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REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04485

DATE OF FINAL PASSAGE MAR 02 2010

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (i) APPROVING THE COOPERATION AGREEMENT BY AND BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND THE CITY OF SAN DIEGO FOR THE DESIGN AND CONSTRUCTION OF THE CITY HEIGHTS SQUARE MINI PARK; AND (ii) APPROVING THE TRANSFER OF REAL PROPERTY KNOWN AS THE CITY HEIGHTS SQUARE MINI PARK TO THE CITY OF SAN DIEGO AS A PUBLIC PARK.

WHEREAS, the Redevelopment Agency of the City of San Diego [Agency] is engaged in the activities necessary to carry out and implement the Redevelopment Plan for the City Heights Redevelopment Project Area [Project Area]; and

WHEREAS, on February 9, 2006, the Agency acquired a 5,348 square foot site [Property] located on 43rd Street between University Avenue and Polk Avenue, City of San Diego, in the Project Area for future development of the Property as a public park [City Heights Square Mini Park] in furtherance of the Redevelopment Plan for the Project Area and in accordance with that certain Disposition and Development Agreement entered into by and between the Agency and San Diego Revitalization Corporation, approved by the Agency on May 3, 2005, as amended by that certain First Implementation Agreement entered into by and between the Agency and Price Charities (formerly San Diego Revitalization Corporation) approved by the Agency on November 13, 2007, and as further amended by that certain Second Implementation Agreement entered into by and between the Agency and City Heights Realty,

LLC (assignee of the DDA from Price Charities) approved by the Agency on December 2, 2008 [collectively referred to herein as the DDA]; and

WHEREAS, pursuant to Resolution No. R-04357 of the Agency, passed on December 15, 2008, and Resolution No. R-304522 of the City Council of the City of San Diego [Council] passed on December 15, 2008, the Agency and the Council each made certain findings in accordance with the California Community Redevelopment Law and agreed to the Agency's transfer to the City and the City's acceptance from the Agency, of certain funds in the amount not to exceed \$731,500 as a contribution to the City's Capital Improvement Program [CIP No. 29-956.0, CITY HEIGHTS SQUARE MINI PARK], for the specific purpose to fund the costs of the design and construction of the City Heights Square Mini Park to be performed by the City; and

WHEREAS, upon the City's completion of the design and construction of the City Heights Square Mini Park using Agency contributed funds, the Agency intends to transfer, and the City intends to accept, fee title of the Property by Grant Deed, for the Property to be used as a public park; and

WHEREAS, pursuant to the DDA and project entitlements issued by the City relating to the development of City Heights Square – Project No. 146605, the maintenance and operations of the City Heights Square Mini Park will be provided by the property owners of the adjacent developments, currently identified as City Heights Square, L.P., La Maestra Family Clinic, Inc., and City Heights Realty, LLC; and

WHEREAS, pursuant to the DDA, the maintenance and operations of the City Heights Square Mini Park provided by City Heights Square, L.P., La Maestra Family Clinic, Inc., and City Heights Realty, LLC, will be performed pursuant to and in accordance with that certain

Grant of Maintenance and Operations Easement and Agreement attached in substantial form to the Second Implementation Agreement to the DDA, to be entered into by and between the City, City Heights Square, L.P., La Maestra Family Clinic, Inc., and City Heights Realty, LLC; and

WHEREAS, the Agency and the City desire to enter into a Cooperation Agreement for the purpose of setting forth their mutual agreement on certain terms and conditions in connection with the development and transfer of the City Heights Square Mini Park including the following: (1) a Schedule of Performance for the City's design and construction of the City Heights Square Mini Park; (2) a Project Budget for the City's design and construction of the City Heights Square Mini Park; (3) a Scope of Development including a non-exclusive list of improvements and components to be included in the design and construction of the City Heights Square Mini Park; and (4) the Agency's transfer of fee title to the Property, and the City's acceptance of fee title to the Property, by Grant Deed upon the City's completion of the design and construction of the City Heights Square Mini Park, for use as a public park; NOW, THEREFORE,

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

1. That the Agency hereby approves the Cooperation Agreement by and between the Agency and the City of San Diego [City] for the design and construction of the City Heights Square Mini Park Project, and the Exhibits attached thereto; a copy of said Cooperation Agreement, upon execution by the Agency, shall be placed on file in the office of the secretary of the Agency as Document No. D- 04485

2. That the Agency hereby authorizes the Agency Executive Director or designee to execute the Cooperation Agreement and all other documents necessary and appropriate to carry

out the Cooperation Agreement, and to administer the Agency's obligations, responsibilities, and duties to be performed thereunder.

3. That the Agency hereby approves the transfer of real property known as the City Heights Square Mini Park to the City as a public park in accordance with the terms of the Cooperation Agreement and pursuant to that certain Grant Deed attached in substantial form as Exhibit "I" to the Cooperation Agreement.

4. That the Agency hereby authorizes the Agency Executive Director or designee to execute the Grant Deed upon completion of the design and construction of the City Heights Square Mini Park and in accordance with the terms of the Cooperation Agreement, and all other documents necessary and appropriate to carry out the Grant Deed, and to administer the Agency's obligations, responsibilities, and duties to be performed thereunder.

APPROVED: JAN I. GOLDSMITH, General Counsel

By



Kendall D. Berkey
Deputy General Counsel

KDB:nda

01/27/10

Or.Dept:Redev.Agency

RA-2010-54

MMS#7091

Comp. RA-2010-53

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of FEB 23 2010.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 3.2.10
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on FEB 23 2010, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherr Lightner	<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"/>
Todd Gloria	<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"/>
Carl DeMaio	<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"/>
Marti Emerald	<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"/>

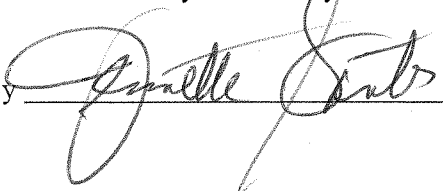
Date of final passage MAR 02 2010

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- 04485