



REDEVELOPMENT AGENCY
OF THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- 04595

DATE OF FINAL PASSAGE JAN 24 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING AND AUTHORIZING THE EXECUTION OF THE LEASE AGREEMENT FOR A COMMUNITY GARDEN WITH PROJECT NEW VILLAGE LOCATED AT 4261-4271 MARKET STREET IN THE MOUNT HOPE REDEVELOPMENT PROJECT AREA.

WHEREAS, the Redevelopment Agency of the City of San Diego (Agency) is involved in certain activities necessary to carry out and implement the Mount Hope Redevelopment Plan (Redevelopment Plan) for the community garden located at 4261-4271 Market Street, San Diego, California (Property) in the Mount Hope Redevelopment Project Area, (Project Area) in accordance with the California Community Redevelopment Law (California Health and Safety Code Sections 33000 *et seq.*); and

WHEREAS, the Southeastern Economic Development Corporation (Corporation) is responsible for implementing redevelopment projects in the Project Area; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency approved the Fourth Implementation Plan for the period of July 2009 – June 2014 for the Mount Hope Redevelopment Projects (Implementation Plan); and

WHEREAS, the Implementation Plan identifies the need to develop under-utilized parcels of land and provide for neighborhood amenities; and

WHEREAS, Project New Village, a 501(c) (3) not for profit entity (Project New Village) is requesting that the Agency enter into a lease agreement for a term of three years with two renewal options for a period of one year each (Lease Agreement) in order to establish a community garden (Community Garden Project) on the Agency owned Property, which is currently vacant and not being utilized, in the Project Area; and

WHEREAS, under the terms of the Lease Agreement, Project New Village will be solely responsible for all costs related to the installation and maintenance of the Community Garden Project; and

WHEREAS, in accordance with the Redevelopment Plan and Implementation Plan for the Project Area, the Community Garden Project would permit Project New Village and community members to cultivate fresh and nutritious produce, and engage in low-intensity physical activity; and

WHEREAS, the Corporation proposes that the Agency enter into the Lease Agreement for the establishment of the Community Garden Project; and

WHEREAS, the San Diego Municipal Code (Municipal Code) section 141.0203 provides that community gardens are permitted in certain zones subject to the regulations set forth in the that section; and

WHEREAS, the Property is not currently zoned for operation as a community garden, and therefore, an amendment to the Municipal Code is required prior to operation of the Community Garden Project; and

WHEREAS, pursuant to Article II, Section 1 of the Bylaws of the Agency, the City Attorney of San Diego (City Attorney) acts as General Counsel for the Agency; and

WHEREAS, effective March 1, 2007, by Resolution Number R-04124, the Agency authorized an Agreement for Legal Service (Agreement) with Kane, Ballmer & Berkman (Special Counsel) in which Special Counsel agrees to render legal services to the Agency under the direction of the City Attorney on an "as needed" basis; and

WHEREAS, the City Attorney has determined that the City Attorney's Office has insufficient personnel to handle the Community Garden Project matter and that the service of Special Counsel are therefore needed; and

WHEREAS, Special Counsel has drafted the Lease Agreement for the Community Garden Project and has approved the Lease Agreement as to form and legality; and

WHEREAS, based on Special Counsel's legal review and approval of such contract, the City Attorney, acting as General Counsel, has drafted this Resolution; and

WHEREAS, the Agency has duly considered all of the terms and conditions provided in the Lease Agreement and determined that the conditions contained in the Lease Agreement are 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 of applicable state and local law and requirements; NOW THEREFORE,

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

1. That the Agency approves the Lease Agreement by and between the Agency and Project New Village, and said Lease Agreement shall be on file in the Office of the Secretary of the Agency as Document No. 04595.

2. That the Agency authorizes the Agency Executive Director or designee to execute the Lease Agreement for the Community Garden Project.

3. That the Agency authorize the Agency Executive Director or designee, to implement, adhere to, and administer and execute all other documents on behalf of the Agency that are necessary and appropriate to carry out and implement the purposes set forth in this Resolution according to its terms, and to administer the Agency's obligations, responsibilities and duties to be performed thereunder.

APPROVED: JAN I. GOLDSMITH, General Counsel

By Monique R. Tayyab
Monique R. Tayyab
Deputy General Counsel

MRT:mm
12/07/2010
01/04/2011 Corr. Copy
Or. Dept: CCDC
RA-2011-55
PL#2010-03955

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at its meeting of JAN 11 2011.

REDEVELOPMENT AGENCY

By Jeanette Santos
Jeanette Santos, Deputy Secretary

Approved: 1-24-11
(date)

Jerry Sanders
JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

Passed by the Redevelopment Agency of The City of San Diego on JAN 11 2011, by the following vote:

Agency Members	Yeas	Nays	Not Present	Recused
Sherri 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"/>
Lorie Zapf	<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"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 24 2011

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

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