

#201
9/17/18

(R-2019-82)

RESOLUTION NUMBER R- 311971

DATE OF FINAL PASSAGE SEP 25 2018

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, APPROVING CERTAIN ACTIONS RELATED TO THE SUCCESSOR AGENCY'S SALE OF PROPERTY LOCATED AT 4102-4122 UNIVERSITY AVENUE IN THE CITY HEIGHTS PROJECT AREA.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City); and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in *California Redevelopment Assn. v. Matosantos*, 53 Cal. 4th 231 (2011); and

WHEREAS, pursuant to San Diego Resolution R-307238 adopted by the City Council effective January 12, 2012, the City, solely in its capacity as the designated successor agency to the Former RDA (Successor Agency), elected to serve as the successor agency to the Former RDA, and the City also elected to serve as housing successor to the Former RDA in order to retain housing assets and assume housing responsibilities; and

WHEREAS, at the time of the Former RDA's dissolution on February 1, 2012, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law and, by operation of law,

received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's operations in accordance with AB 26, enacted on June 28, 2011, Assembly Bill 1484, enacted on June 27, 2012, and subsequent related legislation (collectively, the Dissolution Laws); and

WHEREAS, the Oversight Board was formed pursuant to California Health and Safety Code (Code) section 34179 to oversee certain actions and decisions of the Successor Agency under the Dissolution Laws; and

WHEREAS, the San Diego County Auditor-Controller (County Auditor), the State Controller, and the State Department of Finance (DOF) also possess certain rights and obligations under the Dissolution Laws with respect to the Successor Agency's administration of winding down the Former RDA's operations; and

WHEREAS, in late 2015, the Oversight Board and the DOF approved the Amended and Restated Long-Range Property Management Plan (LRPMP), which governs the Successor Agency's disposition of its non-housing real property assets, in accordance with Code section 34191.5(c), by four categories known as Enforceable Obligation Sites, Governmental Use Sites, Future Development Sites, and Liquidation Sites; and

WHEREAS, the LRPMP requires the Successor Agency to sell the Liquidation Sites, which will result in the local taxing entities, such as the City, the County of San Diego, local school districts, and local special districts, receiving a pro rata distribution of the net sale proceeds in the same proportion as their share of general property tax revenues; and

WHEREAS, the LRPMP also allows the Successor Agency to administratively reclassify any Future Development Site as a Liquidation Site, if the City has been unable, despite diligent

efforts, to enter into a compensation agreement for the site with the other local taxing entities on terms acceptable to the City; and

WHEREAS, the Successor Agency's sale of the Liquidation Sites is subject to the LRPMP and the Dissolution Laws, not the City's normal regulations for the sale of real property assets, such as San Diego Municipal Code section 22.0902 or Council Policy 700-10; and

WHEREAS, based on a competitive selection process approved by the Oversight Board, Civic San Diego retained the firm of Jones Lang LaSalle (JLL), a commercial real estate brokerage, to represent the Successor Agency's interests in facilitating the sale of each Liquidation Site, and JLL will receive a brokerage commission with respect to the consummated sale of each Liquidation Site; and

WHEREAS, as envisioned and permitted by the LRPMP, the Successor Agency has administratively reclassified that certain real property located at 4102-22 University Avenue, San Diego, California (Property) from a Future Development Site to a Liquidation Site, and the Successor Agency must now sell the Property for the benefit of the local taxing entities; and

WHEREAS, Civic San Diego, acting on behalf of the Successor Agency, and Cuatro at City Heights LP, a California limited partnership (Buyer), have negotiated the proposed Real Property Purchase and Sale Agreement and Joint Escrow Instructions (Agreement), included as Attachment E to Staff Report CSD-18-12 (Staff Report), with respect to the Property; and

WHEREAS, the Agreement contemplates that Buyer will purchase the Property from the Successor Agency for the purchase price of \$2,105,000 and that, consistent with Code section 34191.5(c)(2)(B), the Successor Agency will cause the net purchase price proceeds to be transferred to the County Auditor for pro rata distribution to the local taxing entities; and

WHEREAS, the Oversight Board must approve the Agreement before it becomes effective, and under Code section 34191.5(f), the Oversight Board's decision will become effective immediately, without any need for review by the DOF; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, acting in its capacity as the board of the Successor Agency, as follows:

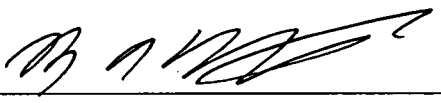
1. The Council approves the Agreement, including the sale of the Property to Buyer in accordance with the Agreement.

2. The Mayor, or designee, is authorized and directed to execute the Agreement, including all attachments and exhibits requiring the Successor Agency's signature. A copy of the Agreement, when fully executed, shall be placed on file with the City Clerk as Document No.

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3. The Mayor, or designee, is authorized and directed, on the Successor Agency's behalf, to sign all documents and take all actions necessary and appropriate to carry out and implement the Agreement, which includes causing (through written escrow instructions or through another appropriate method) the net proceeds from the sale transaction to be promptly remitted to the County Auditor for pro rata distribution to the affected taxing entities.

APPROVED: MARA W. ELLIOTT, City Attorney

By: 
Bret A. Bartolotta
Deputy City Attorney

BAB:jdf
8/23/2018
Or.Dept: Civic San Diego
Doc. No.: 1786740

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 17 2018.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 9/25/18
(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 SEP 17 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 Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 25 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:

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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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