

(RA-2000-89)

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. R-03090
ADOPTED ON JANUARY 31, 2000

WHEREAS, on November 3, 1998, the electorate of the City of San Diego [City] approved Ordinance No. O-18613 [Ordinance] which authorized 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, and the Centre City Development Corporation 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 all parties thereto; and

WHEREAS, the MOU reflects the basic business deal between the parties, and contains certain general terms for the planning and construction of the proposed new ballpark, including the obligation of Padres to design and construct the proposed new ballpark, subject to all the other terms of the MOU; and

WHEREAS, the MOU provides that the planning and construction of the proposed new

ballpark shall be subject to the terms of more definitive agreements, encompassing issues not addressed in the MOU; and

WHEREAS, concurrently with the consideration of this resolution, the Redevelopment Agency of The City of San Diego [Agency] is considering the adoption of a resolution authorizing the execution of a Design-Build Procurement Consultant Agreement [Agreement] with Padres Construction L.P. [PCL] for the procurement of a design-build contract for the design and construction of the proposed new ballpark; and

WHEREAS, the Agency is considering the award of the Agreement on the condition that Padres guaranty the performance of the obligations under the Agreement by PCL, including the obligation to cause the proposed new ballpark to be designed and constructed; and

WHEREAS, Padres have committed to guaranty the performance of PCL; and

WHEREAS, it is now fitting to consider such actions as may be necessary and appropriate to implement the purpose and intent of the Ordinance and MOU, consistent with the Agency's obligations under California law, and the discretion lawfully vested in the Agency; and

WHEREAS, the action authorized by this resolution is fully consistent with the MOU;
NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of The City of San Diego [Agency], that the Executive Director of the Agency, be and he is hereby authorized and directed to accept for and on behalf of the Agency the Guaranty Agreement Concerning the Ballpark Design-Build Procurement Consultant Agreement [Guaranty] attached hereto as Exhibit 1. When the Guaranty is fully executed, it shall be kept on file in the Office of the Secretary to the Agency as Document No. D-03090.

BE IT FURTHER RESOLVED, that the Executive Director of the Agency be and he is hereby authorized and directed to take such other and further actions as may be necessary or

appropriate to implement the intent and purposes of this resolution, consistent with the rights and obligations of the Agency pursuant to the Ordinance and MOU.

APPROVED: CASEY GWINN, General Counsel

By
Douglas K. Humphreys
Deputy Counsel

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