

RESOLUTION NUMBER R- 314062

DATE OF FINAL PASSAGE APR 26 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A PURCHASE AND SALE AGREEMENT FOR THE CITY'S SALE OF 2.041 ACRES OF PUBLIC RIGHT-OF-WAY ON SAN DIEGO MISSION ROAD AND MISSION VILLAGE DRIVE IN THE MISSION VALLEY AREA TO THE BOARD OF TRUSTEES OF THE CALIFORNIA STATE UNIVERSITY FOR \$240,000, AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT AND DEPOSIT THE INDEPENDENT CONSIDERATION AND THE PROCEEDS OF THE SALE.

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 (Property); and

WHEREAS, the Property is located immediately north of the former stadium site, which the City sold in August 2020 to 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), in accordance with a citizens' initiative measure commonly known as Measure G; and

WHEREAS, the August 2020 transaction for the City's sale of the 135-acre former stadium site to CSU did not address, require, or contemplate the City's sale of the two-acre Property to CSU; and

WHEREAS, CSU is processing a street vacation of the Property with the City's Development Services Department and desires to purchase the Property from the City to facilitate CSU's redevelopment of the former stadium site as a mixed-use campus village; and

WHEREAS, substantially concurrent with the adoption of this Resolution, the San Diego City Council has adopted a separate resolution declaring the Property to be exempt surplus land,

and the City will submit that separate resolution to the California Department of Housing and Community Development (HCD) for its review; and

WHEREAS, the City proposes to sell Property at its appraised value, in compliance with Paragraph G(3) on page 6 of Council Policy 700-10, which provides that an exclusively negotiated sale to a contiguous owner may be justified when the fee interest in a right-of-way is no longer required, as long as the City reserves appropriate easements in the sale transaction; and

WHEREAS, the City's principal appraiser has determined the current fair market value of the Property to be \$240,000; and

WHEREAS, the City and CSU have negotiated a 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 agrees to sell and CSU agrees to purchase the Property for its appraised value of \$240,000, subject to the City's reservation in the Grant Deed of a permanent easement on a portion of the Property for the City's installation and operation of sewer pipeline improvements and related access rights; and

WHEREAS, Section 10.1 of the Purchase Agreement sets forth several conditions to the closing of CSU's acquisition of the Property, including HCD's concurrence that the Property is exempt surplus land for purposes of the California Surplus Land Act; and

WHEREAS, the City will not owe any brokerage commission in connection with the sale of the Property to CSU; and

WHEREAS, San Diego Charter section 77 requires the City to use all proceeds from the sale of City-owned real property exclusively for the acquisition, construction, replacement, and financing of permanent public improvements; 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 sale of the Property to CSU, subject to the City's reservation of the sewer and related access easement, 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, the Grant Deed, and all other documents necessary to complete the City's sale of the Property to CSU, and to take all such other actions as necessary or appropriate to consummate and implement all transactions contemplated by the Purchase Agreement. 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- 314062.
3. The Chief Financial Officer is authorized and directed to accept CSU's payment of the Independent Consideration of \$100 in accordance with Section 1 of the Purchase Agreement, and deposit this amount into Fund Number 100000, General Fund.
4. The Chief Financial Officer is authorized and directed to accept the City's proceeds of the sale of the Property, net of all costs of the sale transaction, and deposit those net proceeds into Fund Number 400002, Capital Outlay Miscellaneous Revenue Fund.

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. 2777659
Companion to: R-2022-410 & R-2022-411

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 Peterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 314062