

(RA-2002-130)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03480

ADOPTED ON JUNE 04, 2002

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO CONSENTING TO THE IMPRESSION OF A MASTER DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATION OF EASEMENTS ON CERTAIN PROPERTY IN LIBERTY STATION; AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE SECOND IMPLEMENTATION AGREEMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND MCMILLIN-NTC, LLC, AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE AGENCY CONSENT, JOINDER AND SUBORDINATION OF FEE INTEREST TO EFFECTUATE THE IMPRESSION OF THE MASTER DECLARATION.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] and McMillin-NTC, LLC [Master Developer], entered into a Disposition and Development Agreement [DDA] in June 2000 for the purposes of effectuating the Redevelopment Plan for the Naval Training Center Redevelopment Project [Project], which was adopted by

the City Council of the City of San Diego [Council] in May 1997, and the Naval Training Center Reuse Plan, which was adopted by the Council in October 1998; and

WHEREAS, the DDA provides for, among other things, the transfer of specific properties within the Redevelopment Project from the Agency to the Master Developer and for the redevelopment of these properties by the Master Developer and/or one or more Assignees; and

WHEREAS, the DDA contemplates the development of a mixed-use project involving the construction and installation of public infrastructure improvements, the rehabilitation and reuse of existing buildings and construction of new buildings and improvements, as well as the development of a public waterfront park and recreation area on property to be owned by the City of San Diego; and

WHEREAS, the Agency and Master Developer deem it desirable to create a “common interest development” within the meaning of section 1351(c) of the California Civil Code, pursuant to a Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Liberty Station [Master Declaration]; and

WHEREAS, the Agency and Master Developer believe the Master Declaration is essential for the efficient preservation of the amenities in that portion of the Project consisting of Map Units 4, 5 and 6 and Lot 117 of Unit 2 [Subject Property] and the operation and maintenance of shared parking and other common areas, and necessary to implement the Precise Plan; and

WHEREAS, the Agency and Master Developer propose to have the Master Declaration administered by a Master Association created pursuant to the California Nonprofit Public Benefit Law; and

WHEREAS, the Agency and Master Developer desire to cause their respective present

and future real property interests in the Subject Property to be impressed with the Master Declaration and any Supplemental Master Declarations to implement the Precise Plan and the DDA; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, as follows:

1. The Agency consents to the impression of a Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements upon the Subject Property in Liberty Station and to have the Master Declaration administered by a Master Association.
2. The Agency Executive Director, or designee, is authorized to execute the Second Implementation Agreement to the DDA to consent to the recordation of the Master Declaration by the Master Developer. D-03430.
3. The Agency Executive Director, or designee, is authorized to execute the Master Declaration of Covenants, Conditions, Restrictions and Reservation of Easements for Liberty Station in the form attached as Exhibit A to the Second Implementation Agreement, or such other form of Master Declaration substantially equivalent to that form of Master Declaration.
4. The Agency Executive Director, or designee, is authorized to execute any Supplemental Master Declarations on the Subject Property as may be necessary for the efficient preservation of the amenities in the Subject Property and the operation and maintenance of shared parking and other common areas, and necessary to implement the Precise Plan.
5. The Agency Executive Director, or designee, is authorized to execute and acknowledge the Agency Consent, Joinder and Subordination of Fee Interest in the form attached to the Master Declaration or such other form as is substantially equivalent to the form attached to the Master Declaration, and to execute a substantially equivalent consent, joinder and subordination with respect to any Supplemental Master Declaration.
6. The Agency Executive Director, or designee, is authorized to execute any other

instruments, agreements, and amendments to documents as may be necessary or appropriate to effectuate the impression of the Master Declaration on the Subject property and to effectuate the DDA as amended to date and as further amended by this Second Implementation Agreement.

APPROVED: CASEY GWINN, General Counsel

By

Elisa A. Cusato  
Deputy General Counsel

EAC:ai  
05/09/02  
Or.Dept:REDV  
Aud.Cert:n/a  
RA-2002-130  
Council:n/a  
Form=rda&t-comp.frm