

000279	REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO	1. CERTIFICATE NUMBER (FOR AUDITOR'S USE) D/A 105 07/15
TO: City Attorney	2. FROM (ORIGINATING DEPARTMENT): Real Estate Assets Department	3. DATE: May 20, 2008

4. SUBJECT: Sale of Excess Right of Way to San Diego Unified School District

5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Lane MacKenzie (619) 236-6050 MS 51-A	6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Steve Geitz (619) 236-6311 MS 51-A	7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input checked="" type="checkbox"/>
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8. COMPLETE FOR ACCOUNTING PURPOSES

FUND	DEPT.	ORGANIZATION	OBJECT ACCOUNT	JOB ORDER	C.I.P. NUMBER	AMOUNT	9. ADDITIONAL INFORMATION / ESTIMATED COST: Cost: None Fiscal Impact: \$118,000 sale proceeds to be deposited into General Fund Capital Outlay Misc. Revenue Fund No. 302453 Job: 923558 Thomas Guide Page: 1289 J-3
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10. ROUTING AND APPROVALS

ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>J.F. Lank</i>	5/22/08	8	DEPUTY CHIEF	<i>Bert Murray</i>	6/16/08
2	EAS/DSD	<i>Ala Ba</i>	5/23/08				
3	TRANSPORTATION - STREETS DIVISION	<i>[Signature]</i>	6/5/08	10	CITY ATTORNEY	<i>[Signature]</i>	6/23/08
4	CFO / FINANCIAL MANAGEMENT	<i>[Signature]</i>	6/10/08	11	ORIGINATING DEPARTMENT	<i>Steve Geitz</i>	6/24/08
5	EOCP MEMO 5-3-1995				DOCKET COORD:	<i>[Signature]</i>	7/1/08
6	LIAISON OFFICE	<i>[Signature]</i>	6/11/08		COUNCIL PRESIDENT	<i>[Signature]</i>	
7	AUDITORS	<i>[Signature]</i>	6/16/08				

11. PREPARATION OF: RESOLUTION(S) ORDINANCE(S) AGREEMENT(S) DEED(S)

- 1) Authorize the Mayor or his designee to execute a Quitclaim Deed (Form of attached) in favor of the San Diego Unified School District, for the conveyance and sale of that portion of the Northwest Quarter of Lot 39 of Horton's Purchase in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878.
- 2) Authorize the Auditor to accept fair market value compensation in the amount of \$118,000 for the subject 8,959 square foot parcel, and deposit the funds into the General Fund, Capital Outlay Miscellaneous Revenue, Fund No. 302453.

11A. STAFF RECOMMENDATIONS: Adopt the Resolutions.

12. SPECIAL CONDITIONS:

COUNCIL DISTRICT(S): 4 - YOUNG

COMMUNITY AREA(S): CHOLLAS VIEW

ENVIRONMENTAL IMPACT: THE SAN DIEGO UNIFIED SCHOOL DISTRICT, AS LEAD AGENCY UNDER CEQA, HAS PREPARED AND ADOPTED A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CONSTRUCTION AND EXPANSION OF MEAD ELEMENTARY SCHOOL, DATED JANUARY 2003 (EIR), AND AN ADDENDUM TO THE PREVIOUSLY CERTIFIED EIR. THE SCHOOL BOARD ADOPTED THE EIR ON FEBRUARY 4, 2003, AND THE ADDENDUM ON MAY 27, 2003. THE STATE CLEARINGHOUSE NUMBER IS 201111046.

ACTION REQUESTED BY: REAL ESTATE ASSETS DEPARTMENT

DESCRIPTIVE LOCATION: 45TH STREET, SOUTH OF MARKET STREET, AND NORTH OF I-805 CORRIDOR.

VALUATION: APPRAISED FAIR MARKET VALUE OF \$118,000, BY JAMES BRABANT, MAI, REVIEWED AND APPROVED BY STAFF APPRAISER DECEMBER 12, 2007.

ATTACHMENTS: QUITCLAIM DEED (FORM OF), VICINITY MAP, LEGAL DESCRIPTION AND PLAT MAP.

CITY CLERK INSTRUCTIONS: **DO NOT RECORD.** RETURN DOCUMENTS TO REAL ESTATE ASSETS DEPARTMENT, ATTN: STEVE L. GEITZ, MS 51-A, FOR FURTHER HANDLING.

EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE ISSUED:	REPORT NO:
ATTENTION:	Council President and City Council
ORIGINATING DEPARTMENT:	Real Estate Assets Department
SUBJECT:	Sale of Excess Right-of-Way to San Diego Unified School District
COUNCIL DISTRICT(S):	4
CONTACT/PHONE NUMBER:	Stephen L. Geitz; (619) 236-6311

REQUESTED ACTION:

- 1) Authorize the Mayor or his designee to execute a Quitclaim Deed in favor of the San Diego Unified School District, for the conveyance and sale of that portion of the Northwest Quarter of Lot 39 of Horton's Purchase in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878.
- 2) Authorize the Auditor to accept fair market value compensation in the amount of \$118,000 for the subject 8,959 square foot parcel, and deposit the funds into the General Fund, Capital Outlay Miscellaneous Revenue Fund No. 302453.

STAFF RECOMMENDATION: Staff recommends adopting the Resolutions.

EXECUTIVE SUMMARY:

The subject 8,959 square foot parcel is a portion of street right-of-way, acquired and dedicated as 45th Street, per Ordinance No. 5959, adopted February 9, 1954. Subsequent to this acquisition, only a portion of the dedicated right-of-way was improved as a street, due to the construction of State Highway 805 at what would have been the southern extreme of the right-of-way area. As such, the 8,959 square foot portion of right-of-way is considered "excess", and deemed available for sale. As part of the expansion of Mead Elementary School, immediately east of the subject parcel, the excess right-of-way portion was incorporated into Unified School District's expansion plans by way of a Consolidation Map, with the understanding that the District would pay the City fair market value compensation for the property rights.

This action will authorize the sale and conveyance of the property rights by way of a quitclaim deed, which in turn will allow for the Consolidation Map to be finalized, and formal vacation of the dedicated right-of-way.

FISCAL CONSIDERATIONS: \$118,000 will be deposited into the General Fund, Capital Outlay Miscellaneous Revenue, Fund No. 302453

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None by the City. The San Diego Unified School District's Board of Directors approved the purchase of the subject parcel, in closed session, on March 25, 2008.

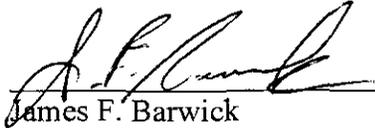
COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: None.

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KEY STAKEHOLDERS AND PROJECTED IMPACTS:

The City of San Diego will benefit from the General Fund deposit, and the maintenance burden of the existing right-of-way will be eliminated with the vacation and sale.

The San Diego Unified School District will now have the ability to finalize the Consolidation Map, and move forward with development plans as necessary.



James F. Barwick
Real Estate Assets Director



William Anderson
Deputy Chief Operating Officer

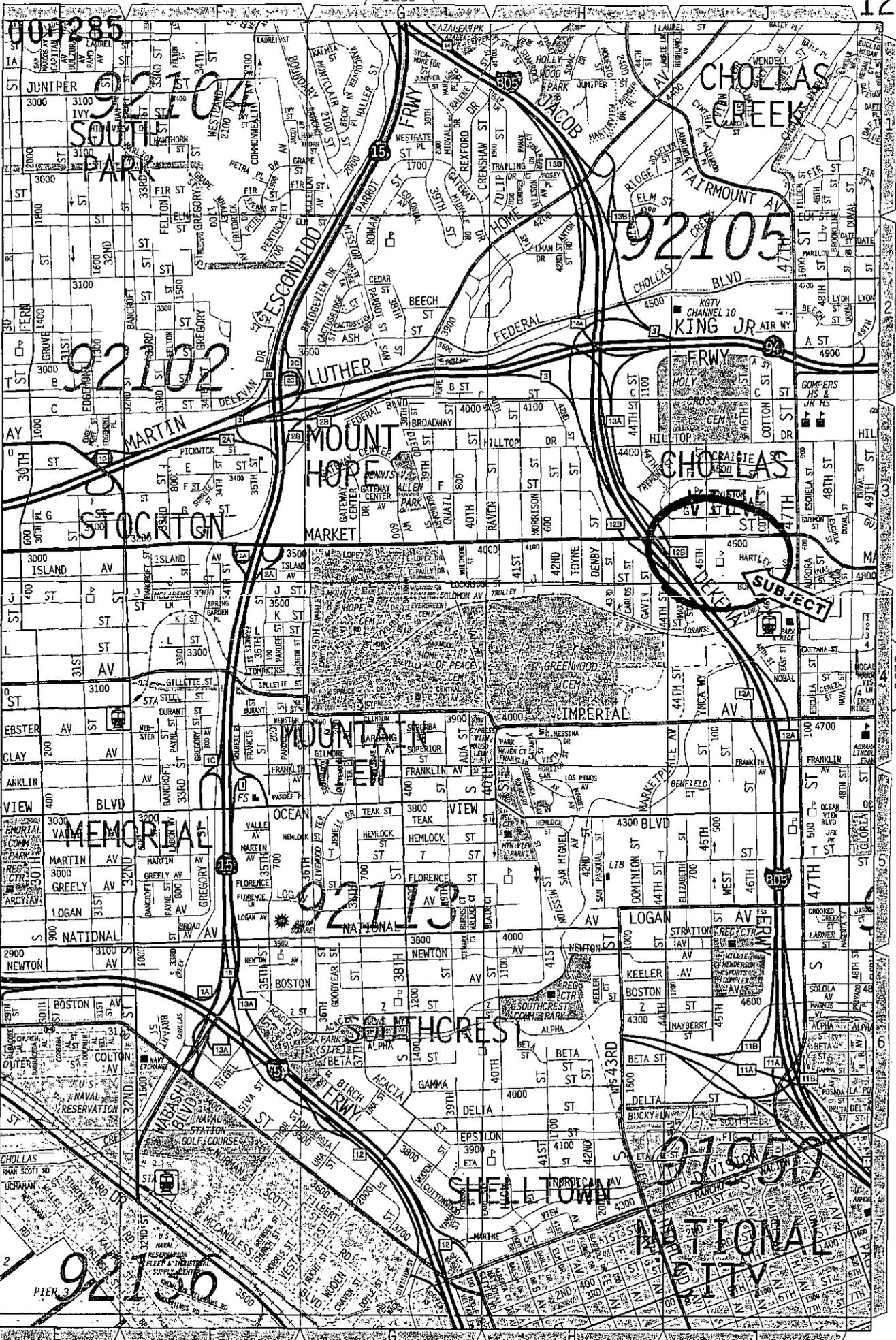
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PROPERTY INFORMATION SUMMARY

Sale of City Property to San Diego Unified School District

1. **Address of Property/Council District:** East side of 45th St., south of Market St. / Dist 4
2. **APN:** Subject Parcel – Public Street
3. **Size of Parcel:** 8,959 square feet
4. **Improvements:** Landscaping and parking lot.
5. **Zoning/Allowed uses:** MF – 3000 (Multi-family residential)
6. **Date of Acquisition:** 45th Street right-of-way dedicated to the City per Map No. 3616, February 9, 1954.
7. **Price at Acquisition:** N/A
8. **Origin of funds at Acquisition:** N/A
9. **Buyer:** San Diego Unified School District
10. **Reason for sale of Property:** Potential expansion of existing elementary school.
11. **Sales Price:** \$118,000
12. **Distribution of Proceeds:** \$118,000 to General Fund, Capital Outlay
Miscellaneous Revenue Fund, No. 302453
13. **Gain (or loss) on this sale of Property:** \$118,000
14. **Map of Property:** See attached.
15. **Photos of Property:** See attached.
- Comments:** None.

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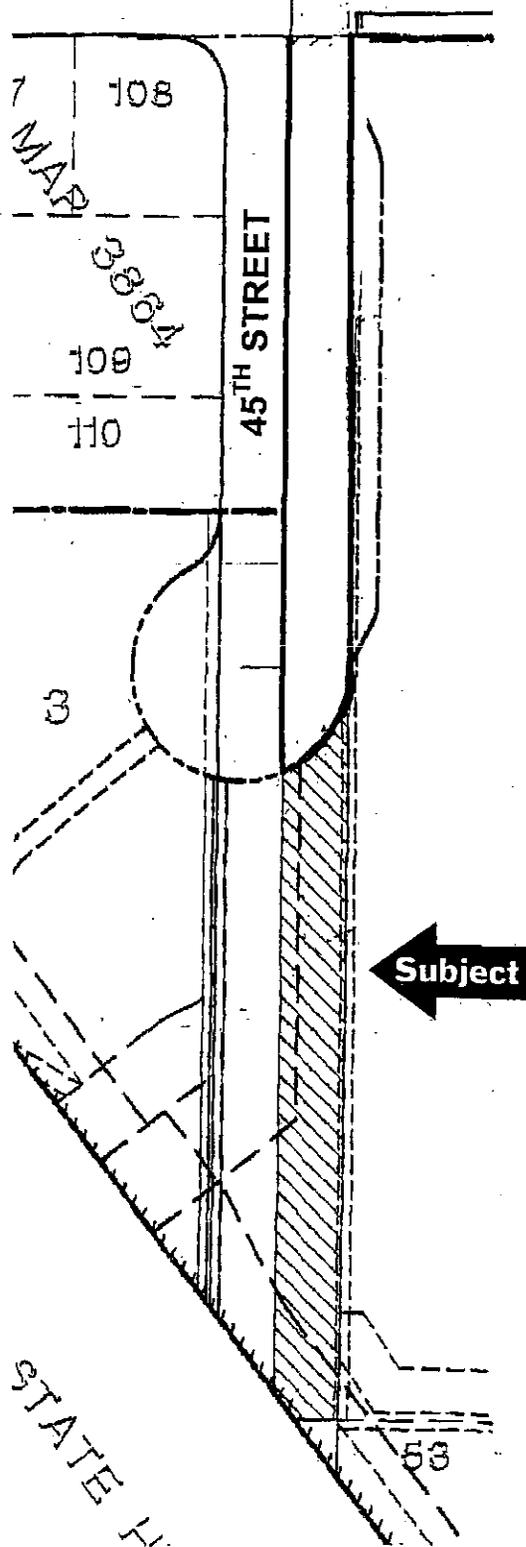
SAN DIEGO, CO

SEE 1290 MAP

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PARCEL MAP

MARKET STREET

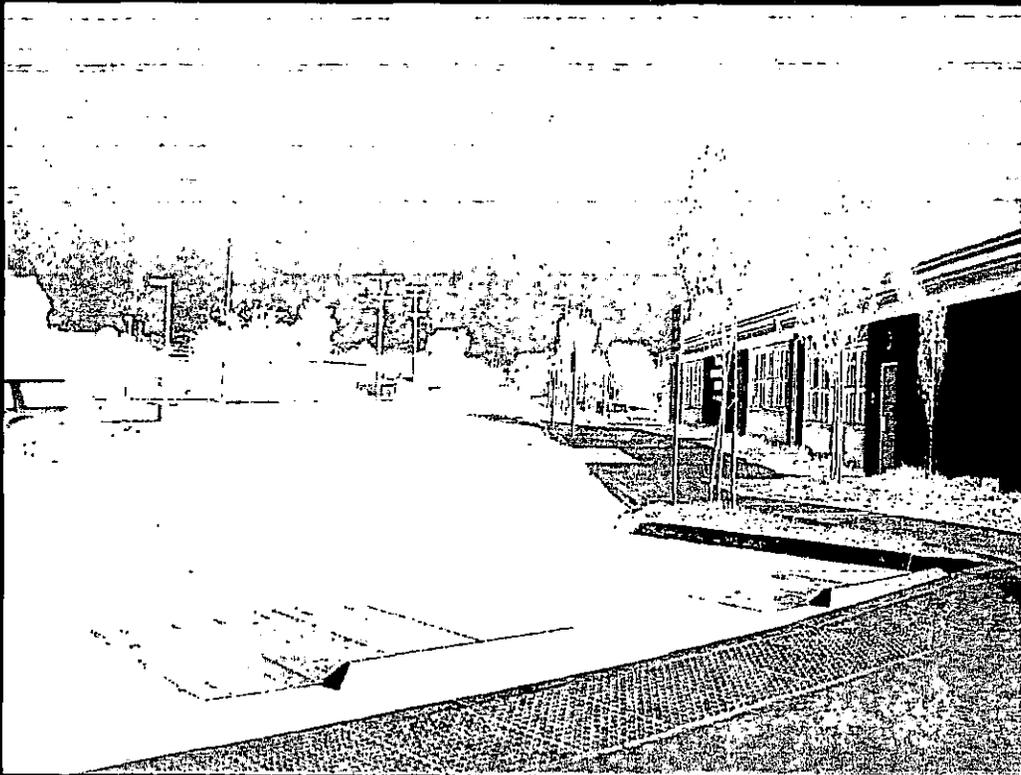


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SUBJECT PROPERTY PHOTOGRAPHS



Looking southerly toward the subject property.



Looking northerly across the northern portion of the subject property.

After recording mail
to:

City Clerk
City of San Diego
Mail Station 2A

				ALL
				PTN

FORM OF

000291

SPACE ABOVE THIS LINE FOR RECORDER'S USE
NO DOCUMENTARY TAX DUE - R&T 11922 (amended)
Presented for record by the CITY OF SAN DIEGO

QUITCLAIM DEED

The City of San Diego, a municipal corporation,
in the County of San Diego, State of California,

for a valuable consideration, does hereby Remise, Release, and QUITCLAIM to

The SAN DIEGO UNIFIED SCHOOL DISTRICT

All Right, Title and Interest in and to the following described Real Property
situated in the City of San Diego, County of San Diego,
State of California:

See Exhibit "A" Legal Description, and Exhibit "B" Drawing, attached hereto, and
by this reference incorporated herein.

IN WITNESS WHEREOF, the City of San Diego has caused this deed to be executed by
the undersigned officer, on behalf of the City of San Diego, pursuant to
Resolution of the City Council, authorizing such execution, this _____ day
of _____, 2008.

James F. Barwick, Director
Real Estate Assets Department

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LEGAL DESCRIPTION

EXHIBIT A

That portion of the Northwest Quarter of Lot 39 of Horton's Purchase in the Ex Mission Lands of San Diego, in the City of San Diego, County of San Diego, State of California, according to the Map thereof No. 283, filed in the Office of the Recorder of said San Diego County March 9, 1878, more particularly described as follows:

COMMENCING at the Northwest corner of said Lot 39; thence along the Westerly line thereof, South 00°47'48" East, 374.69 feet to the TRUE POINT OF BEGINNING; thence continuing along said Westerly line, South 00°47'48" East, 275.54 feet to a point in the Northerly line of State Hwy 11-SD-805 as shown on MS Map 769 dated October 1975; thence along said Northerly line, South 37°59'06" East, 15.83 feet to a point on the Northerly line of Lise Terrace, Map No. 3616, filed in the Office of the Recorder of said San Diego County April 2, 1957; thence along said Northerly line, South 89°46'55" East, 20.08 feet to a point on a line parallel with and 30.00 feet Easterly at right angles to the above described course bearing South 00°47'48" East; thence along said parallel line, North 00°47'48" West, 333.72 feet to a point on the arc of a non-tangent 50.00 foot radius curve concave to the Northwest, a line radial to said point bears South 89°12'12" East; thence Southwesterly along the arc of said curve through a central angle of 66°25'19", a distance of 57.96 feet to the TRUE POINT OF BEGINNING.

Said parcel of land contains 8,959 sq. ft., or 0.206 acre more or less.

This legal description was prepared by me, or under my direction, in accordance with the Land Surveyor's Act this August 12, 2004.

Mary M. Acosta

Mary M. Acosta, P.L.S. 6664
My Registration Expires: 06/30/2006

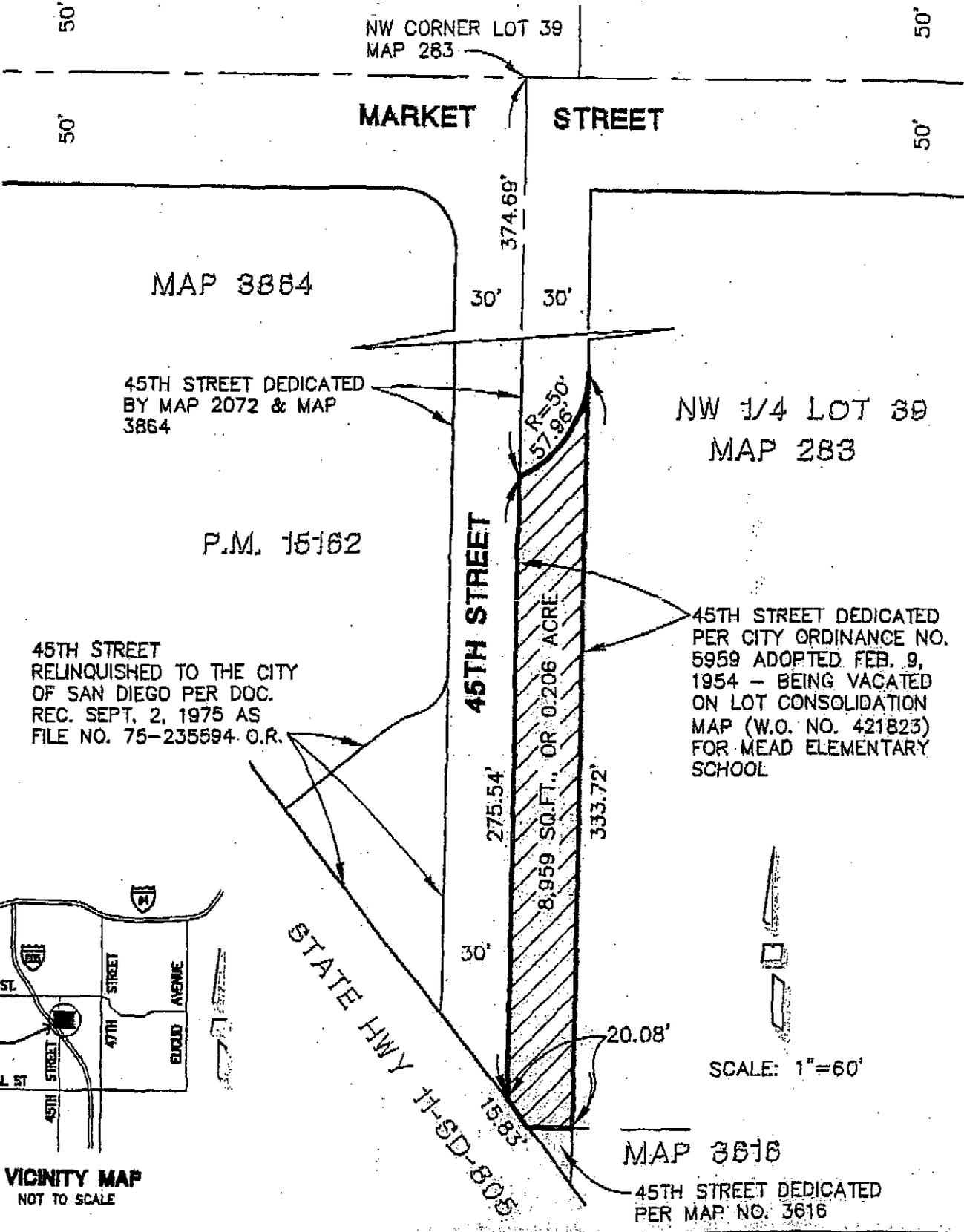


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EXHIBIT "B"

SHEET 1 OF 1 SHEET

NW CORNER LOT 39
MAP 283



MAP 3864

45TH STREET DEDICATED
BY MAP 2072 & MAP
3864

P.M. 15162

45TH STREET
RELINQUISHED TO THE CITY
OF SAN DIEGO PER DOC.
REC. SEPT. 2, 1975 AS
FILE NO. 75-235594 O.R.

NW 1/4 LOT 39
MAP 283

45TH STREET DEDICATED
PER CITY ORDINANCE NO.
5959 ADOPTED FEB. 9,
1954 - BEING VACATED
ON LOT CONSOLIDATION
MAP (W.O. NO. 421B23)
FOR MEAD ELEMENTARY
SCHOOL



VICINITY MAP
NOT TO SCALE

STATE HWY 11-SD-805

MAP 3616

45TH STREET DEDICATED
PER MAP NO. 3616

SCALE: 1"=60'

**POUNTNEY
FROMAR**
4455 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CA 92123 (602) 576-8200
©2004 POUNTNEY FROMAR

45TH STREET

SOUTH OF MARKET STREET AND NORTH OF
STATE HIGHWAY 11-SD-805, IN THE CITY OF
SAN DIEGO, STATE OF CALIFORNIA

1838-6297

NAD 83C

198-1737

LANBERT COORDINATES

RESOLUTION NUMBER R-_____

DATE OF FINAL PASSAGE _____

A RESOLUTION AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO EXECUTE QUITCLAIM DEED IN FAVOR OF THE SAN DIEGO UNIFIED SCHOOL DISTRICT FOR THE CONVEYANCE AND SALE OF A PORTION OF LAND TO EXPAND MEAD ELEMENTARY SCHOOL.

WHEREAS, the subject 8,959 square foot parcel is a portion of street right-of-way, acquired and dedicated as 45th Street, per Ordinance No. 5959, adopted February 9, 1954; and

WHEREAS, subsequent to this acquisition, only a portion of the dedicated right-of-way was improved as a street and the 8,959 square feet is considered excess, and deemed available for sale; and

WHEREAS, as part of the expansion of Mead Elementary School, immediately east of the property [Property], the excess right-of-way was incorporated into San Diego Unified School District's [SDUSD] expansion plans by way of a Consolidation Map, with the understanding that the SDUSD would pay the City of San Diego [City] the fair market value for the property; and

WHEREAS, this action will authorize the sale by way of a quitclaim deed, which will finalize the Consolidation Map; and

WHEREAS, the City will benefit from the General Fund deposit and the elimination of the maintenance burden of the existing right-of-way with the sale; and

WHEREAS, the appraised fair market value of \$118,000 was determined by James Brabant, MAI, and agreed upon by SDUSD; NOW, THEREFORE,

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BE IT RESOLVED, by the Council of the City of San Diego, that the Mayor, or his designee, is authorized to execute a Quitclaim Deed in favor of the San Diego Unified School District, for the conveyance and sale of that portion of the Northwest Quarter of Lot 39 of Horton's Purchase in the Ex-Mission Lands of San Diego, according to Map thereof No. 283, filed in the Office of the County Recorder of San Diego County, March 9, 1878.

BE IT FURTHER RESOLVED, that the Auditor and Comptroller, or his designee, is authorized to accept and deposit \$118,000 into the General Fund, Capital Outlay Miscellaneous Revenue, Fund No. 302453.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Todd Bradley
Deputy City Attorney

TB:bas
06/20/08
Or.Dept: READ
R-2008-1195
MMS #6400

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

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor