

(RA-92-124)  
REDEVELOPMENT AGENCY OF  
THE CITY OF SAN DIEGO  
RESOLUTION NO. 2109  
ADOPTED ON JULY 7, 1992

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO AND METROPOLITAN AREA ADVISORY COMMITTEE; AUTHORIZING THE USE OF FUNDS FROM THE MARINA LOW AND MODERATE INCOME HOUSING FUND TO PAY PART OF THE COST OF ACQUIRING THE LAND FOR VERY LOW AND LOW INCOME HOUSING; DETERMINING THAT SUCH USE WILL BE OF BENEFIT TO THE MARINA REDEVELOPMENT PROJECT; AND MAKING CERTAIN FINDINGS RELATING TO THE SUBORDINATION OF THE AGENCY'S COVENANTS AND RESTRICTIONS.

WHEREAS, the Redevelopment Agency of The City of San Diego (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Marina Redevelopment Project (the "Project"); and

WHEREAS, the Agency proposes to provide financial assistance for the acquisition of land to be used in the development of housing for very low and low income persons that is of benefit to the Project area, pursuant to the terms and provisions of a Disposition and Development Agreement; and

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

WHEREAS, the City Council has duly considered all terms and conditions of the proposed Disposition and Development Agreement and believes the proposed agreement is in the best interest of the City and the health, safety, morals and welfare of its residents, and in accord

with the public purposes and provisions of applicable State and local laws and requirements; and

WHEREAS, as part of carrying out the Project, the Agency has established the Marina Low and Moderate Income Housing Fund, and has and will deposit funds therein as provided by the California Community Redevelopment Law (Health and Safety Code section 33000 et seq.); and

WHEREAS, the Agency desires to use funds from the Marina Low and Moderate Income Housing Fund to pay part of the cost of acquiring the land for the housing under the Disposition and Development Agreement for very low and low income persons; and

WHEREAS, the developer of the very low and low income housing intends to obtain financing for the development of the Property from the California Community Reinvestment Corporation, the California Department of Housing and Community Development, the California Equity Fund and Bank of America State Bank (individually referred to herein as a "Lender" and collectively referred to herein as the "Lenders"), each of which Lenders requires that the Agency subordinate its use restrictions to the lien of the deed of trust securing the loan to be made by such Lender; NOW, THEREFORE,

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

1. The Disposition and Development Agreement which provides for the acquisition and development of property for very low and low income persons is hereby approved.

2. The Executive Director of the Agency or his designee is hereby authorized to execute the Disposition and Development Agreement on behalf of the Agency, and to make such changes of a nonsubstantive nature to such Agreement as the Executive Director or his designee shall deem appropriate. A copy of the Disposition and Development Agreement, when executed by the Agency, shall be placed on file in the office of the Secretary to the Agency as Document No. 1935.

3. The Agency hereby approves the use of \$700,000 in funds from the Marina Low and Moderate Income Housing Fund to pay for part of the cost of acquiring the land for the housing as provided for in the Disposition and Development Agreement.

4. The Agency hereby finds and determines that, based upon the information set forth in Attachment No. 1 (attached hereto and incorporated herein by this reference), the use of \$700,000 in funds from the Marina Low and Moderate Income Housing Fund as authorized by this resolution will be of benefit to the Project.

5. The Agency finds and determines that an economically feasible alternative method of financing the development of the Property on terms and conditions that are substantially comparable to the terms and conditions of the loans to be made by the Lenders is not reasonably available, and hereby authorizes the Executive Director or designee to execute such instruments and take such other actions as may be necessary

to subordinate the Agency's income and rent covenants and restrictions imposed pursuant to subdivision (3) of Section 33334.3 of the California Health and Safety Code, to the liens of the deeds of trust securing the loans to be made for the development by the Lenders, subject to the receipt of written commitments from each such Lender, reasonably designed to protect the Agency's investment in the event of default, which shall include the rights set forth in Attachment No. 2, which is attached hereto and incorporated herein by this reference.

APPROVED: JOHN W. WITT, General Counsel

By

Allisyn L. Thomas

Deputy Counsel

ALT:lc

06/23/92

Or.Dept:Mgr

Aud.Cert:N/A

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