

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NUMBER R-03895
ADOPTED ON APRIL 19, 2005

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE AMENDMENT TO GRANT OF RECIPROCAL EASEMENTS AND ACCESS RIGHTS BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND SAN DIEGO BALLPARK HOTEL COMPANY, LLC (R-7 PARCEL).

Whereas, the City Council of the City of San Diego (City Council) and the Redevelopment Agency of the City of San Diego (Agency) approved the Disposition and Development Agreement for the Sixth and L Street Hotel between JMI Realty, Inc. (Hotel Developer) and the Agency on November 9, 1999 by City Council Resolution No. RR-292440 and by Agency Resolution No. R-03075. Such Disposition and Development Agreement is on file with the City Clerk as Document No. 292440 filed November 9, 1999, and on file with the Secretary to the Agency as Document No. 03075 filed December 21, 1999; and

Whereas, such Disposition and Development Agreement was originally amended by the First Implementation Agreement dated November 28, 2000, which First Implementation Agreement was subsequently replaced and superceded by the Second Implementation Agreement dated April 23, 2002 approved by the Agency by Resolution No. R-03456 on April 23, 2002, and on file with the Secretary to the Agency as Document No. 03456 (together with the Disposition and Development Agreement, Hotel DDA); and

Whereas, pursuant to Agency Resolution Nos. R-03075 and R-03456, the Executive Director of the Agency was authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Hotel DDA and to administer the Agency's obligations, responsibilities and duties to be performed under the Hotel DDA; and

Whereas, a Grant of Reciprocal Easements and Access Rights by and between Redevelopment Agency of the City of San Diego and San Diego Ballpark Hotel Company, LLC was entered into on September 10, 2004 and recorded in the Office of the County Recorder of San Diego County on September 10, 2004 as Document No. 2004-0863928 (the "REA"), providing for the implementation of the Hotel DDA with respect to the "R-7 Parcel" on which the Agency had developed a Parking Garage and within which the Hotel Developer was granted a Basement Level Parking Easement and a Retail Easement; and

Whereas, the Agency and the Hotel Developer desire to enter into an Amendment to modify the REA with respect to the "L Street Easement Area" to provide for the use of the L Street Easement Area for purposes in addition to retail purposes, subject to the terms and conditions set forth in the Amendment, and to modify the REA with respect to the relocation of the Basement Level Parking Easement to a temporary location in the event the Agency elects to redevelop the R-7 Parcel; NOW, THEREFORE,

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

1. The Amendment to Grant of Reciprocal Easements and Access Rights between the Redevelopment Agency of the City of San Diego and San Diego Ballpark Hotel Company, LLC (Amendment) is hereby approved. A copy of the Amendment, when executed by the Agency, shall be placed on file in the office of the Secretary of the Agency as Document No. D-3895.

2. The Executive Director of the Agency (or his designee) is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the REA and the Amendment and to administer the Agency's obligations, responsibilities and duties to be performed under said REA and Amendment.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By _____
Rachel H. Witt
Deputy General Counsel

RHW:mm
03/28/05
Or.Dept: CCDC
RA-2005-118
Aud.Cert:N/A
MMS#1687