

RESOLUTION NUMBER R- 312537DATE OF FINAL PASSAGE JUN 27 2019

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 IN VALENCIA PARK LOCATED AT VELMA TERRACE AND TRINIDAD WAY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 548-450-01, 548-450-02 AND 548-450-03; SAN BERNARDO TERRACE AND TRINIDAD WAY IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 548-450-14, 548-450-20 AND 548-450-21; LA PAZ DRIVE AND SAN BERNARDO TERRACE IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 548-462-09 AND 548-462-10; OLVERA AVENUE AND SANTA ISABEL DRIVE IDENTIFIED AS ASSESSOR'S PARCEL NUMBERS 548-462-18, 548-462-19 AND 548-462-20; SAN ONOFRE TERRACE AND SANTA ISABEL DRIVE IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 552-112-11; AND SANTA ISABEL DRIVE AND ENCINA DRIVE IDENTIFIED AS ASSESSOR'S PARCEL NUMBER 552-113-11; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ENTER INTO AGREEMENTS TO CONSUMMATE THE SALE; AUTHORIZING THE PAYMENT OF REAL ESTATE BROKERAGE COMMISSIONS RELATED TO 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 13 parcels of unimproved real property described as follows: (1) approximately 0.19 acres of real property located at Velma Terrace and Trinidad Way, identified as Assessor's Parcel Number (APN) 548-450-01 (First Velma Property); (2) approximately 0.15 acres of real property located at Velma Terrace and Trinidad Way, identified as APN 548-450-02 (Second Velma Property); (3) approximately 0.14 acres of real property located at Velma Terrace and Trinidad Way, identified as APN 548-450-03 (Third Velma Property); (4) approximately 0.14 acres of real property located at San Bernardo Terrace and Trinidad Way, identified as APN 548-450-14 (First Trinidad Property); (5)

approximately 0.16 acres of real property located at San Bernardo Terrace and Trinidad Way, identified as APN 548-450-20 (Second Trinidad Property); (6) approximately 0.18 acres of real property located at San Bernardo Terrace and Trinidad Way, identified as APN 548-450-21 (Third Trinidad Property); (7) approximately 0.16 acres of real property located at La Paz Drive and San Bernardo Terrace, identified as APN 548-462-09 (First La Paz Property); (8) approximately 0.15 acres of real property located at La Paz Drive and San Bernardo Terrace, identified as APN 548-462-10 (Second La Paz Property); (9) approximately 0.144 acres of real property located at Olvera Avenue and Santa Isabel Drive, identified as APN 548-462-18 (First Olvera Property); (10) approximately 0.17 acres of real property located at Olvera Avenue and Santa Isabel Drive, identified as APN 548-462-19 (Second Olvera Property); (11) approximately 0.16 acres of real property located at Olvera Avenue and Santa Isabel Drive, identified as APN 548-462-20 (Third Olvera Property); (12) approximately 0.187 acres of real property located at San Onofre Terrace and Santa Isabel Drive, identified as APN 552-112-11 (San Onofre Property); and (13) approximately 0.168 acres of real property located at Santa Isabel Drive and Encina Drive, identified as APN 552-113-11 (Encina Property) (collectively referred to as “Properties”); and

WHEREAS, the City has no current or foreseeable use for the Properties, subject to the reservation of any necessary flowage easements. City staff has determined the Properties to be in excess of the City’s needs; and

WHEREAS, the value of the Properties 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 \$80,000 for the First Velma Property, \$80,000 for the Second Velma Property, \$80,000 for the Third Velma Property, \$65,000 for the First Trinidad Property, \$70,000 for the Second Trinidad Property,

\$70,000 for the Third Trinidad Property, \$100,000 for the First La Paz Property, \$95,000 for the Second La Paz Property, \$95,000 for the First Olvera Property, \$100,000 for the Second Olvera Property, \$95,000 for the Third Olvera Property, \$100,000 for the San Onofre Property, and \$110,000 for the Encina Property; and

WHEREAS, if the Council of the City of San Diego (Council) authorizes the Mayor or his designee to sell the Properties, City Staff recommends setting the minimum acceptable sale price at the appraised value for each of the Properties set forth above for at least the first 12 months following the passage of this resolution. Thereafter, each of the Properties 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 Properties, the Mayor or his designee determines that the Properties, or one of them, 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 any of the Properties; and

WHEREAS, if the Council authorizes the Mayor or his designee to sell the Properties, 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 interest of the City; and to execute and deliver on behalf of the City, any purchase and sale agreement(s), deed(s), and all other agreements and documents necessary to complete the sale transaction and transfer the Properties to the buyer(s); and

WHEREAS, City staff has determined it is in the best interests of the City to retain the services of a real estate broker, Colliers International CA, Inc., who was selected following a request for proposal process, to represent the City and facilitate the sale of the Properties through

negotiations on the open market in order to achieve the highest sale price for the City, and the City should pay a real estate broker's commission in the amount of four and one-half percent (4.5%) of the sale price, all in compliance with San Diego Municipal Code section 22.0905; and

WHEREAS, the purchase and sale agreement(s) may require the buyer(s) to pay the City \$100 in consideration for the City's execution and delivery of the purchase and sale agreement(s) into escrow (Independent Consideration), which shall be immediately released by the Escrow Agent to the City, and is non-refundable regardless of whether the sale is completed; and

WHEREAS, in accordance with San Diego Charter section 53, the proceeds from the Properties will be deposited into Capital Outlay Water Fund 400004; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor or his designee, is authorized to sell (1) approximately 0.19 acres of real property located at Velma Terrace and Trinidad Way, identified as APN 548-450-01 at a minimum acceptable sale price of \$80,000; (2) approximately 0.15 acres of real property located at Velma Terrace and Trinidad Way, identified as APN 548-450-02 at a minimum acceptable sale price of \$80,000; (3) approximately 0.14 acres of real property located at Velma Terrace and Trinidad Way, identified as APN 548-450-03 at a minimum acceptable sale price of \$80,000; (4) approximately 0.14 acres of real property located at San Bernardo Terrace and Trinidad Way, identified as APN 548-450-14 at a minimum acceptable sale price of \$65,000; (5) approximately 0.16 acres of real property located at San Bernardo Terrace and Trinidad Way, identified as APN 548-450-20 at a minimum acceptable sale price of \$70,000; (6) approximately 0.18 acres of real property located at San Bernardo Terrace and Trinidad Way, identified as APN 548-450-21 at a minimum acceptable sale price of \$70,000; (7) approximately 0.16 acres of real property located at La Paz Drive and San Bernardo Terrace, identified as APN 548-462-09 at a minimum acceptable sale price of

\$100,000; (8) approximately 0.15 acres of real property located at La Paz Drive and San Bernardo Terrace, identified as APN 548-462-10 at a minimum acceptable sale price of \$95,000; (9) approximately 0.144 acres of real property located at Olvera Avenue and Santa Isabel Drive, identified as APN 548-462-18 at a minimum acceptable sale price of \$95,000; (10) approximately 0.17 acres of real property located at Olvera Avenue and Santa Isabel Drive, identified as APN 548-462-19 at a minimum acceptable sale price of \$100,000; (11) approximately 0.16 acres of real property located at Olvera Avenue and Santa Isabel Drive, identified as APN 548-462-20 at a minimum acceptable sale price of \$95,000; (12) approximately 0.187 acres of real property located at San Onofre Terrace and Santa Isabel Drive, identified as APN 552-112-11 at a minimum acceptable sale price of \$100,000; and (13) approximately 0.168 acres of real property located at Santa Isabel Drive and Encina Drive, identified as APN 552-113-11 at a minimum acceptable sale price of \$110,000, subject to the reservation of any necessary flowage easements. The minimum acceptable sale prices shall be established for at least the 12-month period following the passage of this resolution; and

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 Properties shall be re-appraised at least once every twelve months until sold, and the resulting appraised value of the Properties shall become the minimum acceptable sale price, provided that it is greater than the minimum acceptable sale prices established for the individual Properties by this resolution. If the re-appraised value is less than the minimum acceptable sale price set on the date of this resolution for one of the Properties, or the Mayor or his designee determines that the Properties, or one of them, cannot be sold at or above the minimum acceptable sale price set on the date of this resolution, the Mayor or his designee will

seek review and additional direction from the Council as to the disposition of any of the Properties.

2. To retain, on terms deemed by the Mayor or his designee to be reasonable and in the best interests of the City, the services of a real estate broker to represent the City and facilitate the sale of the Properties, and to pay said the real estate broker commission related to the sale of the Properties in the amount equal to four and one-half percent (4.5%) of the sale price, which shall be done in compliance with San Diego Municipal Code section 22.0905.

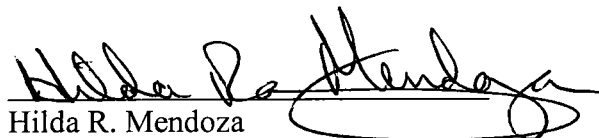
3. To accept an offer to purchase the Properties based on the above criteria, on terms and conditions deemed by the Mayor or his designee to be reasonable and in the best interests of the City, and to execute and deliver, on behalf of the City, a purchase and sale agreement(s), deed(s), and all other agreements and documents, necessary to complete the sale and transfer the Properties to the buyer(s).

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 1000000.

BE IT FURTHER RESOLVED, that the Chief Financial Officer is authorized and directed to accept the proceeds of the sale of the Properties net of the costs of selling the Properties, and deposit them into the Capital Outlay Water Fund 400004.

APPROVED: MARA W. ELLIOTT, City Attorney

By


Hilda R. Mendoza
Deputy City Attorney

HRM:nja
06/06/19
Or. Dept: READ
Doc. No.: 2023949

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUN 25 2019.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 6/27/19
(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 JUN 25 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 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 JUN 27 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 Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>312537</u>