

RA Mty 9/16/08
(RA-2009-19)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04326

DATE OF FINAL PASSAGE SEP 23 2008

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AUTHORIZING THE EXECUTIVE DIRECTOR OR HIS DESIGNEE TO EXECUTE, DELIVER AND RECORD AN ENVIRONMENTAL COVENANT WITH THE SAN DIEGO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH (DEH) RESTRICTING THE FUTURE USES OF TAILGATE PARK AND REQUIRING MAINTENANCE OF THE ASPHALT CAP ENCLOSING CONTAMINATED SOILS.

WHEREAS, since March 2004, the City of San Diego and the Redevelopment Agency have made available to Petco Ballpark fans a parking and tailgating venue close to the stadium known as Tailgate Park; and

WHEREAS, the soil located below the paved surface parking lot contains hazardous materials such as burn ash, lead, petroleum hydrocarbons and polynuclear aromatic hydrocarbons; and

WHEREAS, remedial action has contained the contaminants within a preexisting subsurface concrete pad which provides a barrier underneath the soil; and

WHEREAS, DEH has determined that the use of the property with these hazardous substances in place does not present an unacceptable threat to humans or the environment so long as the materials are covered with paving and said paving cap is properly maintained; and

WHEREAS, DEH is the administering agency for the mitigation of environmental conditions at the property pursuant to California Health and Safety Code § 25260, et seq.; and

WHEREAS, DEH has determined that the future uses of the property must preclude any modification to the asphalt cap and soil disturbance. Further, that it cannot be used for residential, hospital, school or day care purposes to protect human health, safety and the environment; and

WHEREAS, DEH requires an environmental covenant, in perpetuity, as a condition precedent to determining that the Property Mitigation Plan has been completed and that the indicated safeguards will be maintained in the future; NOW, THEREFORE,

BE IT RESOLVED, by the Redevelopment Agency of the City of San Diego, that the Executive Director, or his designee, is authorized to execute, deliver and record the Covenant to Restrict Use of Property Environmental Restriction between the City of San Diego and the County of San Diego for the property bounded by K Street, Imperial Avenue, 12th Avenue and 14th Street in the City of San Diego, State of California, a copy of which is filed in the office of the Secretary of the Agency as Document No. 04326 (Covenant to Restrict Use of Property Environmental Restriction).

BE IT FURTHER RESOLVED, that this activity is not a "project" and is therefore not subject to CEQA per State CEQA Guidelines Section 15060(c)(3).

APPROVED: MICHAEL J. AGUIRRE, General Counsel

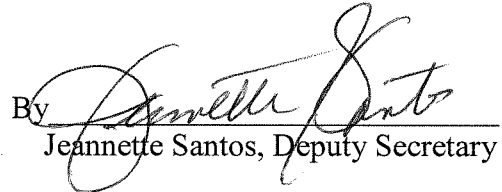
By


Huston Carlyle
Deputy General Counsel

HC:cfq
09/02/08
Or.Dept:CCDC
RA-2009-19
Council:R-2008-896

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of SEP 16 2008.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 9-23-08
(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

AC 2700819

ORIGINATING DEPT. NO.: 9960

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$13,800,000.00

Vendor: Parkside Terrace, L.P.

Purpose: Authorizing the expenditure of funds for new Owner Participation Agreement to develop a mixed-use project to contain 77 apartments on the subject site with an agency loan in an amount not to exceed \$13,800,000.00 from the Centre City Redevelopment Low and Moderate Income Housing Fund.

Date: June 11, 2007 By: Larissa Kogay

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA										
ACCTG. LINE	CY PY	FUND	DEPT	ORGANIZ	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENF/ EQUIP	FACILITY	AMOUNT
001	0	98881	98882	2007	6030	015401				\$6,000,000.00
002	0	98881	988832	2007	6030	015401				7,800,000.00
TOTAL AMOUNT										\$13,800,000.00

FUND OVERRIDE

AC 2700819

Passed by the Redevelopment Agency of The City of San Diego on SEP 16 2008, 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"/>

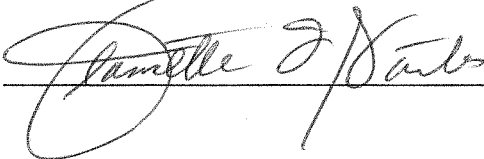
Date of final passage SEP 23 2008

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-04326