

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. R-03657
ADOPTED ON JULY 15, 2003

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO APPROVING THE THIRD
IMPLEMENTATION AGREEMENT BETWEEN THE
REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO
AND MCMILLIN-NTC, LLC AND MAKING CERTAIN
FINDINGS WITH RESPECT TO THE FUNDING OF
PUBLICLY OWNED INFRASTRUCTURE IMPROVEMENTS.

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 Naval Training Center [NTC] Redevelopment Project Area [the Project Area]; and

WHEREAS, the 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, adopted by the City Council in May 1997, and the Naval Training Center Reuse Plan, adopted by the City Council in October 1998; and

WHEREAS, on May 7, 2002, the Agency by Resolution No. R-03466 approved a First Implementation Agreement to the DDA; and

WHEREAS, on June 4, 2002, the Agency by Resolution No. R-03480 approved a Second Implementation Agreement to the DDA; and

WHEREAS, in order to further implement the development under the DDA, the Agency and the Master Developer propose (pursuant to the terms and conditions of a proposed Third Implementation Agreement) to further amend the DDA to reimburse the Master Developer for costs of infrastructure improvements that are beyond the scope of the DDA and the NTC Reuse

Plan, to incorporate into the DDA the Coastal Commission's modification to the NTC Precise Plan and Local Coastal Program, to make adjustments to accommodate High Tech High School's acquisition of property in the Education Area, to authorize an amendment to the Consent Agreement entered into by the Agency, the Master Developer and Construction Lending Corporation of America, and to authorize the construction of a temporary parking lot on the Camp Nimitz Hotel site; and

WHEREAS, the Master Developer has submitted to the Agency copies of the proposed Third Implementation Agreement in a form desired by the Master Developer; and

WHEREAS, the Agency has duly considered all of the terms and conditions of the proposed Third Implementation Agreement and believes that the conditions contained in the proposed Third Implementation Agreement are 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 all the terms and conditions in the proposed Third Implementation Agreement are approved.
2. That the Executive Director of the Agency, or designee, is authorized to execute the Third Implementation Agreement with McMillin-NTC, LLC, for and on behalf of the Agency. A copy of the Third Implementation Agreement is on file in the office of the secretary to the Agency as Document No. D-03657.
3. 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 Third Implementation Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Third Implementation Agreement.
4. That the Agency finds and determines that the publicly owned infrastructure improvements for which the Agency proposes to pay are of benefit to the Naval Training Center Redevelopment Project, that the Agency finds and determines that no other reasonable means for financing the proposed publicly owned infrastructure improvements are available to the community, and that the Agency finds and determines that the proposed publicly owned

infrastructure improvements will assist in eliminating one or more blighting conditions inside the Project area, all as described in Attachment No.1.

5. That the Agency finds and determines that the proposed publicly owned infrastructure improvements are consistent with the Implementation Plan adopted for the Project by the Agency pursuant to California Health and Safety Code section 33490, as described in Attachment No.1.

APPROVED: CASEY GWINN, General Counsel

By _____
Elisa A. Cusato
Deputy General Counsel

EAC:smf
04/22/03
Or.Dept:Redev.
RA-2003-150
Redev: RA-2003-147, RA-2003-148, RA-2003-149
Council:R-2003-1264, R-2003-1265, R-2003-1266, R-2003-1267