

(RA-2002-63)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. R-03405

ADOPTED ON NOVEMBER 20, 2001

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE TRANSFER OF CERTAIN PROPERTY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA FROM THE CHILDREN'S MUSEUM TO PINNACLE MARKET DEVELOPMENT (US), LLC; APPROVING THE FIRST IMPLEMENTATION AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH TRANSFER.

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 Centre City Redevelopment Project [Project]; and

WHEREAS, in order to carry out and implement such Redevelopment Plan, the Agency has previously entered into a Disposition and Development Agreement dated August 18, 1994, as amended by the Amendment to Disposition and Development Agreement and Lease dated April 14, 1999 [collectively Disposition Agreement], with The Children's Museum, a California non-profit public benefit corporation [Museum], which Disposition Agreement provides for the sale to the Museum of that property located in the Centre City area of the City of San Diego [Site] as described in the Disposition Agreement; and

WHEREAS, in order to further carry out and implement such Redevelopment Plan the Agency proposes to approve a First Implementation Agreement to Disposition Agreement [First Implementation Agreement] to provide for: (1) Refinement of the terms and conditions for conveyance of the Site to the Museum to facilitate the development of a new children's museum

on a portion thereof [Museum Parcel]; (2) authorization for the Museum to transfer a portion of the Site [Tower Parcel] to Pinnacle Market Development (US), LLC, a California limited liability company [Developer], for the development of a residential condominium tower, with ancillary retail; and (3) payment to the Agency of any proceeds received by the Museum in connection with such transfer to the Developer, which are not used to assure development of the museum; and

WHEREAS, the Museum has submitted to this Agency and the City Council of the City of San Diego [City Council] copies of said proposed First Implementation Agreement in a form desired by the Museum; and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed said proposed First Implementation Agreement, and has recommended that the City Council approve and the Agency enter into the First Implementation Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law [California Health and Safety Code, section 33000, *et seq.*] this Agency and the City Council held a joint public hearing on the proposed conveyance of the Site and transfer of the Tower Parcel pursuant to such First Implementation Agreement; having duly published notice of such public hearing and made copies of the proposed First Implementation Agreement and other reports and documents available for public inspection and comment; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed conveyance of the Site and transfer of the Tower Parcel and believes that the development of the Tower Parcel and the Site pursuant to the proposed First Implementation 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. The Agency recognizes that it has received and heard all oral and written objections to the proposed First Implementation Agreement, to the proposed conveyance of the Site and transfer of the Tower Parcel pursuant to the proposed First Implementation Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. The Agency finds and determines that the conveyance of the Site and transfer of the Tower Parcel pursuant to the proposed First Implementation Agreement will assist in the elimination of blight within the Project area, and is consistent with the Implementation Plan for the Centre City Redevelopment Project adopted pursuant to section 33490 of the California Community Redevelopment Law.

3. The Agency hereby finds and determines that the consideration to be paid by the Developer for the transfer of the Tower Parcel as described in the First Implementation Agreement is not less than fair market value at its highest and best use in accordance with the Redevelopment Plan for the Project, and is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the transfer.

4. The conveyance of the Site and transfer of the Tower Parcel, and the First Implementation Agreement which establishes the terms and conditions for the conveyance of the Site and transfer of the Tower Parcel, and development of the Site, are approved.

5. The Executive Director of the Agency, or designee, is authorized to execute the First Implementation Agreement on behalf of the Agency, provided that the City Council has first approved such First Implementation Agreement and the conveyance of the Site and transfer of the Tower Parcel pursuant thereto. A copy of the First Implementation Agreement, when executed by the Agency, shall be placed on file in the office of the secretary of the Agency as

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6. The Executive Director of the Agency, or designee, is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the First Implementation Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under said First Implementation Agreement.

APPROVED: CASEY GWINN, General Counsel

By

Douglas K. Humphreys  
Deputy General Counsel

DKH:ai

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Or.Dept:CCDC

Aud.Cert:n/a

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