

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NO. R-03665
ADOPTED ON JULY 29, 2003

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE AGENCY AND LANKFORD AND ASSOCIATES, INC. RELATING TO THE "SMART CORNER" PROJECT; APPROVING THE SALE OF PROPERTY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH DISPOSITION AND DEVELOPMENT AGREEMENT AND SUCH SALE.

WHEREAS, the Redevelopment Agency of the City of San Diego [the Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project [the Project], and has adopted an Implementation Plan for the Centre City Redevelopment Project in accordance with California Health and Safety Code Section 33490 [the Implementation Plan]; and

WHEREAS, in order to carry out and implement such Redevelopment Plan, the Agency proposes to enter into a Disposition and Development Agreement [Agreement], pursuant to which the Agency will sell certain real property bounded by "C" Street to the north, Park Boulevard to the east, Broadway on the south, and 11th Avenue on the west [the Site] to Lankford and Associates, Inc., or its assignee [the Developer], which will construct thereon a mixed-use development consisting of two structures including: (1) a five-story office building

containing approximately 111,000 gross square feet (consisting of approximately 85,000 gross square feet of office space and approximately 19,000 gross square feet of retail space; and (2) a 19- story residential building containing approximately 264,000 gross square feet (consisting of approximately 299 residential condominiums and 9,000 square feet of retail space) [the Development], pursuant to the terms and provisions of the Agreement; and

WHEREAS, the Developer has submitted to the Agency and the City Council of the City of San Diego copies of the proposed Agreement in a form desired by the Developer; and

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

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code section 33000, et seq.). The Agency and the City Council held a joint public hearing on the proposed sale fo the site pursuant to the Agreement, having duly published notice of such public hearing and made copies of the proposed 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 sale of the site and believes that the development of the site pursuant to the proposed Agreement is in the best interests of the City and the health, safety, morals and welfare of its residents, and in accordance 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 the Agency recognizes that it has received and heard all oral and written objections to the proposed Disposition and Development Agreement, to the proposed sale of the

site pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled.

2. That the Agency hereby finds and determines that the consideration to be paid by the Developer for the sale of the Site as described in the Agreement is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by Agreement. The Agency hereby further finds and determines that all consideration to be paid under the Agreement is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Project.

3. That the Agency hereby finds and determines that the sale of the Site will assist in the elimination of blight in the Project area, and is consistent with the Implementation Plan.

4. That the sale of the real property and the Agreement which establishes the terms and conditions for the sale and development of the site are hereby approved.

5. That the Executive Director of the Agency (or designee) is hereby authorized to execute the Disposition and Development Agreement on behalf of the Agency, provided that the City Council has first approved Agreement and the sale of the site pursuant thereto. A copy of the Agreement, when executed by the Agency, shall be placed on file in the office of the Secretary of the Agency as Document No. D-03665.

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

APPROVED: CASEY GWINN, General Counsel

By _____
Sung L. Phillips
Deputy General Counsel

SLP:mm

7/15/03

Or.Dept:REDEV

Aud.Cert:N/A

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