

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NUMBER R-03844
ADOPTED ON NOVEMBER 15, 2004

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE COOPERATION AGREEMENT WITH THE SAN DIEGO STATE UNIVERSITY FOUNDATION; AND THE SECOND AMENDMENT TO AGREEMENT WITH THE LAW OFFICES OF BEST BEST & KRIEGER FOR SPECIAL LEGAL COUNSEL SERVICES IN THE COLLEGE COMMUNITY REDEVELOPMENT PROJECT AREA.

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 College Community Redevelopment Project Area [Project Area]; and

WHEREAS, the San Diego State University Foundation [Developer], wishes to develop approximately 11 acres generally bounded by College Avenue, Montezuma Road, Campanile Drive, and the San Diego State University campus [Site] as a residential/retail mixed-use project [Paseo]; and

WHEREAS, the Agency and Developer entered into an Exclusive Negotiating Agreement [Agreement] on March 7, 2003, which was filed on March 13, 2003, in the office of the secretary of the Agency as Document No. D-03600; and

WHEREAS, the Agency and Developer continue to negotiate with the intent to enter into a Disposition and Development Agreement [DDA] in March 2005; and

WHEREAS, the Cooperation Agreement proposes that Developer fund staff time, outside consultants and attorney's fees related to the Paseo.

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

1. That the Executive Director of the Agency, or designee, is authorized and empowered to execute, for and on behalf of the Agency, a Cooperation Agreement with the San Diego State University Foundation, under the terms and conditions set forth in the Cooperation Agreement on file in the office of the secretary of the Agency as Document No. D-03844a
2. That the Agency accepts the Developer's deposit and that the Fiscal Year 2005 Redevelopment Agency Budget is amended to increase the College Community Redevelopment Project Fund by an amount not to exceed \$445,525.
3. That the expenditure of an amount not to exceed \$445,525 is authorized, contingent on the City Auditor furnishing a certificate that states funds are, or will be, on deposit in the City Treasury, solely and exclusively, for the purpose of providing funds for staff time, outside consultants and attorney's fees related to the Paseo.
4. That the Executive Director of the Agency, or designee, is authorized and empowered to execute, for and on behalf of the Agency, the Second Amendment to Agreement with Best Best & Krieger, LLP for special legal counsel services (condemnation) for projects within the College Community project area, under the terms and conditions set forth in the

Second Amendment to Agreement, a copy of which is on file in the office of the secretary to the Agency as Document No. D-03844b.

APPROVED: CASEY GWINN, General Counsel

By _____
Sung L. Phillips
Deputy Counsel

SLP:ai
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11/10/04 COR.COPY
Or.Dept:REDV
Aud.Cert:n/a
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