

REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NUMBER R 03510

ADOPTED ON JULY 16, 2002

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, on January 31, 2000, in accordance with the implementation provisions of the MOU, the Board of Directors of the Agency [Board] authorized and directed the Executive Director to execute the Ballpark and Redevelopment Project Implementation Agreement [First Implementation Agreement] which provided in part for the lease of certain real property, commonly known as the R7 and P1 parcels, by the Agency and City, respectively, to the Padres

for the construction and operation of parking garages; and

WHEREAS, the First Implementation Agreement was executed by all the Parties; and

WHEREAS, pursuant to the First Implementation Agreement, the land acquisition budget for the Ballpark Project was set at \$100 million, plus, if necessary, certain overruns in the land acquisition budget; and

WHEREAS, on November 20, 2001, in accordance with the implementation provisions of the MOU, the Board authorized and directed the Executive Director to execute the Second Ballpark and Redevelopment Project Implementation Agreement [Second Implementation Agreement] which further modified certain rights and obligations of the Parties; and

WHEREAS, the Second Implementation Agreement was executed by all the Parties; and

WHEREAS, the Parties have further determined the Padres will no longer lease from the Agency the R7 parcel, but will acquire and own the P1 parcel for the purpose of constructing and operating a parking garage; and

WHEREAS, it is therefore necessary and appropriate to reduce the land acquisition budget for the Ballpark Project by the estimated amount to acquire the P1 parcel; and

WHEREAS, the rights and obligations of the Parties and others with respect to the R7 parcel have been previously approved and set forth in the Second Implementation Agreement to the Disposition and Development Agreement for the Sixth and L Street (Omni) Hotel; and

WHEREAS, the MOU and related Ballpark Project agreements do not address the responsibilities of the Parties to pay for certain environmental mitigation costs as identified in the Environmental Impact Report for the Ballpark Project; and

WHEREAS, the Parties have reached agreement as to their respective responsibilities for such expenses; 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, First Implementation Agreement and Second Implementation Agreement, consistent with the City's and Agency's obligations under California law, and the discretion lawfully vested in the City Council 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 the rights and obligations of the Parties as set forth herein, or as previously set forth in the First Implementation Agreement, Second Implementation Agreement or any of their Supplements, are deemed to modify the rights and obligations of the Parties as set forth in the MOU, the same were intended as such, and the Parties agree that 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 the Agency, 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 be and he is hereby authorized and directed to execute for and on behalf of the Agency the Third Ballpark and Redevelopment Project Implementation Agreement [Third Implementation Agreement], attached hereto as Exhibit 1. When that agreement is fully executed, it shall be kept on file in the Office

of the City Clerk as Document No. RR- 296812 and in the Office of the Redevelopment Agency as Document No. 03510.

BE IT FURTHER RESOLVED, that the Executive Director be and he is hereby authorized and directed to make such payments or expenditures as may be required by the Third Implementation Agreement, and as otherwise required by City of San Diego Resolution No. R-296812, on the condition that the City Auditor & Comptroller first certify the availability of funds for such purpose.

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 First Implementation Agreement, the Second Implementation Agreement, or the Third Implementation Agreement, consistent with the rights and obligations of the City and Agency pursuant to the Ordinance, MOU, First Implementation

Agreement, Second Implementation Agreement, and Third Implementation Agreement, and their authorizing ordinances and resolutions.

APPROVED: CASEY GWINN, General Counsel

By

Leslie J. Girard  
Assistant General Counsel

LJG:ljj:js

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07/18/02 REV

Or.Dept:Redv

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