

#332b
04/12/2022

(R-2022-411)

RESOLUTION NUMBER R- 314061

DATE OF FINAL PASSAGE APR 26 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THAT 2.041 ACRES OF PUBLIC RIGHT-OF-WAY ON SAN DIEGO MISSION ROAD AND MISSION VILLAGE DRIVE IN THE MISSION VALLEY AREA OF SAN DIEGO IS EXEMPT SURPLUS LAND.

WHEREAS, the City of San Diego (City) owns certain real property, consisting of 2.041 acres of public right-of-way on San Diego Mission Road and Mission Village Drive in the Mission Valley area of San Diego, California (Property), and located contiguous to the northern boundary of the former stadium site at 9449 Friars Road (Former Stadium Site); and

WHEREAS, pertinent City departments reviewed the Property, and none of these City departments requested retention of the Property for a City municipal use, except that the City's Public Utilities Department determined that the City will need to reserve an appropriate easement for sewer improvements in any sale of the Property; and

WHEREAS, the Surplus Land Act (California Government Code sections 54220 through 54234) is generally intended to make a local agency's surplus land (i.e., land not needed for the local agency's use) available for potential acquisition by affordable housing sponsors or other local public entities; and

WHEREAS, California Government Code section 54221(b)(1) requires the San Diego City Council (Council) to take formal action at a regular public meeting to declare the Property surplus land or exempt surplus land, as supported by written findings, before the City may take any action to dispose of the Property; and

WHEREAS, the written findings supporting an exempt surplus land declaration must be provided to the California Department of Housing and Community Development (HCD) for

review at least thirty (30) days before the City's disposition of the land under Section 400(e) of HCD's Surplus Land Act Guidelines (SLA Guidelines); and

WHEREAS, the Board of Trustees of the California State University, the State of California acting in its higher education capacity on behalf of San Diego State University (CSU), seeks to acquire the Property to facilitate the redevelopment of its contiguous real property (i.e., the Former Stadium Site) as a mixed-use campus village that will become part of the San Diego State University campus; and

WHEREAS, simultaneous with the adoption of this Resolution, the Council has approved the City's vacation of the public right-of-way on the Property; and

WHEREAS, if the City sells the Property to CSU, the Property will be exempt surplus land under California Government Code section 54221(f)(1)(D) because the City will be disposing of the Property by transferring it to a state agency (i.e., CSU) for that agency's use, namely CSU's redevelopment of the Former Stadium Site; and

WHEREAS, if the City sells the Property to CSU, the Property also will be exempt surplus land under California Government Code section 54221(f)(1)(E) because the City will be conveying surplus land that is a former street or right-of-way to the owner of adjacent property (i.e., CSU); and

WHEREAS, the Council's declaration that the Property is exempt surplus land, contingent upon the City's sale of the Property to CSU, does not require that the City sell the Property to CSU, nor does it require that such a sale contain any specific term or condition; and

WHEREAS, the Council's declaration that the Property is exempt surplus land is contingent upon the City's sale of the Property to CSU, and if for any reason the City does not

sell the Property to CSU, the Council does not intend for this declaration to have any force or effect; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that the Property is exempt surplus land under paragraphs (f)(1)(D) and (f)(1)(E) of California Government Code section 54221, based on the facts and reasons set forth in this Resolution and contingent upon the Council's discretionary approval of the sale of the Property to CSU and the completion of that sale transaction.

APPROVED: MARA W. ELLIOTT, City Attorney

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

KJR:jdf
03/25/22
Or.Dept: DREAM
Doc. No. 2798954
Companion to: R-2022-410 & R-2022-412

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego at this meeting of APR 12 2022.

ELIZABETH S. MALAND
City Clerk

By Connie Patterson
Deputy City Clerk

Approved: 4/26/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 12 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 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 APR 26 2022.

(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California

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