

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. R-03141
ADOPTED ON APRIL 11, 2000

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY IN THE SOUTHCREST REDEVELOPMENT PROJECT AREA TO THE CITY OF SAN DIEGO FOR THE DEVELOPMENT OF THE FATHER BROCKHAUS PARK; REPEALING REDEVELOPMENT AGENCY RESOLUTION NO. R-02911; APPROVING THE AMENDED COOPERATION AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE SALE.

WHEREAS, the Redevelopment Agency of The City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Southcrest Redevelopment Project [Project]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, on November 24, 1998, the Agency by Resolution No. R-02911 and the Council of The City of San Diego by Resolution No. R-291003, approved a Cooperation Agreement with The City of San Diego [the City] for the sale of real property in the Project area for the development of the Father Brockhaus Park [Park] on the western end of the 252 Corridor; and

WHEREAS, certain changes in the development specifics resulted in the Cooperation Agreement not being executed; and

WHEREAS, the Agency and the City have negotiated a Amended Cooperation Agreement [Amended Agreement] and the Agency proposes to enter into the Amended

Agreement with the City; and

WHEREAS, pursuant to the Amended Agreement, the Agency proposes to sell certain property as described in the Amended Agreement in the Project area to the City for the development of the Park; and

WHEREAS, the Board of Directors for the Southeastern Economic Development Corporation, Inc., has reviewed and discussed the proposed Amended Agreement and has recommended that the Council and the Agency enter into the Amended Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code section 33000 et seq.), the Agency and the Council held a joint public hearing on the proposed sale of the real property pursuant to the Amended Agreement; having duly published notice of the public hearing and made copies of the proposed Amended Agreement, and other reports and documents (including the summary provided for in California Health and Safety Code section 33433) available for public inspection and comment; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed sale of real property and believes that the redevelopment of the real property pursuant to the proposed Amended Agreement is in the best interest of the City and the health, safety, morals, and welfare of its residents, and in accord with the public purposes and provisions of applicable State and local law and requirements; NOW, THEREFORE,

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

1. That Agency Resolution No. R-02911 which approved the original Cooperation Agreement is repealed.
2. That the Agency has received and heard all oral and written objections to the

proposed Amended Agreement, to the proposed sale of the real property pursuant to the proposed Amended Agreement, and to other matters pertaining to this transaction, and that all the oral and written objections are overruled.

3. That the Agency finds and determines that the sale of the real property for the development of the Park, as described in the Amended Agreement, will assist in the elimination of blight.

4. That the Agency finds and determines that the consideration to be paid by The City of San Diego for the purchase of the real property for the development of the Park is not less than fair market value in accordance with the covenants and conditions governing the purchase as set forth in the Amended Agreement. The Agency further finds and determines that all consideration to be paid under the Amended Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project.

5. That the sale of the real property and the Amended Agreement which establishes the terms and conditions for the sale and development of the real property are approved.

6. That the Executive Director of the Agency, or designee, is authorized to execute the Amended Agreement, on behalf of the Agency, provided that the Council has first approved the Amended Agreement and the sale of real property pursuant thereto. A copy of the Amended Agreement, when executed by the Agency and the City, shall be placed on file in the office of the Secretary to the Agency as Document No. D-03141a.

7. That the Agency authorizes the Secretary of the Agency to deliver a copy of this resolution to the City Manager and members of the Council.

8. That the Executive Director of the Agency, or designee, is authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the

Amended Agreement and to administer the Agency's obligations, responsibilities, and duties to be performed under the Amended Agreement.

9. That the Agency further agrees to transfer to City, for park development, any contingency funds remaining after the construction of public improvements for the 252 Phase II Residential development project adjacent to the park.

10. That, as part of the consideration paid for the purchase of the property, the Agency agrees to transfer, concurrent with the close of escrow, an amount not to exceed \$500,000 of the estimated development cost to facilitate the improvements of the Park. In addition, the Agency agrees to make an in-lieu payment of \$44,500 to the City not later than Fiscal Year 2002 for additional park improvements.

11. That the Executive Director of the Agency, or designee, is authorized to execute, on behalf of the Agency, a grant deed to the City for the real property site located between 38th Street and Birch Streets, south and west of Chollas Creek, for the development of the Park. A copy of the Grant Deed is on file in the office of the Secretary to the Agency as Document No. D-03141b.

12. That by Agency Resolution No. R-02912, adopted on November 24, 1998, the Redevelopment Agency of The City of San Diego as Lead Agency under the California Environmental Quality Act certified that it reviewed and considered the final Secondary Study, dated November 1998, covering this activity.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys
Deputy General Counsel

DKH:lc

03/29/00
Or.Dept:SEDC
Aud.Cert:2000945
RA-2000-128
Form=rda&t.frm