9501 11-10-26

(R-2027-156)

RESOLUTION NUMBER R- 317030

DATE OF FINAL PASSAGE NOV 13 2026

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE FIRST AMENDMENT TO THE PURCHASE AND SALE AGREEMENT FOR THE CITY'S SALE OF REAL PROPERTY IN VACATED PUBLIC RIGHT-OF-WAY OF 40TH STREET IN THE NORMAL HEIGHTS AREA OF THE CITY OF SAN DIEGO.

RECITALS

The Council of the City of San Diego (Council) adopts this Resolution based on the following:

A. The City of San Diego (City) owns certain real property currently dedicated as public right-of-way, consisting of approximately 3,640 square feet of 40th Street in the Normal Heights area of the City, north of El Cajon Boulevard and generally located just south of 4344 40th Street, as more specifically identified in the staff report included in the docket materials accompanying this Resolution (Property).

B. On December 13, 2021, by San Diego Resolution R-313819 (Dec. 13, 2021), Council approved the application of Iwashita Real Estate Development, LLC, O'Connor Real Estate Development, LLC, and HDP Opportunity Partners, LLC (collectively, Original Buyer) to vacate the public right-of-way on the Property, Right of Way Vacation No. 2511836 (Original Vacation) conditioned on completion of all requirements in the resolution by the Original Buyer within three years of adoption of the resolution.

C. On July 19, 2022, by San Diego Resolution R-314228 (July 21, 2022), Council declared the Property to be exempt surplus land under the Surplus Land Act (California Government Code sections 54220 through 54234) and, by San Diego Resolution R-314229 (July 21, 2022), approved the Purchase and Sale Agreement with the Original Buyer for the Property (Purchase Agreement). A copy of the Purchase Agreement is included in the docket

materials accompanying this Resolution. The City later consented to the assignment of the Purchase Agreement from the Original Buyer to Bridge Deck Owner LLC, a Delaware limited liability company (Bridge Deck).

D. Neither the Original Buyer nor Bridge Deck satisfied the Original Vacation conditions within three years, causing the Original Vacation to expire prior to the right-of-way being vacated. However, Bridge Deck continues to desire to purchase the Property and vacate the public right-of-way. Therefore, Bridge Deck submitted an updated application, Public Right-of-Way Vacation No. PRJ-3391067 (New Vacation), to the City's Development Services Department.

E. On September 29, 2026, by San Diego Resolution No. 316964 (Sept. 29, 2026), Council approved the New Vacation conditioned on completion of all requirements in the resolution by Bridge Deck within seven years of adoption of the resolution.

F. To address these new circumstances, the City and Bridge Deck negotiated an amendment to the Purchase Agreement (First Amendment) that extends the escrow closing date to allow Bridge Deck to satisfy the New Vacation conditions, among other revisions to the First Amendment. A copy of the First Amendment is included in the docket materials accompanying this Resolution.

G. The Office of the City Attorney prepared this Resolution based on the information provided by City staff, with the understanding that this information is complete and accurate.

ACTION ITEMS

Be it resolved by the Council of the City of San Diego:

1. The Council approves the First Amendment.

2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the First Amendment and take all other actions reasonably necessary to complete the sale of the Property to Bridge Deck, and to take all other actions necessary or appropriate to complete the transactions contemplated by the Purchase Agreement, as amended by the First Amendment. When signed by both parties, the First Amendment will be placed on file in the Office of the City Clerk as Document No. RR- 317030.

3. The Chief Financial Officer is authorized to accept and deposit the proceeds from the sale of the Property, net of costs related to the sale, into the Capital Outlay Misc. Revenue Fund 400002 and the associated $100 independent consideration into the General Fund 100000.

APPROVED: HEATHER FERBERT, City Attorney

By _____
Jose A. Garcia
Deputy City Attorney

JAG:cc
September 10, 2026
Or.Dept: EDD
CC No. N/A
Doc. No. 4544802

I certify that the Council of the City of San Diego adopted this Resolution at a meeting held on NOV 10 2026.

DIANA J.S. FUENTES
City Clerk

By _____
Deputy City Clerk

Approved: 11/13/26 _____
(date)

_____
TODD GLORIA, Mayor

Vetoed: _____
(date)

_____
TODD GLORIA, Mayor

S501

Passed by the Council of The City of San Diego on November 10, 2026, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	☒	☐	☐	☐
Jennifer Campbell	☐	☐	☒	☐
Stephen Whitburn	☒	☐	☐	☐
Henry L. Foster III	☐	☐	☒	☐
Marni von Wilpert	☐	☐	☒	☐
Kent Lee	☒	☐	☐	☐
Raul A. Campillo	☒	☐	☐	☐
Vivian Moreno	☒	☐	☐	☐
Sean Elo-Rivera	☒	☐	☐	☐

Date of final passage NOV 13 2026.

(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 _____, Deputy

Office of the City Clerk, San Diego, California

Resolution Number **R-317030**