

(RA-96-88)
REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2618

ADOPTED ON FEBRUARY 13, 1996

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO APPROVING THE
IMPLEMENTATION AGREEMENT TO DISPOSITION AND
DEVELOPMENT AGREEMENT WITH HIGHLAND
PARTNERSHIP, INC., AND BROADWAY DAY CARE,
LLC.

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 Centre City Redevelopment Project (the "Project"); and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency proposes to lease certain property in the Project area to Highland Partnership, Inc., a California corporation, and Broadway Day Care, LLC, a California limited liability company (the "Developer"), pursuant to the terms and provisions of a Disposition and Development Agreement approved by the Agency on August 1, 1995, by Agency Resolution No. 2535, and on file in the office of the Secretary to the Agency as Document No. 02233, and a proposed Implementation Agreement to Disposition and Development Agreement (the "Agreement"), which Agreement contains a description of the property and provides for the development of improvements thereon for use as a child care center or as otherwise provided in the proposed sublease to the United States Government; and

WHEREAS, the Developer has submitted to the Agency and the Council

of The City of San Diego (the "Council") copies of the proposed Agreement in a form desired by the Developer; and

WHEREAS, the Centre City Development Corporation, Inc. ("CCDC"), has reviewed and discussed the proposed Agreement and has recommended that the Council approve and the Agency enter into the Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code section 33000 et seq., the "Law"), the Agency and the Council held a joint public hearing on the proposed Agreement, having duly published notice of the public hearing and made copies of the proposed Agreement and other reports and comments available for public inspection and comment; and

WHEREAS, the Agency has adopted an implementation plan for the Project pursuant to Section 33490 of the Law (the "Implementation Plan"); and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed Agreement and believes that the development of the real property pursuant to 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 law and requirements; NOW, THEREFORE,

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

1. That the Agency recognizes that it has received and heard all oral and written objections to the proposed Implementation Agreement to Disposition and Development Agreement, to the proposed lease of the real property pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled.

2. That the Agency hereby finds and determines that the consideration to be paid by the Developer for the lease of the real property as described in the Agreement is not less than (a) the fair

market value of the property at its highest and best use in accordance with the Redevelopment Plan; or (b) the fair reuse value at the use and with the covenants and conditions and development costs governing the lease as authorized by the Agreement.

3. That the Agency hereby further finds and determines that the lease of the property will assist in the elimination of blight in the Centre City Redevelopment Project area, and is consistent with the Implementation Plan.

4. That the lease of the real property and the Agreement which establishes the terms and conditions for the lease and development of the real property are hereby approved.

5. That the Executive Director of the Agency, or designee, is hereby authorized to execute the Implementation Agreement to Disposition and Development Agreement, on behalf of the Agency, provided that the Council has first approved the Implementation Agreement to Disposition and Development Agreement. A copy of the Implementation Agreement to 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. 02580.

6. That the Executive Director of the Agency, or designee, is hereby authorized, on behalf of the Agency, to sign all documents necessary and appropriate to carry out and implement the Agreement and to administer the Agency's obligations, responsibilities and duties to be performed under the Agreement.

APPROVED: JOHN W. WITT, General Counsel

By
Allisyn L. Thomas
Deputy Counsel

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