept the proceeds of the sale of the Property, net of brokerage commissions and other costs of selling the Property, and deposit them into the Capital Outlay Fund 400002.

APPROVED: MARA W. ELLIOTT, City Attorney

By Melissa D. Ables
Melissa D. Ables
Deputy City Attorney

MDA:nja
06/14/18
Or. Dept: READ
Doc. No.: 1775228

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 10 2018.

ELIZABETH S. MALAND
City Clerk

By Steve Read
Deputy City Clerk
Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Approved: 7/20/18
(date)

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JUL-10 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 JUL 20 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 *My Brady*, Deputy

Office of the City Clerk, San Diego, California

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