

#60C  
11/15/22

(R-2023-246)

RESOLUTION NUMBER R- **314436**

DATE OF FINAL PASSAGE **NOV 28 2022**

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO AUTHORIZING THE SALE OF THE REAL  
PROPERTY AT 8810 MISSION GORGE ROAD IDENTIFIED  
AS ASSESSOR'S PARCEL NUMBER (APN) 383-080-05 AND  
A PORTION OF APN 383-080-03 AND APN 383-080-04  
COMMONLY KNOWN AS THE EAST MISSION GORGE  
PUMP STATION AND RELATED ACTIONS.

WHEREAS, the City of San Diego (City) currently owns the real property located at  
8810 Mission Gorge Road, Santee, California, identified as Assessor's Parcel Number (APN)  
383-080-05, and portions of APN 383-080-03, and 383-080-04, (Real Property) which are  
improved with wastewater collection and conveyance improvements and equipment commonly  
known as the East Mission Gorge Pump Station (On-Site Improvements); and

WHEREAS, the On-Site Improvements, which do not include the East Mission Gorge  
Force Main (Force Main), are fed by a 174-foot long, 48-inch diameter pipe (Off-Site  
Improvements) which is also owned by the City; and

WHEREAS, the City also owns land adjacent to the Real Property, identified as a  
different portion of APNs 383-080-04 and 383-080-03, which is leased by the City to the  
operator of the Carlton Oaks Golf Course, under which the East County Advanced Water  
Purification Joint Powers Authority (ECAWP JPA) needs to acquire a subsurface easement for  
two pipelines required for conveyance and communication facilities between the East Mission  
Gorge Pump Station and the proposed East County Advanced Water Purification facility  
(Subsurface Easement); and

WHEREAS, the ECAWP JPA desires to purchase the Real Property, the On-Site  
Improvements, the Off-Site Improvements and the Subsurface Easement, as well as all  
appurtenances (collectively Property) in accordance with the Purchase and Sale Agreement and

Joint Escrow Instructions which is include in the staff materials accompanying this resolution (Purchase and Sale Agreement); and

WHEREAS, no City department has requested to use the Property, or retain the City's interest in the Property for a future municipal use, except that the Public Utilities Department identified the need for certain access and sewer pipeline easements to be reserved, as well as the need for covenants, conditions, and restrictions to be put in place regarding operation of the East Mission Gorge Pump Station to manage wet weather flows; and

WHEREAS, as part of the Purchase and Sale Agreement, the City will reserve a permanent access easement across the Real Property in order to ensure that the City can access City-owned adjacent land in the future, and the City will also reserve a sewer pipeline easement to access, operate, maintain and repair the City's Force Main, until such time as the Force Main is relocated by the ECAWP JPA off of the Real Property, at which time, the City will quitclaim its interest in the sewer pipeline easement back to the ECAWP JPA; and

WHEREAS, on September 21, 2021, the City Council adopted San Diego Resolution R-313714 (Oct. 1, 2021), declaring the Property exempt surplus land under the Surplus Land Act (as set forth in California Government Code sections 54220 through 54236), and the California Department of Housing and Community Development (HCD) confirmed its agreement with the City Council's declaration in an October 7, 2021, e-mail; and

WHEREAS, the Real Property, On-Site Improvements, and Off-Site Improvements were appraised by an independent Member Appraisal Institute (MAI) appraiser at \$1,872,000, which if the Purchase and Sale Agreement is approved, will be the purchase price paid by the ECAWP JPA to the City for those items (East Mission Gorge Pump Station Purchase Price); and

WHEREAS, the Subsurface Easements are currently being appraised by an MAI appraiser, and City staff is seeking authorization from the City Council to sell the Subsurface

Easement to the ECAWP JPA at the appraised value once determined (Subsurface Easement Purchase Price), as set forth in the Purchase and Sale Agreement; and

WHEREAS, the Council has determined that the sale of the Property is to another public agency because the Property is required for a public purpose, and that the sale is at a price and includes terms that are fair and equitable, and in the public interest; and

WHEREAS, all proceeds received from the sale of City-owned real property must be used exclusively for the acquisition and construction of permanent public improvements in accordance with San Diego Charter section 77; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate NOW, THEREFORE,

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

1. That the Mayor, or designee, is authorized to sell the Property at the appraised value as more specifically set forth in the Purchase and Sale Agreement, which once signed by all Parties will be on file with the City Clerk as Document No. RR- **314436**, and to pay the City's proportionate share of the sale costs from the sale proceeds.

2. That the Mayor, or designee, is authorized to sign and deliver the Purchase and Sale Agreement, and any other documents including the grant deed, easement deed or escrow instructions required to complete the sale of the Property and comply with the City's obligations under the Purchase and Sale Agreement.

3. That the Mayor is authorized to sign and deliver a quitclaim deed to the ECAWP JPA quitclaiming all interest in the sewer pipeline easement reserved to the City in the grant deed to the ECAWP JPA once the conditions in the grant deed are satisfied.

4. That the Chief Financial Officer is authorized to accept and deposit the East Mission Gorge Pump Station Purchase Price, less costs related to the sale, into the Municipal Sewer CIP Fund 700008, and to deposit the Independent Consideration, if any, into the Municipal Sewer Revenue Fund 700000.

5. That the Chief Financial Officer is authorized to accept and deposit the Subsurface Easement Purchase Price, less any costs of sale, into the Municipal Sewer CIP Fund 700008 and Water Utility CIP Fund 700010, in proportion to the ownership interests of each fund in the land through which the Subsurface Easements are being granted.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Melissa D. Ables  
Melissa D. Ables  
Chief Deputy City Attorney

MDA:cw  
October 30, 2022  
Or. Dept: DREAM  
Doc. No.: 3129298

(R-2023-246)

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of NOV 15 2022

ELIZABETH S. MALAND  
City Clerk

By Kristell Medina  
Deputy City Clerk

Approved: 11/21/22  
(date)

Todd Gloria  
TODD GLORIA, Mayor

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

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on NOV 15 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

NOV 28 2022

Date of final passage \_\_\_\_\_.

(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 Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

314436

Resolution Number R-\_\_\_\_\_