

RA # 2  
5/30/06

(RA-2006-131)

REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NUMBER R-04036  
DATE OF FINAL PASSAGE JUN 05 2006

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO APPROVING THE TAILGATE  
PARK LEASE WITH PADRES L.P.

WHEREAS, on November 3, 1998, the electorate of the City of San Diego [City] approved Ordinance No. 0-18613 [Ordinance] which authorized and directed the City to enter into a Memorandum of Understanding [MOU] with the San Diego Padres [Padres L.P.], the Redevelopment Agency of the City of San Diego [Agency], and the Centre City Development Corporation [CCDC], together the "Parties," concerning a Ballpark District, Construction of a Baseball Park, and a Redevelopment Project within the Centre City East Redevelopment District [East Village] of the Expansion Sub Area of the Centre City Redevelopment Project; and

WHEREAS, the Parties executed the MOU and have executed subsequent implementation agreements, including a Fourth Implementation Agreement dated August 13, 2003; and

WHEREAS, the City and the San Diego Unified Port District [Port District] entered into a Purchase and Sale Agreement and Joint Escrow Instructions dated February 6, 2002 [Purchase and Sale Agreement] providing for the sale of the property bounded by K Street, 14<sup>th</sup> Street,

Imperial Avenue and 12<sup>th</sup> Avenue [Tailgate Park] by the City to the Port District as part of an implementation activity of the Ballpark Project and to provide surface parking facilities pursuant to a lease dated February 5, 2002 between Padres L.P. and the Port District, such lease not to become effective unless and until the Port District received title to Tailgate Park pursuant to the Purchase and Sale Agreement; and

WHEREAS, the City terminated the Purchase and Sale Agreement on July 29, 2005, pursuant to Section 5 (a) (ii) of the Purchase and Sale Agreement; and

WHEREAS, the Fourth Implementation Agreement provided, in part, that, “If the City does not transfer Tailgate Park to the San Diego Unified Port District by March 31, 2004 the City will enter into a lease with Padres on the same terms as those contained in the Port/Padres lease and consent to the collateral assignment of such lease to the lenders of San Diego Ballpark Funding LLC”; and

WHEREAS, the Agency owns Tailgate Park and desires to lease Tailgate Park to Padres L.P. substantially on the same terms as those contained in the Port/Padres lease, but with appropriate adjustments to those terms as negotiated by the Agency and Padres L.P.; and

WHEREAS, Padres L.P. has submitted to the Agency copies of the Redevelopment Agency of the City of San Diego Lease to Padres L.P. of Property Commonly Known as Lots P-5, P-6, B-2 and B-3, Bounded by 12<sup>th</sup> Street, 14<sup>th</sup> Street, Imperial Avenue and K Street, San Diego, California for Thirty (30) Years [Tailgate Park Lease] in a form desired by Padres L.P.; and

WHEREAS, CCDC has reviewed and discussed the Tailgate Park Lease, and has recommended that the Agency enter into the Tailgate Park Lease; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code, Sections 33000, et seq) the Agency held a public hearing on the Tailgate Park Lease, having duly published noticed of such public hearing; and

WHEREAS, the Agency has duly considered all terms and conditions of the Tailgate Park Lease; 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 Tailgate Park Lease and that all such oral and written objections are hereby overruled.
2. That the Tailgate Park Lease with Padres L.P. is hereby approved.
3. That the Executive Director of the Agency, or designee, is hereby authorized to execute the Tailgate Park Lease on behalf of the Agency. A copy of the Tailgate Park Lease, when executed by the Agency, shall be placed on file in the office of the Secretary of the Agency as Document No 04036.
4. 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 Tailgate Park Lease and to administer the Agency' s obligations, responsibilities and duties to be performed under said Lease.

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By Bruce Bartram  
Bruce Bartram  
Deputy General Counsel

BB:mm  
05/16/06  
Or.Dept:CCDC  
Aud.Cert: N/A  
RA-2006-131  
MMS #3303

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of MAY 30 2006 .

ELIZABETH S. MALAND  
Secretary

By Jeannette Santos for  
Secretary

Jeannette Santos, Deputy Redevelopment Agency

By Jeannette Santos  
Deputy Redevelopment Agency

Approved: 6-05-06  
(date)

JSL  
JERRY SANDERS, Executive Director

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Executive Director

MAY 30 2006

Passed by the Redevelopment Agency of The City of San Diego on \_\_\_\_\_, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 JUN 05 2006

AUTHENTICATED BY:

JERRY SANDERS

Executive Director of The Redevelopment Agency of The City of San Diego, California.

ELIZABETH S. MALAND

Secretary of The Redevelopment Agency of The City of San Diego, California

(Seal)

By *Janelle J. Santos*, Deputy

Office of the Redevelopment Agency, San Diego, California

Resolution Number R 04036