

RESOLUTION NUMBER R- 314609

DATE OF FINAL PASSAGE MAR 10 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING A PURCHASE AND SALE AGREEMENT FOR THE CITY'S SALE OF 8.18 ACRES OF UNIMPROVED REAL PROPERTY IN THE SORRENTO MESA AREA OF THE CITY OF SAN DIEGO TO LS LUSK LAND, LLC; AUTHORIZING THE PAYMENT OF REAL ESTATE BROKERAGE COMMISSIONS RELATED TO THE SALE; AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO ACCEPT AND DEPOSIT THE INDEPENDENT CONSIDERATION AND THE SALE PROCEEDS.

WHEREAS, the City of San Diego (City) owns certain real property consisting of 8.18 acres of unimproved land in the Sorrento Mesa area of the City, specifically identified as Assessor's Parcel Number 340-090-27 (Property); and

WHEREAS, the Property is within the City of San Diego Multiple Species Conservation Plan (MSCP) Subarea Plan's Multi-Habitat Planning Area (MHPA), and any proposed development of the Property is subject to conformance with the City's MCSP Subarea Plan, specific development regulations pertaining to sensitive biological resources in the Environmentally Sensitive Lands Regulations of the San Diego Municipal Code (Chapter 14, Article 3, Division 1), and the Land Development Code Biological Guidelines (2018); and

WHEREAS, the Property is Pueblo Land subject to San Diego Charter section 219 and was authorized for sale for the general purposes of accommodating scientific research activities, manufacturing research and development activities, corporate headquarters, high technological-like manufacturing activities and related or similar uses, by San Diego Ordinance O-12685 (June 29, 1979) and the local electorate's ratification of Ordinance O-12685 on September 18, 1979; and

WHEREAS, the City has no current or foreseeable use for the Property and has determined the Property to be in excess of the City's needs; and

WHEREAS, on July 16, 2021, the Council of the City of San Diego (Council) adopted Resolution R-313627, declaring the Property to be surplus land under the Surplus Land Act (SLA), California Government Code sections 54220 through 54234; and

WHEREAS, on December 6, 2021, the City issued a written notice of availability (NOA) of the Property in compliance with the SLA; and

WHEREAS, the City did not receive any responses to the NOA; and

WHEREAS, the value of the Property as disclosed by an appraisal made by Anderson & Brabant, Inc. within the past six months is \$220,000; and

WHEREAS, City staff has determined it is in the best interests of the City to retain the services of a real estate broker, Cushman & Wakefield of San Diego, Inc. (Cushman & Wakefield), who was selected following a request for proposal process, to assist the City in marketing the Property to achieve the highest sale price for the City; and the City will pay a real estate broker's commission to Cushman & Wakefield in the amount of \$50,000, all in compliance with San Diego Municipal Code section 22.0905; and

WHEREAS, on July 26, 2022, Cushman & Wakefield listed the Property for sale; and

WHEREAS, on September 14, 2022, Cushman & Wakefield received purchase offers for the Property from potential buyers ranging from \$223,000 to \$445,000; and

WHEREAS, City staff notified all potential buyers to submit best and final offers directly to City staff by September 28, 2022; and

WHEREAS, the City received best and final offers ranging from \$482,000 to \$1,000,000; and

WHEREAS, following a review of the purchase offers, the City and LS Lusk Land, LLC (Buyer) 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 Buyer agrees to purchase the Property for \$1,000,000, subject to various terms and conditions; and

WHEREAS, Ordinance O-12685 requires that all proceeds from the City's sale of the Property be placed into a Capital Outlay Fund to be used solely and exclusively for the purpose of financing acquisition and construction of police sub-stations and other permanent improvements for police purposes; and

WHEREAS, the Office of the City Attorney has drafted this Resolution based on the information provided by City staff (including information provided by affected third parties and verified by City staff), with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

1. The Purchase Agreement is approved, and the City's sale of the Property under the terms and conditions of the Purchase Agreement is authorized.

2. The Mayor or designee is authorized, on the City's behalf, to sign and deliver the Purchase Agreement and all other documents necessary or appropriate to complete the City's sale of the Property to Buyer under the Purchase Agreement, and to take all other actions necessary or appropriate to complete 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-314609.


3. The Mayor or designee is authorized, on the City's behalf, to cause a portion of the City's sale proceeds from the Property, consisting of a real estate broker's commission in the amount of \$50,000, to be disbursed to Cushman & Wakefield, in compliance with San Diego Municipal Code section 22.0905.

4. The Chief Financial Officer is directed and authorized to accept Buyer's payment of the Independent Consideration of \$100 under Section 1 of the Purchase Agreement and deposit this amount into Fund Number 100000, General Fund.

5. The Chief Financial Officer is authorized and directed to accept the proceeds of the sale of the Property, net of real estate broker's commissions and all costs of the sale payable by the City, and deposit those net proceeds into the Capital Outlay Pueblo Land/Police Decentralization Fund 400006.

APPROVED: MARA W. ELLIOTT, City Attorney

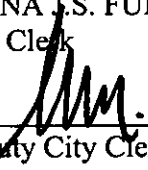
By


Julie Gough Inman
Deputy City Attorney

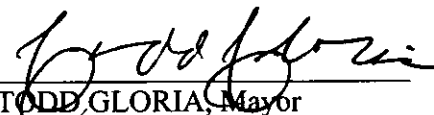
JGI:cw
2/10/23
Or.Dept: DREAM
CC No.: N/A
Doc. No.: 3217844

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 28 2023.

DIANA I.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Approved: 3/9/23
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on FEB 28 2023, 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"/>
Kent Lee	<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"/>

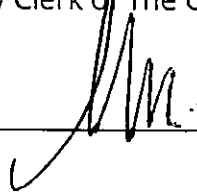
Date of final passage MAR 10 2023.

(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.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

(Seal)

Office of the City Clerk, San Diego, California

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