

101
7/19/2022

(R-2022-596)

RESOLUTION NUMBER R- 314225

DATE OF FINAL PASSAGE JUL 21 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO TO AUTHORIZE THE EXPENDITURE OF \$3,295,411.46 TO ACQUIRE FIVE GROSS ACRES OF REAL PROPERTY FROM TRI POINTE HOMES UNDER THE PACIFIC HIGHLANDS RANCH – SUBAREA III NCFUA NEIGHBORHOOD PARK SITE (NP2) PURCHASE AGREEMENT.

WHEREAS, the City of San Diego (City) agreed to purchase certain land from Pardee Construction Company (Pardee) under a Pacific Highlands Ranch – Subarea III NCFUA Neighborhood Park Site (NP2) Purchase Agreement, which the Council of the City of San Diego (City Council) approved on September 8, 1998, by San Diego Ordinance O-18579 (Purchase Agreement); and

WHEREAS, the property subject to the Purchase Agreement consists of five acres, to be used as a neighborhood park, located within Subarea III in the North City Future Urbanizing Area in the City with Assessor Parcel Number 305-264-04 (Property); and

WHEREAS, Pardee's successor in interest, with respect to the Property and the Purchase Agreement, is Tri Pointe Homes IE-SD, a California corporation (Tri Pointe); and

WHEREAS, the Purchase Agreement established a formula for determining the final purchase price for the Property (Purchase Price), which is the sum of (1) the market value of the Property, as of December 18, 2002 (Valuation Date); and (2) certain additional costs consisting of real property taxes attributable to the Property, maintenance costs, qualifying interest costs, and qualifying construction costs (Additional Acquisition Costs); and

WHEREAS, the City and Tri Pointe have determined the Purchase Price is \$3,289,411.46, consisting of a property valuation of \$2,310,000 as determined by an independent MAI appraiser as of the Valuation Date, and \$979,411.46 of Additional Acquisition Costs based on records provided to the City; and

WHEREAS, the Property is to be used in perpetuity as a park site and is subject to reversion to Tri Pointe should the Property not be used for that purpose; and

WHEREAS, the City Council desires to approve an expenditure of funds to pay the Purchase Price, and a reserve of \$6,000, in accordance with the Purchase Agreement; NOW, THEREFORE,

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

1. The Chief Financial Officer is authorized to expend an amount not to exceed \$3,295,411.46 from CIP RD-22000, Fund 400090, Pacific Highlands Ranch Facilities Benefit Assessment for the City's purchase of the Property from Tri Pointe for a neighborhood park, contingent upon the Chief Financial Officer furnishing a certificate certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

2. The Mayor, or his designee, is authorized to sign and deliver all agreements and other instruments, including acceptance of the Grant Deed, to effect and complete the City's acquisition of the Property from Tri Pointe.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Jonathan Stone
Jonathan Stone
Deputy City Attorney

JS:cc
12/27/2021
Or.Dept: DREAM
CC No. 3000014926

Doc. No.: 3013482

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 19 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 7/21/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING CC 3000014926
DEPT. NO.: 1714

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$3,295,411.46

Vendor: Tri-Pointe Homes

Purpose: Authorize the Chief Financial Officer to expend an amount not to exceed \$3,295,411.46 from CIP RD-22000 McGonigle Canyon NP P-2 Fund 400090, Pacific Highlands Ranch Facilities Benefit Assessment to Chicago Title Company for property acquisition and related escrow expenses.

Date: 6/8/2022 By: Sonny Bautista
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Grant Number	Functional Area	G/L Account	Business Area	Cost Center	Internal Order or WBS Element	Original Amount
1	400090	RD-22000	NOT RELEVANT GRANT	OTHR-00000000-CL	512024	1714	1714121301	RD-22000.04	\$3,295,411.46
TOTAL AMOUNT									\$3,295,411.46

CC-381 (REV 7-09)

FUND OVERRIDE
CC 3000014926

Passed by the Council of The City of San Diego on JUL 19 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUL 21 2022.

(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:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

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

By Carrie Patterson, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 314225