

(R-2021-522)

RESOLUTION NUMBER R- 313624

DATE OF FINAL PASSAGE JUL 16 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE REAL PROPERTY PURCHASE AND SALE AGREEMENT FOR THE CITY'S ACQUISITION OF APPROXIMATELY 40 ACRES OF UNDEVELOPED LAND IN UNINCORPORATED SAN DIEGO COUNTY DESIGNATED AS ASSESSOR'S PARCEL NUMBER 242-140-04 AND APPROVING THE EXPENDITURE OF AN AMOUNT NOT TO EXCEED \$217,000 FOR THE PURCHASE PRICE AND RELATED ACQUISITION COSTS.

WHEREAS, that certain real property designated as Assessor's Parcel Number 242-140-04, consisting of approximately 40 acres of undeveloped land located north of Highway 78 in the San Pasqual Valley in unincorporated San Diego County (Property), is owned by the following persons (collectively, Seller): (1) Louise Mae Judson Carroll and William J. Carroll, Trustees under Declaration of Carroll Estate Trust dated Feb 5, 1991; (2) Lynn J. Judson, Trustee of the Milton Judson Trust dated June 27, 1997; (3) Andrew B. Judson; (4) Thomas P. Judson; (5) Janelle L. Judson; (6) Charisse Jean Bunnell; (7) Charles Gary Carroll; (8) Christine Louise Faulkner; (9) Pamela Ann Justice; (10) Tarra Judson Stariell, Trustee of the Tarra Judson Stariell Trust dated July 6, 2005; and (11) Patrick Justice and Pamela Carroll Justice, Trustees of the Justice Revocable Living Trust dated January 26, 2009; and

WHEREAS, the Property is surrounded by watershed land owned by the City of San Diego (City), is landlocked with no deeded legal access, and is located within the City's Multi-Habitat Planning Area; and

WHEREAS, based on a request from the City's Public Utilities Department, the City seeks to acquire the Property from Seller to ensure on-site habitat continuity, provide source

water protection for Santa Ysabel Creek, and eliminate any future need for the City to request easements for legal access on or over the Property; and

WHEREAS, the City and Seller have negotiated the terms of the Real Property Purchase and Sale Agreement (Purchase Agreement), a copy of which is included in the docket materials accompanying this Resolution; and

WHEREAS, under the Purchase Agreement, the City will have the right to purchase the Property for a purchase price of \$212,000; and

WHEREAS, in addition to paying the purchase price, the City will incur certain incidental costs to acquire the Property, including an up-front payment of independent consideration in the amount of \$100 and certain escrow closing costs, such as title insurance costs and escrow fees, all as further specified in the Purchase Agreement; and

WHEREAS, the City obtained an independent appraisal of the Property, showing a value of \$312,000, but Seller offered the Property for sale to the City for \$212,000, representing a discount of \$100,000; NOW, THEREFORE,

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

1. The Council approves the Purchase Agreement and authorizes the City's acquisition of the Property in accordance with the Purchase Agreement.
2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Purchase Agreement and all other documents necessary to acquire the Property in accordance with the Purchase Agreement, and take all other actions that are necessary or appropriate to acquire the Property. A copy of the Purchase Agreement, when signed by both parties, shall be placed on file in the Office of the City Clerk as Document No. RR- 313624.

3. The Chief Financial Officer is authorized to expend an amount not to exceed \$217,000 from Fund 700011 (Water Utility Operating Fund 2000 Public Utilities) for the purchase price and other costs related to the City's acquisition of the Property in accordance with the Purchase Agreement.

APPROVED: MARA W. ELLIOTT, City Attorney

By  /s/ Kevin Reisch  
Kevin Reisch  
Senior Chief Deputy City Attorney

KJR:jdf  
6/15/21  
Or.Dept: Real Estate Assets  
Doc. No. 2689787  
Companion to: R-2021-523

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of  06/29/2021.

ELIZABETH S. MALAND  
City Clerk

By  /s/Linda Irvin  
Deputy City Clerk

Approved:  7/16/21  
(date)

  
TODD GLORIA, Mayor

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

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

Passed by the Council of The City of San Diego on JUN 29 2021, 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 16 2021

(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 Ginda Irwin, Deputy

Office of the City Clerk, San Diego, California  
**313624**  
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