
RE: [External] RE: Sale/Lease of the property located at 3017 W. 5th Street, Santa Ana, CA 92703 per the Surplus Land Act

From : Tily Shue <tily.shue@tpl.org>

Fri, Apr 30, 2021 02:19 PM

Subject : RE: [External] RE: Sale/Lease of the property located at 3017 W. 5th Street, Santa Ana, CA 92703 per the Surplus Land Act 3 attachments**To :** 'Omar Sandoval' <osandoval@wss-law.com>**Cc :** Alex Size <Alex.Size@tpl.org>, Robin Mark <Robin.Mark@tpl.org>, Greg Blodgett <greg1@ggcity.org>, Lisa Kim <lisak@ci.garden-grove.ca.us>, Grace Lee <gracel@ggcity.org>

Hello Omar,

It is TPL's policy and best practice to conduct our transactions in a manner that does not entail diversion of our limited working capital to fund litigation. Regardless of the merits, litigation consumes time and imposes costs, not the least of which is opportunity costs. We know that TPL can proceed with our negotiations with the City without any need to make TPL's appraisal report part of the public record, at this stage, much less the need to spend money to litigate this issue.

Just so you do not draw the wrong conclusion: while we are confident that the Public Records Act allows for exemptions to public disclosure of TPL's appraisal when furnished in furtherance of good-faith negotiations with the City, whether we think it makes sense for TPL to provide the City with a financial indemnity to litigate the scope and application of the PRA exemptions is another matter altogether. The City, as the party to whom the PRA requests are directed, is the party that has to invoke the exemptions under the statute and defend that position. Given the City's expression of diffidence concerning the availability of one or more exemptions in this context of good faith negotiations in a competitive process, it calls into question the will and robustness with which the City will undertake defense of a lawsuit if one is brought. In my view, there is no need to put the question to the test.

Sincerely,
Tily

From: Omar Sandoval <osandoval@wss-law.com>**Sent:** Friday, April 30, 2021 9:27 AM**To:** Tily Shue <tily.shue@tpl.org>**Cc:** Alex Size <Alex.Size@tpl.org>; Robin Mark <Robin.Mark@tpl.org>; Greg Blodgett <greg1@ggcity.org>; Lisa Kim <lisak@ci.garden-grove.ca.us>; Grace Lee <gracel@ggcity.org>**Subject:** RE: [External] RE: Sale/Lease of the property located at 3017 W. 5th Street, Santa Ana, CA 92703 per the Surplus Land Act

Tily, thank you for your response. At your request, the City will delete the TPL appraisal because TPL's conditions for its receipt are not acceptable.

We simply are not certain that a court would apply the case you cited in your response to the current negotiations pertaining to the disposition of City property under the Surplus Land Act. While it seems reasonable to me that the case and its reasoning should apply, the City would nevertheless be exposed to potential liability should the local court disagree, and we are not willing to accept such liability given the interest in the local press and the demands from RiseUp Willowick!, OCCORD, and the Public Law Center. In fact, if you feel strongly that the law is settled that the City would not have to disclose TPL's appraisal,