

ORDINANCE NO. 10180 (NEW SERIES)

AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO THE CONTRACT AGREEMENT ENTITLED "PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS" RELATING TO THE SAN DIEGO COUNTY OPERATIONS CENTER ANNEX PROPERTY

WHEREAS, the County of San Diego ("County") currently owns land and improvements located at the southeast corner of Ruffin Road and Clairemont Mesa Boulevard, in the City of San Diego, County Assessor's Parcel Number 369-121-14, and containing approximately 19.5 acres, commonly known as the San Diego County Operations Center Annex property ("Property"), and further described as:

Lot 1 of Astronautics Point, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4674, filed in the Office of the County Recorder of San Diego County, December 2, 1960.

Excepting therefrom that portion of said Lot 1 lying Easterly of the following described line.

Commencing at the Northeasterly corner of said Lot 1; Thence along the Northwesterly line thereof South 55°27'46" West, 298.05 feet to the beginning of a tangent 1045.00 foot radius curve, concave Northwesterly; Thence Southwesterly along the arc of said curve, through a central angle of 11°37'48" a distance of 212.12 feet to the True Point of Beginning; Thence leaving said Northwesterly line South 00°24'28" West, 310.03 feet; Thence South 89°40'44" East 152.36 feet; Thence South 00°24'28" West 685.25 feet to the Northerly right of way line of Ruffin Court (shown as 2nd Street on said Map No. 4674) and the Point of Terminus.

WHEREAS, the County has determined that the Property will be surplus to the County's needs once certain conditions described below are met; and

WHEREAS, the County desires to sell the Property pursuant to the terms and conditions as described below;

WHEREAS, the County is authorized to sell the Property, pursuant to the applicable law of the State of California, including Article 7.5 of Chapter 5 of Part 2 of Division 2 of Title 3 of the Government Code, consisting of sections 25515 through 25515.5; and

WHEREAS, the County, on April 8, 2008, authorized the execution of a contract agreement entitled Purchase and Sale Agreement and Joint Escrow Instructions providing for the terms and conditions of the sale to buyer; and

WHEREAS, the County, on January 26, 2010, authorized the execution of the First Amendment to the contract agreement entitled Purchase and Sale Agreement and Joint Escrow Instructions; and

WHEREAS, County staff has concluded negotiations with buyer, and the Chief Administrative Officer has recommended that the County execute a Second Amendment to the

contract agreement entitled Purchase and Sale Agreement and Joint Escrow Instructions providing for modifications to the terms and conditions of the sale to the buyer; and

WHEREAS, County is required by Government Code section 25512.2(a) to adopt an ordinance authorizing a contract agreement providing for the sale of the Property to buyer; and

WHEREAS, pursuant to Government Code section 25515.2(b), notice of the time and place of a public hearing concerning the adoption of an ordinance authorizing a Second Amendment to the contract agreement approving a Purchase and Sale Agreement and Joint Escrow Instructions was published in the San Diego Daily Transcript on October 10, 2011 and October 17, 2011; and

WHEREAS, pursuant to Government Code section 25515.2(b), the Board of Supervisors held a public hearing regarding adoption of the ordinance on October 25, 2011.

NOW THEREFORE, the Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board finds the foregoing recitals are true and correct.

Section 2. The Board finds that the sale of the Property, subject to the amended terms and conditions set forth below, will result in an economic benefit to the County and that the Second Amendment to the Purchase and Sale Agreement and Joint Escrow Instructions with buyer will result in meeting the residential, commercial, industrial and/or cultural needs of the County.

Section 3. The Board hereby authorizes the Director, Department of General Services, upon the effective date of this ordinance, to enter into, execute and deliver the Second Amendment to the contract agreement entitled Purchase and Sale Agreement and Joint Escrow Instructions in substantially the form presented to this Board.

Section 4. The members of the Board of Supervisors, the Chief Administrative Officer, the Director, Department of General Services or their designated deputies and assistants, are individually and collectively authorized to execute any and all documents and agreements, and to do and perform any and all acts consistent with this ordinance that are appropriate to carry out its purposes.

Section 5. This Ordinance shall be effective in accordance with Government Code section 25123.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 25th day of October, 2011.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY
LORI A. WINFREE, SENIOR DEPUTY COUNTY COUNSEL