

RESOLUTION NUMBER R- 313316

DATE OF FINAL PASSAGE NOV 24 2020

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE TERMINATION OF RESTRICTIONS AND FIRST AMENDMENT TO QUITCLAIM DEED ON THE PROPERTY LOCATED AT 6395-97 IMPERIAL AVENUE IN THE CITY OF SAN DIEGO AND AUTHORIZING THE TRANSFER OF FUNDS TO THE LOW AND MODERATE INCOME HOUSING ASSET FUND.

WHEREAS, the real property located at 6395-97 Imperial Avenue in the Encanto community (Site) in the City of San Diego (City) was acquired in 2008 by the Redevelopment Agency of the City of San Diego (Former RDA); and

WHEREAS, the Council of the City of San Diego (City Council) adopted San Diego Resolution No. R-307238 effective January 12, 2012, designating the City to serve as the successor agency to the Former RDA (Successor Agency) pursuant to California Health and Safety Code (Code) section 34173(d)(1), and further designating the City to serve as the housing successor to the Former RDA (Housing Successor) for purposes of performing the Former RDA's housing functions pursuant to Code section 34176(a)(1); and

WHEREAS, as of February 1, 2012, the Former RDA dissolved and 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 transferred the Former RDA's affordable housing assets, including the Site, to the City as Housing Successor on or about January 28, 2013; and

WHEREAS, pursuant to Code section 34176(d), the Housing Successor created a separate fund, known as the Low and Moderate Income Housing Asset Fund (Housing Asset Fund), for purposes of depositing any encumbered funds related to the Housing Assets and retaining any revenues generated from the Housing Assets in the future; and

WHEREAS, Code section 34176.1 requires all monies in the Housing Asset Fund to be used for specified purposes, primarily the development of affordable housing; and

WHEREAS, the Site is approximately 7,400 square feet, contains two small, dilapidated structures, and is impacted by a number of site-specific development constraints, including its relatively small and narrow size, significant slope, and limited vehicular access; and

WHEREAS, the disposition of the Site must advance the development of affordable housing, however because of the various development constraints, the Site has been vacant and unused for more than a decade; and

WHEREAS, in order to satisfy the requirement that the disposition of the Site advance the development of affordable housing, the City proposes to transfer a dollar amount equal to the fair market value of the Site to the Housing Asset Fund and will record a Termination of Restrictions and First Amendment to Quitclaim Deed (Deed) modifying the deed, to terminate the housing restrictions with respect to the Site; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego (Council) as follows:

1. The Mayor, or designee, is authorized to sign and record the Deed.
2. The Chief Financial Officer is authorized to decrease the Capital Improvements Program (CIP) budget and deappropriate an amount not to exceed \$300,000 dollars from ABT00001, Citywide Facilities Improvements, Fund 400265, General Fund Contributions to the CIP Program.

3. Following the recording of the Deed, the Chief Financial Officer is authorized to transfer funds in an amount not to exceed \$300,000 dollars from Fund 400265, General Fund Contributions, to the CIP Program, Fund 200708 Low and Moderate Income Housing Asset Fund.

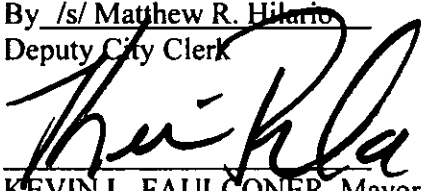
APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Marguerite E. Middaugh  
Marguerite E. Middaugh  
Deputy City Attorney

MEM:jdf  
10/27/2020  
Or.Dept: Economic Dev't  
Doc. No.: 2513706

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 11/17/2020.

ELIZABETH S. MALAND  
City Clerk

By /s/ Matthew R. Hilario  
Deputy City Clerk  
  
KEVIN L. FAULCONER, Mayor

Approved: 11/23/20  
(date)

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on 11/17/2020, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 NOV 24 2020

**(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 , Deputy

Office of the City Clerk, San Diego, California

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