



REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NUMBER R- C4605DATE OF FINAL PASSAGE FEB 04 2011

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO (i) AUTHORIZING THE APPROPRIATION, CONTRIBUTION, AND TRANSFER OF AN AMOUNT NOT TO EXCEED \$198,905 OF CITY HEIGHTS REDEVELOPMENT PROJECT AREA TO THE CITY OF SAN DIEGO FOR DEPOSIT INTO CH RDA CONTRIB TO CITY-CH 2010 TE BONDS, AS AN INCREASE IN THE FISCAL YEAR 2011 CAPITAL IMPROVEMENT PROGRAM BUDGET IN WBS S01070 (FORMERLY CIP No. 29-956.0), CITY HEIGHTS SQUARE MINI PARK; (ii) AUTHORIZING THE REDEVELOPMENT AGENCY TO ACCEPT ANY AND ALL FUNDS REMAINING IN THE EVENT THE PARK SHALL NOT BE DESIGNED AND CONSTRUCTED FOR ANY REASON; (iii) AND APPROVING THE FIRST AMENDMENT TO 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 CITY HEIGHTS SQUARE MINI 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 (the Project Area); and

WHEREAS, in order to implement the Redevelopment Plan, the Agency previously approved the Fourth Implementation Plan for the period of July 2009 through June 2014 for the City Heights Redevelopment Project; and

WHEREAS, the Fourth Implementation Plan identifies the need to reduce visible physical blight, support the development of needed schools, parks and recreation amenities in the community, and support the development of high quality, transit oriented, mixed-use commercial, residential, office, and public use projects near transportation nodes; and

WHEREAS, the Agency acquired a 5,348 square-foot site (Property) located on 43rd Street between University Avenue and Polk Street, 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, as 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-304524 of the City Council of the City of San Diego (Council) passed on December 15, 2008, the Agency and Council each made certain findings in accordance with 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, for the specific purpose to funding 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 development, 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 entered into by and between the City, City Heights Square, L.P., La Maestra Family Clinic, Inc., and City Heights Realty, LLC effective as of April 7, 2010; and

WHEREAS, pursuant to Resolution No. R-04485 of the Agency, passed on March 2, 2010, and Resolution No. R-305627 of the Council passed on March 2, 2010, the Agency and Council each approved the Cooperation Agreement for the purpose of setting forth a 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; and

WHEREAS, the City is currently in the process of designing the City Heights Square Mini Park and has determined that certain improvements within the public right-of-way, including improvement to the adjacent sidewalk, parking signs and street lights, and associated landscaping, are necessary and must be incorporated into the Scope of Development; and

WHEREAS, the City has determined that the total costs of the design and construction of the City Heights Square Mini Park, including the additional improvements within the public right-of-way, will exceed the original budgeted amount of \$731,500 by an additional \$198,905; and

WHEREAS, the Agency and City desire to amend the Cooperation Agreement in order to incorporate into the Scope of Development certain necessary improvements within the public right-of-way and to provide for the Agency's additional contribution to the City in the amount not to exceed \$198,905 for use by the City in completing the design and construction of the City Heights Square Mini Park; NOW, THEREFORE,

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

1. That the Agency authorizes the City Chief Financial Officer, as delegated, to transfer an amount not to exceed \$198,905 from the City Heights Redevelopment Project Area to the City of San Diego for deposit into CH RDA CONTRIB TO CITY-CH 2010 TE BONDS, as an increase in the Fiscal Year 2011 Capital Improvement Program Budget in WBS S01070 (formerly CIP No. 29-956.0) City Heights Mini Square Mini Park, to be used toward the cost of design and construction of the park improvements, contingent upon the Comptroller certifying availability of funds.


2. That the Agency authorize the City Chief Financial Officer, as delegated, to accept and return to Agency account, any and all funds remaining in the Fiscal Year 2011 Capital Improvement Program Budget in WBS S01070, City Heights Square Mini Park, CH RDA CONTRIB TO CITY-CH 2010 TE BONDS, in the event the park shall not be designed and constructed within 18 months of the City of San Diego's execution of a construction contract or upon any cost savings.

3. That the Agency hereby approves the First Amendment to the Cooperation Agreement by and between the Agency and the City of San Diego for the design and construction of the City Heights Square Mini Park Project, and the Exhibits attached thereto; a copy of said First Amendment to the 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- 04605

4. That the Agency hereby authorizes the Agency Executive Director or designee to execute the First Amendment to the Cooperation Agreement and all other documents necessary and appropriate to carry out the First Amendment to the Cooperation Agreement, and to administer the Agency's obligations, responsibilities, and duties to be performed thereunder.


APPROVED: JAN I. GOLDSMITH, General Counsel

By 
Charles E. Jagolinzer
Deputy General Counsel

CEJ:nja
01/07/2011
Cert. No: 3000003910
Or.Dept:Redev.Agency
RA-2011-65
PL#2010-01455

I hereby certify that the foregoing Resolution was passed by the Redevelopment Agency of the City of San Diego, at this meeting of JAN 25 2011.

REDEVELOPMENT AGENCY

By 
Jeannette Santos, Deputy Secretary

Approved: 2-4-11
(date)


JERRY SANDERS, Executive Director

Vetoed: _____
(date)

JERRY SANDERS, Executive Director

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING

CC 3000003910

DEPT. _____
NO. _____

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: _____

Purpose: _____

Date: _____ By: Francisco J Lopez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original 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: \$198,905.00

Vendor: City of San Diego

Purpose: City Heights RDA to transfer \$198,905 into a City Fund (TDB) for WBS S01070 (formally, CIP 29-956.0) Design and Construction of Park Improvements for the City Height Square Mini Park.

Date: January 12, 2011 By: Francisco J Lopez

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001	400694	925500104000	925500104101	OTHR-18-NS	516027	2225	2225500011		\$198,905.00
TOTAL AMOUNT									\$198,905.00

FUND OVERRIDE ☐

CC 3000003910

Passed by the Redevelopment Agency of The City of San Diego on JAN 25 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 FEB 04 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

Resolution Number R- 04605