

HOUSING AUTHORITY OF
THE CITY OF SAN DIEGO
RESOLUTION NO: 1511

ADOPTED ON ~~APR 12 2011~~

A RESOLUTION AUTHORIZING THE SAN DIEGO HOUSING COMMISSION TO (1) DISPOSE OF A .14-ACRE LAND ENCROACHMENT (6,447 SQUARE FEET) FOR THE AMOUNT OF \$215,182.24, SUBJECT TO THE APPROVAL OF A LOT LINE ADJUSTMENT BY THE CITY OF SAN DIEGO; (2) APPROVE THE SETTLEMENT AGREEMENT WITH BAY TERRACES, AS DESCRIBED IN REPORT NO. HAR 11-018; (3) AUTHORIZE THE HOUSING COMMISSION'S CHIEF EXECUTIVE OFFICER, OR A DESIGNEE, TO EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO ALLOW THE COMMISSION TO SELL THE LAND ENCROACHMENT ON TERMS DISCUSSED IN REPORT NO. HAR 11-018 AND; (4) APPROVE A REVISION TO THE COMMISSION'S FISCAL YEAR 2011 BUDGET TO ADD \$215,182.24 INTO REPLACEMENT RESERVES FOR MARINER'S VILLAGE.

WHEREAS, on August 6, 2010, the San Diego Housing Commission (Commission) Board of Commissioners approved the acquisition of the 172-unit Mariner's Village Apartments property; and

WHEREAS, as part of due diligence for the transaction, Commission staff hired Project Design Consultants to prepare an American Land Title Association (ALTA) land survey that revealed an encroachment along the southern boundary of the Mariner's Village property; and

WHEREAS, the encroachment included improvements claimed by the adjacent property owner, Bay Terraces, LLC, which did not want to move said improvements; and

WHEREAS, the Commission's legal counsel, Christiansen & Spath, LLP negotiated a Settlement Agreement whereby the Commission would sell the 6,447 square-foot encroachment to Bay Terraces, LLC for the sum of \$215,182.24; NOW, THEREFORE,

BE IT RESOLVED, by the Housing Authority of the City of San Diego, that the President and Chief Executive Officer (CEO) of the Commission, or a designee, is authorized to dispose of a .14-acre land encroachment (land encroachment) for an amount of \$215,182.24, subject to the approval of a lot line adjustment by the City of San Diego and pursuant to the terms and conditions in Report No. HAR 11-018; and

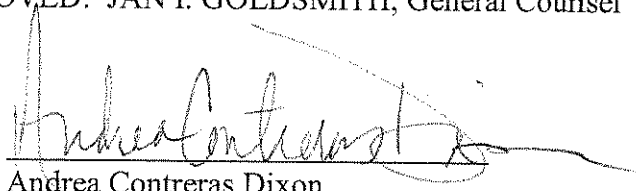
BE IT FURTHER RESOLVED, that the CEO of the Commission, or a designee, is authorized to approve the Settlement Agreement attached to Report No. HAR 11-018 and executed by Bay Terraces, LLC; and

BE IT FURTHER RESOLVED, that the CEO of the Commission, or a designee, is authorized to execute any and all documents necessary to allow the Commission to sell the land encroachment on terms outlined herein and in Report No. HAR 11-018; and

BE IT FURTHER RESOLVED, that the President and Chief Executive Officer of the Commission, or his designee, is hereby authorized to approve a revision to the Commission's Fiscal Year 2011 budget to add \$215,182.24 to the replacement reserves account for Mariner's Village.

APPROVED: JAN I. GOLDSMITH, General Counsel

By


Andrea Contreras Dixon
Deputy General Counsel

ACD:cw
03/18/11
Or.Dept:San Diego Housing Commission
PL#2011-06156

Passed and adopted by the Housing Authority of the City of San Diego on April 12, 2011 by the following vote:

	Yeas	Nays	Excused	Not Present
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

Anthony Young

Chair of the Housing Authority
of the City of San Diego, California

[Seal]

Richard C. Gentry

Executive Director of the Housing Authority
of the City of San Diego, California

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. 1511 passed and adopted by the Housing Authority of the City of San
Diego, California on April 12, 2011.

By:



Lisette Diaz

Deputy Secretary of the Housing Authority
of the City of San Diego, California