

RESOLUTION NUMBER R- 315667

DATE OF FINAL PASSAGE JUL 10 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THAT 40 SQUARE FEET OF REAL PROPERTY IN THE PUBLIC RIGHT-OF-WAY OF AN UNNAMED ALLEY WITHIN BLOCK 16 OF SORRENTO LANDS AND TOWNSITE OFF SORRENTO VALLEY ROAD IN THE CITY OF SAN DIEGO IS EXEMPT SURPLUS LAND, APPROVING A PURCHASE AND SALE AGREEMENT FOR THE CITY'S SALE OF THE PROPERTY TO VELMATT L.P. FOR \$2,800, 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 0.0009 acre (40 square feet) of excess public right-of-way of an unnamed alley within Block 16 of Sorrento Lands and Townsite off Sorrento Valley Road in the Sorrento Valley area of the City, specifically identified in the staff report included in the docket materials accompanying this Resolution (Property); and

WHEREAS, the Council of the City of San Diego (Council) is considering approving a public right-of-way vacation of the Property (Vacation); and

WHEREAS, pertinent City departments reviewed the Property, and none of these City departments requested retention of the Property for a City municipal use, and no future use was identified in any community plan; 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 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 30 days before the City's disposition of the land under Section 400(e) of HCD's Surplus Land Act Guidelines; and

WHEREAS, Velmatt L.P. (Buyer), the owner of real property contiguous to the Property, seeks to acquire the Property; and

WHEREAS, if the City sells the Property to Buyer after the Council's approval of the Vacation and Buyer's satisfaction of all the other conditions precedent to the Vacation, the Property 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 right-of-way to the owner of adjacent property; and

WHEREAS, the Property will also be exempt surplus land under California Government Code section 54221(f)(1)(B) because the surplus land is less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space or low-and moderate-income housing purposes; and

WHEREAS, the Council's declaration that the Property is exempt surplus land is contingent upon (1) the Council's approval of the Vacation, (2) the City's sale of the Property to Buyer, and (3) Buyer's satisfaction of the other conditions precedent to the Vacation; and if for

any reason the City does not sell the Property to Buyer, the Council does not intend for this declaration to have any force or effect; and

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

WHEREAS, Government Code section 54221(f)(2) identifies several narrow circumstances in which, notwithstanding an exempt surplus land declaration under Government Code section 54221(f)(1), a local agency must issue a notice of availability of the land (with the exception of certain land granted by the State of California to a local agency in trust) solely for open-space purposes if the land is any of the following: (a) within a coastal zone; (b) adjacent to a historical unit of the State Parks System; (c) listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places; or (d) within the Lake Tahoe region as defined in Government Code section 66905.5; and

WHEREAS, the City's sale of the Property to Buyer does not involve any of the circumstances identified in Government Code section 54221(f)(2), and therefore, the City is not required to issue a notice of availability of the Property for open-space purposes if the Property is declared exempt surplus land; and

WHEREAS, the City proposes to sell the Property to Buyer at its appraised value, consistent with Paragraph G(3) on page 6 of Council Policy 700-10, which provides that an exclusive negotiated sale to a contiguous owner may be approved when the fee interest in a right-of-way is no longer required; and

WHEREAS, the value of the Property, as disclosed in an appraisal completed by City real estate staff's valuations team within the past six months, is \$2,800; and

WHEREAS, the City and Buyer negotiated a Real Estate Purchase and Sale Agreement (Purchase Agreement) for the Property, 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 its appraised value of \$2,800, subject to various terms and conditions set forth in the Purchase Agreement; and

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

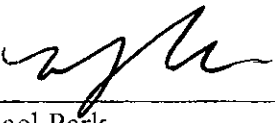
1. The Property is exempt surplus land under paragraphs (f)(1)(B) and (f)(1)(E) of California Government Code section 54221, based on the facts and reasons set forth in this Resolution and contingent upon the Council's discretionary approval of the Vacation and the City's completed sale of the Property to Buyer.
2. The Purchase Agreement is approved, and the City's sale of the Property under the terms and conditions of the Purchase Agreement is authorized.
3. 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- **315667**.

4. The Chief Financial Officer is directed and authorized to accept Buyer's payment of the Independent Consideration of \$10 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 all costs of the sale payable by the City, and deposit those net proceeds into Fund Number 400002, Capital Outlay Misc. Revenue Fund.

APPROVED: MARA W. ELLIOTT, City Attorney

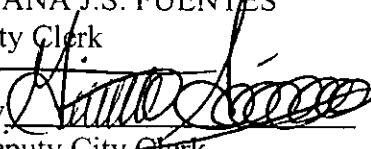
By 

Michael Park
Deputy City Attorney

MP:nja
06/05/2024
06/26/2024 Cor. Copy
Or. Dept: DREAM
Doc. No.: 3685909_2

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 02 2024.

DIANA J.S. FUENTES
City Clerk

By: 
Deputy City Clerk

Approved: 7/12/24
(date)


TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on JUL 02 2024, 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"/>
Henry L. Foster III	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 10 2024.

(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)

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

By Linda Krwin, Deputy
For Gilbert Sanchez

Office of the City Clerk, San Diego, California

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