

RESOLUTION NUMBER R- 312246

DATE OF FINAL PASSAGE MAR 07 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE SALE OF CITY-OWNED  
LAND TO LEFT COAST INVESTMENTS, INC. AND  
RESERVATION OF EASEMENTS IN SAN YSIDRO.

WHEREAS, in 1974, the State of California relinquished to the City of San Diego (City) unimproved land for right-of-way purposes located at the southwest corner of West San Ysidro Boulevard and Dairy Mart Road, San Ysidro, CA 92173 (Property); and

WHEREAS, Left Coast Investments, Inc., a California S corporation (Left Coast), approached the City in 2013, to purchase an unimproved 0.228-acre (9,930.94 sq. ft.) portion of the Property (Purchase Property), which is not needed for street purposes, because Left Coast is in the process of purchasing the adjacent landlocked privately-owned land and requires the City's Purchase Property for access; and

WHEREAS, in accordance with Council Policy 700-10, an exclusively negotiated sale is justified when the fee interest in the right-of-way is no longer required and it may be sold to a contiguous property owner with reservation of easements as necessary; and

WHEREAS, the City will reserve (1) an easement for Otay Water District, a municipal water district, for a 30-inch diameter recycled water pipe owned, operated, and maintained by Otay Water District, and traverses through half of the Purchase Property; (2) an easement for Cox Communications California, LLC., a Delaware limited liability company, for general utilities; and (3) an easement for AT&T California for general utilities; and

WHEREAS, in accordance with Council Policy 700-10, prior to the sale of City-owned property, all unnecessary easements affecting title to the property shall be removed; therefore, Left Coast applied for a street vacation with the City's Development Services Department (DSD)

to vacate the right-of-way. The street vacation will be presented to the Council of the City of San Diego in a separate action by DSD, and the sale of the Purchase Property is contingent upon the street vacation; and

WHEREAS, a real estate broker's commission will not be paid in the sale of the Purchase Property; and

WHEREAS, the Purchase Property was appraised by an independent MAI appraiser, and the fair market value of the Purchase Property was determined to be Fifty Seven Thousand Dollars (\$57,000); NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that approximately 0.228 acres (9,930.94 sq. ft.) of City-owned real property located at the southwest corner of West San Ysidro Boulevard and Dairy Mart Road, San Ysidro, CA 92173, is no longer required and may be sold by direct negotiation to a contiguous property owner with the reservation to third parties of an easement for an existing water pipeline and easements for existing general utilities.

BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized and directed to sell approximately 0.228 acres (9,930.94 sq. ft.) of City-owned real property located at the southwest corner of West San Ysidro Boulevard and Dairy Mart Road, San Ysidro, CA 92173, to Left Coast Investments, Inc., a California S corporation, pursuant to the terms and conditions of that certain Real Estate Purchase and Sale Agreement, on file in the Office of the City Clerk as Document No. RR- 312246-1, as amended by that certain First Amendment to Real Estate Purchase and Sale Agreement, on file in the Office of the City Clerk as Document No. RR- 312246-2, as amended by that certain Second Amendment to Real Estate Purchase and Sale Agreement, on file in the Office of the City Clerk as Document

No. RR- 312246-3, as amended by that certain Third Amendment to Real Estate Purchase and Sale Agreement, on file in the Office of the City Clerk as Document No.

RR- 312246-4, for the price of Fifty Seven Thousands Dollars (\$57,000).

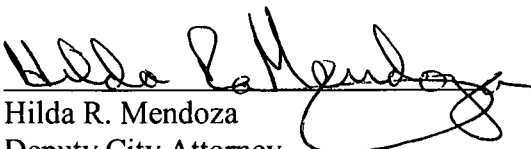
BE IT FURTHER RESOLVED, that the Mayor, or his designee, is authorized and directed to reserve (1) an easement for Otay Water District, a municipal water district, for a 30-inch diameter recycled water pipe owned, operated, and maintained by Otay Water District, and traverses through half of the Purchase Property; (2) an easement for Cox Communications California, LLC., a Delaware limited liability company, for general utilities; and (3) an easement for AT&T California for general utilities.

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.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit the proceeds of the sale of the property, net costs related to the sale, into the Capital Outlay Miscellaneous Revenue Fund 400002.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized to accept and deposit the Independent Consideration into the General Fund 100000.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Hilda R. Mendoza  
Deputy City Attorney

HRM:nja  
01/18/19  
Or. Dept: READ  
Doc. No.: 1911958

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 05 2019.

ELIZABETH S. MALAND  
City Clerk

By Connie Patterson  
Deputy City Clerk

Approved: 3/7/19  
(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 MAR 05 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAR 07 2019.

(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.

(Seal)

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

By Connie Peterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>312246</u>