

Meeting Date: 10/30/18 (06)

ORDINANCE NO. 10568 (NEW SERIES)

AN ORDINANCE AUTHORIZING AN AGREEMENT ENTITLED
DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN
COUNTY OF SAN DIEGO AND HOLLAND ACQUISITION CO., LLC RELATING TO THE
COUNTY COURTHOUSE AND OLD JAIL SITE

The Board of Supervisors of the County of San Diego ordains as follows:

WHEREAS, County of San Diego (“County”) is the owner of real property (“Property”) located in the City of San Diego, County of San Diego, State of California, bounded by Union Street on the west, Front Street on the east, A Street on the north and Broadway on the south, consisting of three separate legal parcels, identified as County Assessor’s Parcels (“APNs”) 533-517-02; 533-517-03; 533-517-04 (former APN 533-517-01 was split into APNs 533-517-02; 533-517-03; and 533-517-04 in 2018); 533-414-08; and 533-414-09, and further described as:

North Block:

Parcel No. 2017-0162-A1 (9-13-2018) (WAR:TJM:pet)

Lots 1 through 4, inclusive, of the re-subdivision of Fractional Block 11 of MIDDLETOWN, and Lots I through L, inclusive, of Fractional Block “J” of HORTON’S ADDITION, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made by order of the reference in the Case of Baldwin, et al. vs. Coutts, et al., in the District Court of the Eighteenth Judicial District of the State of California, by J.E. Jackson, filed in the Office of the Clerk of San Diego County, January 1874, lying Northerly of the following described line:

COMMENCING at the Southwesterly Corner of Lot 6 of said Fractional Block 11;
Thence along the Westerly line of said Fractional Block 11, North 0°28’24” East, 130.01 feet, to the **TRUE POINT OF BEGINNING**;
Thence leaving said Westerly line, South 89°30’02” East, 80.85 feet;
Thence North 37°35’18” East, 6.66 feet;
Thence South 88°57’33” East, 22.35 feet;
Thence North 00°00’00” East, 25.17 feet;
Thence South 89°31’30” East, 89.79 feet, to a Point on the East line of said Lot J of Fractional Block “J”, also being the **POINT OF TERMINATION**.

TOGETHER WITH all underlying fee interests in the adjoining streets.

Parcel No. 2017-0162-A2 (9-13-2018) (WAR:TJM:pet)

TOGETHER WITH Lots 4, 5 and 6 of the re-subdivision of Fractional Block 11 of MIDDLETOWN, and Lots G through J, inclusive, of Fractional Block “J” of HORTON’S ADDITION, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made by order of the reference in the Case of Baldwin, et al. vs. Coutts, et al., in the District Court of the Eighteenth Judicial District of the State of California, by J.E. Jackson, filed in the Office of the Clerk of San Diego County, January 1874, lying Southerly of the following described line:

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COMMENCING at the Southwesterly Corner of said Lot 6 of Fractional Block 11;
Thence along the Westerly line of said Fractional Block 11, North 0°28'24" East, 130.01 feet, to the **TRUE POINT OF BEGINNING**;
Thence leaving said Westerly line, South 89°30'02" East, 80.85 feet;
Thence North 37°35'18" East, 6.66 feet;
Thence South 88°57'33" East, 22.35 feet;
Thence North 00°00'00" East, 25.17 feet;
Thence South 89°31'30" East, 89.79 feet, to a Point on the East line of said Lot J of Fractional Block "J", also being the **POINT OF TERMINATION**.

TOGETHER WITH all underlying fee interests in the adjoining streets.

Middle Block:

Parcel No. 2017-0162-B (10-05-2018) (WAR:TJM:pet)

Lots 1 through 6, inclusive, in Block 2 as shown on Map of MIDDLETOWN, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made by order of the reference in the Case of Baldwin, et al. vs. Coutts, et al., in the District Court of the Eighteenth Judicial District of the State of California, by J.E. Jackson, filed in the Office of the Clerk of San Diego County, January 1874, and Lots G through L, inclusive, of Block "K" of HORTON'S ADDITION according to Map thereof made by L.L. Lockling, in the City of San Diego, County of San Diego, State of California, according to Map thereof filed in the Office of the Clerk of San Diego County, June 1871.

TOGETHER WITH all underlying fee interests in the adjoining streets if any, and all of the County of San Diego interests in the portions of the building crossings over B Street and C Street.

South Block:

Parcel No. 2017-0162-C (10-05-18) (WAR:TJM:pet)

All of Block "D" as shown on Map of MIDDLETOWN, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made by order of the reference in the Case of Baldwin, et al. vs. Coutts, et al., in the District Court of the Eighteenth Judicial District of the State of California, by J.E. Jackson, filed in the Office of the Clerk of San Diego County, January 1874.

TOGETHER WITH Lots G through L, inclusive, in Block "L" of HORTON'S ADDITION, in the City of San Diego, County of San Diego, according to Map thereof made by L.L. Lockling, filed in the Office of the Clerk of San Diego County, June 1871.

TOGETHER WITH any underlying fee interests in the adjoining streets, if any, and all of the County of San Diego interests in the portions of the building crossings over C Street.

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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, for purposes of cultural, residential, commercial (including office or retail uses) or industrial uses or development, 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, an agreement entitled Disposition and Development Agreement by and between County of San Diego and Holland Acquisition Co., LLC (“Developer”), providing for the terms and conditions of the development and sale of the Property, including, development of a County-required inmate tunnel connecting County’s downtown jail (“Central Jail”) located at 1137 Front Street to the State of California-owned new central court facility (“Central Courthouse”) located at 1100 Union Street, including construction of improvements inside and adjacent to Central Jail and Central Courthouse to accommodate the tunnel, (such development of the tunnel, the “Inmate Tunnel”) has been negotiated with the Developer; and

WHEREAS, the Property is adjacent to the Central Jail and Central Courthouse that are both used for other governmental activities; and

WHEREAS, the Chief Administrative Officer has recommended that the County execute the Disposition and Development Agreement providing for the terms and conditions of the sale and development of the Property; and

WHEREAS, the Disposition and Development Agreement includes a Purchase and Sale Agreement and Joint Escrow Instructions providing for the sale of the Property to the Developer on the terms and conditions provided therein; and

WHEREAS, County is required by Government Code section 25512.2 subsection (a) to adopt an ordinance authorizing the Disposition and Development Agreement providing for the development and sale of the Property; and

WHEREAS, pursuant to Government Code section 25515.2 subsection (b), notice of the time and place of a public hearing concerning the adoption of the ordinance authorizing the Disposition and Development Agreement was published in the San Diego Daily Transcript on October 15th and 22nd 2018; and

WHEREAS, pursuant to Government Code section 25515.2 subsection (b), the Board of Supervisors held a public hearing regarding adoption of the ordinance on October 30, 2018.

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.

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Section 2. The Board finds that that the Development and Disposition Agreement will result in meeting the residential, commercial, industrial and/or cultural needs of the County as it will provide for Developer to develop the Property with mixed-use buildings that will include one or more of cultural, residential, commercial (including office or retail uses) or industrial uses.

Section 3. The Board finds that the Disposition and Development Agreement will result in an economic benefit to the County by generating revenue to the County as well as providing for the Inmate Tunnel.

Section 4. The Board finds that the Disposition and Development Agreement will not interfere with the use of the Central Jail or Central Courthouse because the agreement provides for development of the Property that will result in an Inmate Tunnel that will be used for transporting inmates between the Central Jail and Central Courthouse.

Section 5. The Board hereby authorizes the Director, Department of General Services, upon the effective date of this ordinance, to execute the Disposition and Development Agreement and the Purchase and Sale Agreement and Joint Escrow Instructions with Holland Acquisition Co., LLC, a Washington limited liability company, in the form presented to this Board.

Section 6. The Director, Department of General Services, is authorized to perform any actions in furtherance of this ordinance, including execution of any documents and agreements.

Section 7. This Ordinance shall be effective in accordance with Government Code section 25123.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
By: Kristen Laychus, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 30th day of October, 2018.


KRISTIN GASPAR
Chairwoman, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Gaspar, Horn
ABSENT: Roberts

ATTEST my hand and the seal of the Board of Supervisors this 30th day of October, 2018.

DAVID HALL
Clerk of the Board of Supervisors

By C. Rodriguez
Chrystal Rodriguez, Deputy



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