

(RA-2002-58)
(COR. COPY 11/7/01)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03410

ADOPTED ON NOVEMBER 20, 2001

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTIVE DIRECTOR AND THE AUDITOR AND COMPTROLLER TO TAKE CERTAIN ACTIONS ON BEHALF OF THE AGENCY, IF NECESSARY, TO COMPLETE THE PURCHASE AND DEVELOPMENT OF CERTAIN SURFACE LOTS IF THE SAN DIEGO UNIFIED PORT DISTRICT HAS NOT PURCHASED THE LOTS UNDER A PURCHASE AND SALE AGREEMENT WITH THE CITY OF SAN DIEGO.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego [City] approved Ordinance No. O-18613 [Ordinance] which authorized and directed the City to enter into a Memorandum of Understanding [MOU] with the San Diego Padres [Padres], the Redevelopment Agency of the City of San Diego [Agency], and the Centre City Development Corporation [CCDC] Concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project within the Centre City East (East Village) Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Ordinance provided that it was the intent of the electorate that the Ordinance and the MOU constitute the legislative acts establishing policy for the City on those matters, and provided for the ways and means for the implementation of that policy by such administrative and non-legislative acts as may be necessary and appropriate to carry out the purpose and intent of the Ordinance; and

WHEREAS, the MOU has been executed by the City, the Agency, CCDC and Padres [collectively “Parties”]; and

WHEREAS, it is now timely and appropriate to consider such further actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance, MOU and the Ballpark and Redevelopment Project Implementation Agreement [Implementation Agreement], consistent with the City's and Agency’s obligations under California law, and the discretion lawfully vested in the Board of Directors acting on behalf of the Agency; and

WHEREAS, nothing heretofore has occurred, nor is there any action herein, that modifies the \$225 million cap on the City’s investment in the Project specified in Section XV of the MOU, or causes or obligates the City to spend any funds in excess of that amount; and

WHEREAS, modifications to the rights and obligations of the Parties as set forth in the MOU may be authorized without a vote of the City’s electorate if such modifications do not materially: 1) decrease the rights or increase the obligations of the City; 2) increase the financial commitments of the City; or 3) decrease revenue to the City; and

WHEREAS, to the extent that any action authorized and directed by this resolution, or heretofore approved by this Board, is deemed to modify the rights and obligations of the Parties as set forth in the MOU, the same were intended as such, and such actions did not, and do not, individually or in the aggregate, materially: 1) decrease the rights or increase the obligations of the City; 2) increase the financial commitments of the City; or 3) decrease revenue to the City;
NOW, THEREFORE,

BE IT RESOLVED, by the Board of Directors of the Redevelopment Agency of City of San Diego, that the foregoing recitals are true and correct, and the Board so finds and determines as being in the best interests of the Agency.

BE IT FURTHER RESOLVED, that the Executive Director and City Auditor &

Comptroller be and they are hereby authorized and directed, in the event that the Purchase and Sale Agreement and Joint Escrow Instructions between the City and the San Diego Unified Port District, dated October 1, 2001 [Agreement], cannot be implemented, to appropriate and expend funds from sources identified at their discretion, subject to the City Auditor & Comptroller certifying the availability of funds, sufficient to complete the acquisition and improvement of the surface parking lots, and pay for the related expenses, that are the subject of the Agreement.

BE IT FURTHER RESOLVED, that, in the event that the actions authorized by this resolution are implemented, the Executive Director is further authorized and directed to approve the modification of the scope of the program for the improvements contemplated by the Agreement if the total available funds for this purpose are less than \$21 million.

BE IT FURTHER RESOLVED, that the Executive Director and City Auditor & Comptroller be and they are hereby authorized and directed to reallocate or amend the funding sources within the Project CIP, No. 39-228.0, as may be required to reflect such discretionary action as may be taken pursuant to this resolution.

BE IT FURTHER RESOLVED, that the Executive Director be and he is hereby authorized and directed to take such other and further actions, and negotiate, prepare and execute such documents, as may be necessary or appropriate to implement the intent and purposes of this resolution, the Ordinance, the MOU, the Implementation Agreement, or the Second Ballpark and Redevelopment Project Implementation Agreement [Second Implementation Agreement],

consistent with the rights and obligations of the Agency pursuant to the Ordinance, MOU, Implementation Agreement and the Second Implementation Agreement, and their authorizing

ordinances and resolutions.

APPROVED: CASEY GWINN, General Counsel

By

Leslie J. Girard
Deputy General Counsel

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Or.Dept:CCDC

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Council:R-n/a

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