

RA # 4
4/25/06 RA only

(RA-2006-99)

REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO
RESOLUTION NUMBER R-04017
DATE OF FINAL PASSAGE MAY 04 2006

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE SECOND IMPLEMENTATION AGREEMENT TO THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND WATT LOFTS, LLC (ASSIGNEE OF WATT COMMERCIAL ENTERPRISES, LLC).

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 Centre City Redevelopment Project Area [Project Area]; and

WHEREAS, the Centre City Development Corporation, Inc. [CCDC], has been authorized to administer the redevelopment projects in the Project Area; and

WHEREAS, in order to carry out and implement such Redevelopment Plan, the Agency has entered into a Disposition and Development Agreement [Agreement] with Watt Commercial Enterprises, LLC (predecessor to Watt Lofts, LLCL [Developer]), dated July 10, 2001, and on file in the Office of the Secretary to the Agency as Document No. D-03353, and a First Implementation Agreement dated March 5, 2002, and on file in the Office of the Secretary to the Agency as Document No. D-03435, with Watt Lofts, LLC (collectively referred to herein as the "Agreement"); and

WHEREAS, the Property which is in the subject of the DDA was conveyed to Developer at a Purchase Price determined in accordance with the uses of the Property permitted by the

DDA. Part of the Purchase Price included an obligation by Developer to pay the Agency a Contingent Payment comprised of five percent of the Net Cash Flow derived from the ownership and operation of the Property in accordance with the terms of that certain participation Agreement by and between the parties dated as of March 4, 2004 (Participation Agreement).

WHEREAS, in order to further implement the development under the Agreement, the Agency and Developer propose, pursuant to the terms and conditions of the Second Implementation Agreement, to amend the Agreement, to provide for (1) the conversion of 84 live/work lofts to for-sale condominiums; (2) an adjustment to the purchase price for the property; (3) termination of the Participation Agreement as a result of the purchase price adjustment; and (4) other such changes to the Agreement as may be necessary to carry out the conversion; and

WHEREAS, CCDC has reviewed and discussed the proposed Second Implementation Agreement and has recommended that the Agency enter into the Second Implementation Agreement; and

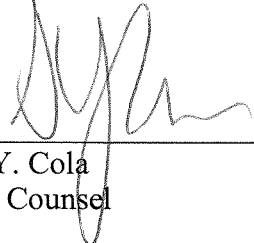
WHEREAS, the Agency has duly considered the recommendations of CCDC and all terms of the proposed Second Implementation Agreement and believes that the changes contained are in the best interest of the City, and the health, safety, morals and welfare of its residents, and in accord with the public purposes 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 that it approves the Second Implementation Agreement with Watt Lofts, LLC.

BE IT FURTHER RESOLVED, that the Executive Director of the Agency, or designee, is authorized for and on behalf of the Agency, to execute the Second Implementation Agreement and to administer the Agency's obligations, responsibilities, and duties to be performed under

that Agreement. A copy of the Second Implementation Agreement, when executed, shall be placed on file in the Office of the Secretary of the Agency as Document No.D- 04017

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By 

Susan Y. Cola
Deputy Counsel

SYC:mm
03/17/06
Or.Dept:Redev.Agency
Aud.Cert: N/A
RA-2006-99
MMS #3129

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of APR 25 2006.

ELIZABETH S. MALAND
Secretary

By 

Secretary

Jeannette Santos, Deputy Redevelopment Agency

By 

Deputy Redevelopment Agency

Approved: 5-04-06

(date)



JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on APR 25 2006, by the following vote:

Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Toni Atkins	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Brian Maienschein	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Madaffer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

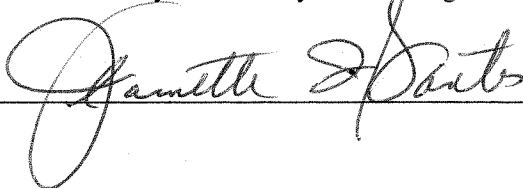
Date of final passage MAY 04 2006

AUTHENTICATED BY:

JERRY SANDERS
Executive Director of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
Secretary of The City of San Diego, California.

By , Deputy

Office of the Redevelopment Agency, San Diego, California
Resolution Number R-04017