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(RA-2007-70)

## REDEVELOPMENT AGENCY OF

## THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04110

DATE OF FINAL PASSAGE MAR 0 5 2007

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING AN AGREEMENT WITH NRG ENERGY CENTER SAN DIEGO, LLC FOR CHILLED WATER SUPPLY SERVICE TO THE HISTORIC BALBOA THEATRE LOCATED IN THE HORTON PLAZA REDEVELOPMENT PROJECT.

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];

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency has previously approved the historic rehabilitation of the Balboa Theatre [Theatre] as a public initiative:

WHEREAS, as part of the rehabilitation of the Theatre, the Agency desires to enter into a fifteen-year Agreement with NRG Energy Center San Diego, LLC [NRG] in an amount not to exceed \$85,000, plus monthly payments for chilled water supply service to the historic Balboa. Theatre located at 868 Fourth Avenue in the Horton Plaza Redevelopment Project;

WHEREAS, NRG has submitted the proposed Agreement to the Agency in a form desired by NRG; and

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

(RA-2007-70)

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Agreement and believes that it is in the best interest of the City of San Diego and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions

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

1. That the Agency approves the Agreement with NRG Energy Center San Diego LLC in the amount of \$85,000 for chilled water supply to the Balboa Theatre.

of applicable state and local law requirements; NOW THEREFORE,

2. That 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 Agreement between the Agency and NRG Energy Center San Diego LLC and administer the Agency's obligations. 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- 04110

APPROVED: MICHAEL J. AGUIRRE, General Counsel

By

Cul a Leone
Carol A. Leone
Deputy Counsel

CAL:cfq 02/02/07 Or.Dept:CCDC

RA-2007-70 MMS#3100

Aud.Cert.: 2700542

I hereby certify that the foregoing Resolution was a City of San Diego, at its meeting ofFEB 2720	passed by the Redevelopment Agency of the 07.
	REDEVELOPMENT AGENCY
	By John Dutes Jeannette Santos, Deputy Secretary
Approved: 3.5.57 (date)	JERRY SANDERS, Executive Director
Vetoed:(date)	JERRY SANDERS, Executive Director

## The City of San Diego CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

## CERTIFICATE OF UNALLOTTED BALANCE

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Agency Members	Yeas	Nays	Not Present	Ineligible
Scott Peters	$\mathbf{d}_{f}$			
Kevin Faulconer	Z,			
Toni Atkins	$\mathbb{Z}_{/}$			
Anthony Young	<b>1</b>			
Brian Maienschein	$\mathbb{Z}_{/}$			
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Resolution Number

R- 04110