

**Agenda of Special Parking Authority Meeting  
of the City of National City**

**City Council Chambers  
Civic Center  
1243 National City Boulevard  
National City, California**

**Tuesday – November 18, 2014 - 6:00 P.M.**

**Open To the Public**

**ROLL CALL**

***CONSENT CALENDAR***

Consent Calendar: Consent calendar items involve matters, which are of a routine or noncontroversial nature. All consent calendar items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

1. Resolution of the Parking Authority of the City of National City authorizing the Chairman to execute the Seventh Amendment to the Option to Purchase Agreement with the County of San Diego for the purchase of an Open-Space Easement on a 15.08 acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road that extends the term of said Option for one year and pays the County of San Diego \$1.00 as consideration for the extension. (Housing and Grants)

**ADJOURNMENT**

Adjourn to the Regular Parking Authority Meeting – Tuesday, July 21, 2015 – 6:00 p.m., Council Chambers, Civic Center.

**Council Requests That All Cell Phones and  
Pagers Be Turned Off During City Council Meetings**

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact the City Clerk's Office at 336-4228 to request a disability-related modification or accommodation. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

**CITY OF NATIONAL CITY, CALIFORNIA  
PARKING AUTHORITY AGENDA STATEMENT**

**MEETING DATE:** November 18, 2014

**AGENDA ITEM NO.**

**ITEM TITLE:**

Resolution of the Parking Authority of the City of National City authorizing the Chairman to execute the Seventh Amendment to the Option to Purchase Agreement with the County of San Diego for the purchase of an Open-Space Easement on a 15.08 acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road that extends the term of said Option for one year and pays the County of San Diego \$1.00 as consideration for the extension.

**PREPARED BY:** Jocker Alejandro  
Property Agent

**DEPARTMENT:** Housing, Grants, & Asset  
Management

**PHONE:** 619 336-4266

**APPROVED BY:** 

**EXPLANATION:**

The Parking Authority entered into an Option to Purchase Agreement ("Option Agreement") with the County of San Diego on March 20, 2007 that provided the Parking Authority the option to purchase the current Open-Space Easement attached to a 15.08-acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road to develop a commercial project. The Option Agreement has been amended in 2008, 2009, 2010, 2011, 2012, and 2013, each extending the Option Agreement for another year. The Seventh Amendment to the Option to Purchase Agreement extends the term of the Option Agreement to December 31, 2014.

**FINANCIAL STATEMENT:**

**ACCOUNT NO.**

N/A

**APPROVED:** \_\_\_\_\_ Finance

**APPROVED:** \_\_\_\_\_ MIS

**ENVIRONMENTAL REVIEW:**

N/A

**ORDINANCE:** INTRODUCTION:  FINAL ADOPTION:

**STAFF RECOMMENDATION:**

Adoption of the Resolution.

**BOARD / COMMISSION RECOMMENDATION:**

N/A

**ATTACHMENTS:**

Attachment No.1: Seventh Amendment to the Option to Purchase Agreement

**SEVENTH AMENDMENT TO  
OPTION TO PURCHASE AGREEMENT**

This Seventh Amendment to Option to Purchase Agreement (Seventh Amendment) is made as of \_\_\_\_\_, 201\_\_ by and between the COUNTY OF SAN DIEGO, a political subdivision of the State of California (County) and the PARKING AUTHORITY OF THE CITY OF NATIONAL CITY, a public body corporate and politic created pursuant to the Parking Law of 1949 (Optionee) with reference to the following facts:

**RECITALS**

1. Optionee owns a 15.08-acre parcel of land at the southwest corner of Sweetwater Road and Bonita Center Road in National City, California identified as County Assessor's Parcel Number 564-471-11.
2. In 1978 Optionee conveyed to County an easement for open space and park purposes over this 15.08-acre parcel (the Easement).
3. Optionee wishes to purchase the Easement from County.
4. On April 3, 2007, County and Optionee entered into an Option to Purchase Agreement (Option Agreement) setting forth the terms of an option whereby Optionee could purchase the Easement from County.
5. On December 13, 2007, Optionee exercised its option to purchase the Easement, and on March 12, 2008, Optionee and County opened escrow pursuant to the terms of the Option Agreement.
6. Optionee was unable to meet the 90-day deadline for closing escrow and requested that the date for close of escrow be extended to December 31, 2008.
7. On July 2, 2008, the parties executed the First Amendment which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2008.
8. Optionee was unable to meet the December 31, 2008 deadline. Therefore, on October 14, 2008, the parties executed the Second Amendment which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2009.
9. Optionee was unable to meet the December 31, 2009 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for an additional year. Therefore, the parties executed the Third Amendment which extended the deadline for close of escrow and the term of the Option Agreement to December 31, 2010.

10. Optionee was unable to meet the December 31, 2010 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for an additional year.

11. Optionee was unable to meet the December 31, 2011 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for an additional year.

12. Optionee was unable to meet the December 31, 2012 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for an additional year.

13. Optionee was unable to meet the December 31, 2013 deadline and requested that the deadline for close of escrow and the term of the Option Agreement be extended for an additional year.

#### AGREEMENT

Now, therefore, the parties agree as follows:

1. Optionee shall pay County \$1.00 as consideration for this Seventh Amendment. The payment shall be made as specified in paragraph 3B of the Option Agreement.

2. Paragraph 2 of the Option Agreement is amended to read as follows:

The term ("Term") of this Option shall be from the Effective Date through December 31, 2014.

3. Paragraph 9C2) of the Option Agreement is amended to read as follows:

Close of Escrow; Closing Date. Escrow shall close either on or before December 31, 2014, or five business days after Optionee's notice to County and escrow company requesting to close escrow, whichever is sooner, ("Close of Escrow" or "Closing Date"). The terms "Close of Escrow" and/or "Closing Date" shall mean the date the deeds conveying title to the Easement and title to the Walkway Area are recorded in the Office of the County Recorder of the County of San Diego.

[Remainder of this page left blank intentionally.]

4. All other terms and conditions of the Option Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Seventh Amendment effective as of the date first written above.

**OPTIONEE:**

By: \_\_\_\_\_  
RON MORRISON, Chairman  
Parking Authority of the City of  
National City

By: \_\_\_\_\_  
LESLIE DEESE, Secretary  
Parking Authority of the City  
of National City

Approved as to form and legality  
City Attorney

By: \_\_\_\_\_  
CLAUDIA GACITUA SILVA,  
City Attorney

**COUNTY OF SAN DIEGO:**

By: \_\_\_\_\_  
APRIL F. HEINZE, P.E.,  
Director of General Services

Approved as to form and legality  
County Counsel

By: \_\_\_\_\_  
*Signature*

Name: \_\_\_\_\_

Title: \_\_\_\_\_

RESOLUTION NO. 2014 – 2

RESOLUTION OF THE PARKING AUTHORITY  
OF THE CITY OF NATIONAL CITY AUTHORIZING  
THE CHAIRMAN TO EXECUTE THE SEVENTH AMENDMENT  
TO THE OPTION TO PURCHASE AGREEMENT WITH  
THE COUNTY OF SAN DIEGO FOR THE PURCHASE OF  
AN OPEN-SPACE EASEMENT ON A 15.08 ACRE PARCEL OF LAND  
AT THE SOUTHWEST CORNER OF SWEETWATER ROAD AND  
BONITA CENTER ROAD THAT EXTENDS THE TERM OF SAID OPTION  
FOR ONE YEAR AND PAYS THE COUNTY OF SAN DIEGO  
\$1.00 AS CONSIDERATION FOR THE EXTENSION

WHEREAS, on March 20, 2007, the Parking Authority of the City of National City ("Parking Authority") entered into an Option to Purchase Agreement ("Option Agreement") with the County of San Diego to purchase an open-space easement attached to the 15.08-acre parcel of land located at the southwest corner of Sweetwater Road and Bonita Center Road (Parcel No. 564-471-11) to develop a commercial project; and

WHEREAS, the Option Agreement has been subsequently amended in 2008, 2009, 2010, 2011, 2012, and 2013, each extending the term of the Option Agreement for one year; and

WHEREAS, the Seventh Amendment to the Option Agreement extends the term of the Option Agreement for one year, to December 31, 2014, and in consideration for the amendment, the Parking Authority agrees to pay \$1.00 to the County of San Diego.

NOW, THEREFORE, BE IT RESOLVED, that the Parking Authority of the City of National City hereby authorizes the Chairman to execute the Seventh Amendment to the Option to Purchase Agreement by and between the Parking Authority of the City of National City and the County of San Diego to extend the term of the Option Agreement for one year, to December 31, 2014, and in consideration for the amendment, the Parking Authority agrees to pay \$1.00 to the County of San Diego. The Seventh Amendment is on file in the office of the City Clerk.

PASSED and ADOPTED this 18<sup>th</sup> day of November, 2014.

\_\_\_\_\_  
Ron Morrison, Chairman

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Leslie Deese, Secretary

\_\_\_\_\_  
Claudia Gacitua Silva  
Legal Counsel