

**Ordinance No. 9617 (New Series)
COUNTY OF SAN DIEGO, CALIFORNIA**

AN ORDINANCE AUTHORIZING A CONTRACT AGREEMENT FOR THE DISPOSITION AND DEVELOPMENT OF 108 ACRES OF VACANT PROPERTY IN SANTEE.

WHEREAS, the County of San Diego ("County") currently owns the vacant County Parcel 2003-0247-A, located southerly of the floodway of the San Diego River, easterly of Cuyamaca Street and Santee Trolley Square, Parcel Map 18857, northerly of Mission Gorge Road and Santee Map 1484, and westerly of Magnolia Avenue in Santee, California (Assessors Parcel Numbers 381-050-39 & 53 (portion) 381-160-29 & 62); and

WHEREAS, the County has determined that the Property is surplus to County needs; and

WHEREAS, the County has selected Ryan Companies US Inc. to be the Master Developer of approximately 108 acres of commercial property north of Mission Gorge Road in Santee; and

WHEREAS, the County is authorized to sell or lease 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 Board of Supervisors, authorized the release of a Request for Qualifications ("RFQ") to develop the Property; and

WHEREAS, the County received qualifications and a statement of interest from four firms. Three met the minimum qualifications; and

WHEREAS, the Board of Supervisors authorized the Director, Department of General Services to release a Request for Proposals (RFP) to master plan and bring development to approximately 104 acres of commercial property in Santee;

WHEREAS, the Board of Supervisors, authorized the release of a Request for Proposals ("RFP") to develop the Property; and

WHEREAS, the Board of Supervisors adopted Resolution No. 00-406 at its regular open meeting on December 12, 2000, declaring its intention to consider proposals to lease or sell the vacant property in Santee, authorizing the proposal process, and setting a time for a public meeting; and

WHEREAS, the Board of Supervisors reserved the right to reject any and all proposals; and

WHEREAS, the County received proposals from the three prequalified proposals; and

WHEREAS, the County through the Chief Administrative Officer and his evaluation team, evaluated the proposals based on eight criteria (with emphasis given to A-D):

- A. Potential lease and/or sale revenue to the County.
- B. An achievable realization of the office park and quality employment.
- C. Financial strength of the Master Developer.
- D. Agreement to Business Terms.
- E. How well the proposal achieves a positive impact upon the economy.
- F. Whether the proposal provides credible support for anticipated market absorption.
- G. Site planning and project design.
- H. Whether the risks and requirements of the public sector are acceptable and reasonable.

WHEREAS, the County and Ryan Companies US Inc. entered into an Exclusive Negotiating Agreement for development of the Property; and

WHEREAS, Government Code Section 25515.2 (a) requires that the Board adopt an ordinance authorizing any sale, lease, development or contract agreement pursuant to Article 7.5; and

WHEREAS, pursuant to Government Code 25515.2 (b) notice of the time and place of a public hearing concerning the adoption of an ordinance authorizing a disposition and development agreement was published in the San Diego Daily Transcript on November 25, 2003 and December 2, 2003; and

WHEREAS, pursuant to Government Code 25515.2 (b) the Board held a public hearing regarding the disposition and development agreement on December 9, 2003; and

WHEREAS, this disposition and development agreement with Ryan Companies US Inc. is within the scope of the RFP authorized by Resolution No. 00406;

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

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

Section 2 The Board hereby finds that the sale or lease of the County's surplus property, will result in economic benefits to the County.

Section 3 The Board hereby declares its determination that the disposition and development agreement with Ryan Companies US Inc. will result in the highest net return to the County.

Section 4 The Board hereby declares its determination that the disposition and development agreement with Ryan Companies US Inc. meets the residential, commercial and cultural development needs of the County.

Section 5 The Board hereby authorizes the Clerk of the Board to enter into, execute and deliver the disposition and development agreement between the County and Ryan Companies US Inc. in substantially the form presented to the Board.

Section 6 The Board hereby authorizes the Director of General Services to perform all necessary actions under the DDA on behalf of the County including the execution of real estate conveyance documents made in conformance with the terms of the DDA.

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

Approved as to Form and Legality
JOHN J. SANSONE, County Counsel

William D. Smith

By: WILLIAM D. SMITH
Senior Deputy County Counsel

PASSED, APPROVED and ADOPTED this 9th day of December, 2003.

Greg Cox

GREG COX, CHAIRMAN
Board of Supervisors, County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Cox, Jacob, Slater, Roberts, Horn



ATTEST my hand and the seal of the Board of Supervisors this 9th day of December, 2003.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors

By *Kellie C. Kellogg*
Kellie C. Kellogg, Deputy