

RESOLUTION NUMBER R- **315378**

DATE OF FINAL PASSAGE **MAR 04 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE CITY'S GRANT TO RONALD DROBECK OF A PARKING EASEMENT ON A PORTION OF CITY-OWNED REAL PROPERTY ON NATIONAL AVENUE, DESIGNATED AS ASSESSOR'S PARCEL NUMBER 551-080-35, IN SETTLEMENT OF A LAWSUIT AND TO ALLOW CONSTRUCTION OF THE SOUTHCREST GREEN INFRASTRUCTURE PROJECT.

WHEREAS, in 1998, Ronald Drobeck (Drobeck) and the City of San Diego (City) agreed to an exchange of real property related to the City's 43rd and National Street Realignment Project (Realignment Project) and the City further agreed that the City would relocate the existing parking lot on Drobeck's property used by tenants of Drobeck's apartment buildings; and

WHEREAS, after completing the Realignment Project, the City built the replacement parking lot and Drobeck's tenants used it for many years; and

WHEREAS, in 2018, the City discovered that the replacement parking lot was erroneously built over a portion of the City-owned real property on National Avenue, designated as Assessor Parcel Number 551-080-35 (Property), that the City wants to use for the Southcrest Green Infrastructure Project (Infrastructure Project); and

WHEREAS, in 2019, Drobeck filed a lawsuit against the City to determine the rights and obligations of the parties with respect to the replacement parking lot (San Diego Superior Court Case No. 37-2019-00055963); and

WHEREAS, the City and Drobeck negotiated a settlement of the lawsuit (Settlement Agreement) that will allow the City to build the Infrastructure Project on the Property and

rebuild the replacement parking lot that the City previously provided Drobeck on the Property and adjacent real property owned by Drobeck; and

WHEREAS, on November 13, 2023, the City Council approved the proposed Settlement Agreement between the City and Drobeck in Closed Session, by the following votes: Yeas, Districts 1, 2, 5, 6, 8, and 9; Nays, none; with Districts 3 and 7 Absent.

WHEREAS, under the Settlement Agreement, the City proposes to grant Drobeck an easement over a portion of the City-owned real property on National Avenue, designated as Assessor's Parcel Number 551-080-35, for parking purposes only (Parking Easement), with the parking use beginning after completion of construction of the Infrastructure Project; and

WHEREAS, the City and Drobeck negotiated the terms and conditions of the Parking Easement, a copy of which is included in the docket materials accompanying this Resolution; and

WHEREAS, San Diego Municipal Code section 22.0902 requires that sales or conveyances of easements over City-owned real property be approved by the Council through a resolution; and

WHEREAS, the appraised fair market value of the Parking Easement to be granted by the City to Drobeck is \$132,200; and

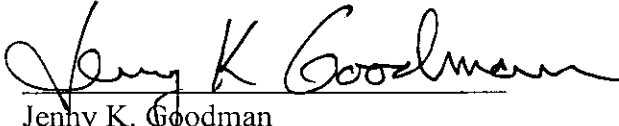
WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. The City's conveyance of the Parking Easement to Drobeck under the Settlement Agreement is approved and authorized.

2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Parking Easement and all other documents necessary to grant the Parking Easement, and take all other actions that are necessary or appropriate to grant the Parking Easement. A copy of the Parking Easement, when signed by both parties, shall be placed on file in the Office of the City Clerk as Document No. RR- **315378**.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Jenny K. Goodman
Lead Deputy City Attorney

JKG:msb
1/12/2024
2/14/2024 COR. COPY
Or.Dept: DREAM
Doc. No. 3561323
Companion to: R-2024-296

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES
City Clerk

By 
Deputy City Clerk

Approved: 3/4/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 27 2024, 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"/>
District 4 - vacant	<input 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"/>
Kent Lee	<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 MAR 04 2024.

(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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

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