

**CITY COUNCIL RESOLUTION NO. 2016-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA APPROVING A REAL PROPERTY EXCHANGE AGREEMENT BETWEEN HC CAPITAL PARTNERS LLC, AND THE CITY OF CHULA VISTA FOR CITY OWNED PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CHURCH AVENUE AND DAVIDSON STREET, ASSESSOR PARCEL NO. 568-161-25, IN EXCHANGE FOR PROPERTY LOCATED AT 281-287 CHURCH AVENUE, ASSESSOR PARCEL NOS. 568-162-08 AND 568-162-09**

WHEREAS, City is the owner of property located at the southwest corner of Davidson Street and Church Avenue, located in the City of Chula Vista, County of San Diego, State of California (“Property B”), and currently identified as San Diego County Assessor’s Parcel No. 568-161-25; and

WHEREAS, the Successor Agency was the owner of two parcels commonly described 281 and 287 Church Avenue, located in the City of Chula Vista, County of San Diego, State of California (“Property A”), and currently identified as San Diego County Assessor’s Parcel No.568-162-08 and 09, a property having been approved for disposition by sale to a third party under state redevelopment dissolutions laws; and

WHEREAS, at their March 15, 2016 meeting, after Oversight Board approval of a sale of Property A, Successor Agency to the Redevelopment Agency of the City of Chula Vista approved HCCP’s offer to purchase Property A.

WHEREAS, City desires to acquire fee interest in HCCP’s real property currently identified as San Diego County Assessor’s Parcel No’s. 568-162-08 and 09 (Property A) for use as a parking lot and other public purposes; and

WHEREAS, HCCP desires to acquire fee interest in a City’s real property currently identified as San Diego County Assessor’s Parcel No 568-161-25 (Property B) in exchange for their above described property ; and

WHEREAS, Property A and Property B are located in the 200 block of Church Avenue, have the same V-1 East Village zoning designation, are both used for public parking, are of the same approximate size and the same approximately value.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHULA VISTA DOES HEREBY RESOLVE AS FOLLOWS:

**Section 1.** The Recitals set forth above are true and correct, and are incorporated into this Resolution by this reference.

**Section 2.** The “REAL PROPERTY EXCHANGE AGREEMENT AND JOINT ESCROW INSTRUCTIONS” between the City of Chula Vista and HC Capital Partners, LLC (the “Agreement”), to exchange sell Assessor’s Parcel Nos. 568-162-08, and 568-162-09 for Assessor’s Parcel No. 568-161-25, for no consideration, plus any fees, charges and costs accrued during due diligence and/or escrow, in the form substantially presented to the City Council and to which minor changes may be made as required or approved by the City Attorney, a true and correct copy of which is maintained as a public record in the Office of the City Clerk, is hereby approved by the City Council.

**Section 3.** The City Council has heard and considered evidence regarding the exchange of the Parcels between the City and HC Capital Partners, LLC, a California corporation, and finds that the proposed action to swap the Parcels with the City of Chula Vista for another parcel, currently also being used as a parking lot, and as such, those actions amount to solely title transfers with all the Parcels continuing to be operated as parking lots. As a result, the actions are not “Projects” with the meaning of Section 15378 of the CEQA Guidelines because the proposed actions will not result in a direct or indirect physical change to the environment. Thus, no further environmental review is required. However, should the proposed use change from parking lots, additional environmental review/determination may be required at that time.

**Section 4.** The City Manager is directed and authorized to execute all required documents, including the above referenced “REAL PROPERTY EXCHANGE AGREEMENT AND JOINT ESCROW INSTRUCTIONS,” to effectuate the exchange of these Parcels between the City and HC Capital Partners, LLC and to make changes in documents related to said exchange as may be required or approved by the City Attorney.

**Section 5.** The City Clerk shall certify to the adoption of this Resolution.

Presented by

Approved as to form by

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Eric Crockett  
Director of Economic Development

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Glen R. Googins  
City Attorney