

(RA-97-36)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2702

ADOPTED ON DECEMBER 10, 1996

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE LEASE OF CERTAIN PROPERTY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO CCBA SENIOR GARDEN, L.P.; APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE LEASE.

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 has adopted an Implementation Plan for the Project in accordance with California Health and Safety Code section 33490 (the "Implementation Plan"); and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency proposes to lease certain property in the Project area to CCBA Senior Garden, L.P. (the "Developer"), pursuant to the terms and provisions of a certain Disposition and Development Agreement (the "Agreement"), which Agreement contains a description of the property and provides for the construction of 45 senior citizen residential rental units (the

"Development"); 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, pursuant to the proposed Agreement, forty-five (45) of the apartment units in the Development (the "Affordable Units") will be occupied by and restricted to persons and families of low and very low income, at affordable rents; and

WHEREAS, pursuant to the proposed Agreement, the Development Costs will be paid in part from a loan to be made by the Agency to Developer with Low and Moderate Income Housing Funds from the Project, and in part from a conventional loan to be made by a lender whose interest will be secured by a first trust deed on the Site (the "Primary Lender"); and

WHEREAS, the Board of Directors for the Centre City Development Corporation, Inc., 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 Agency and the Council held a joint public hearing on the proposed lease of the real property pursuant to the Agreement; having duly published notice of the public hearing and made copies of the proposed Agreement, and other reports and documents available for public inspection and comment; and

WHEREAS, the Agency has duly considered all terms and conditions of the proposed lease of real property and believes that the development of the real property pursuant to the proposed Agreement is in the best interest of the City and 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 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 fair reuse value at the use and with the covenants and conditions and development costs governing the lease as authorized by the Agreement. The Agency hereby further finds and determines that

all consideration to be paid under the Agreement is in amounts necessary to effectuate the purposes of the Redevelopment Plan for the Project.

3. That the Agency hereby 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 for the Project area.

4. That the Agency hereby finds and determines that no economically feasible alternative method of financing the Affordable Units on substantially comparable terms and conditions, but without subordination, is not reasonably available.

5. 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.

6. That the Executive Director of the Agency, or designee, is hereby authorized to execute the Disposition and Development Agreement, on behalf of the Agency, provided that the Council has first approved the Agreement and the lease of real property pursuant thereto. A copy of the Agreement when executed by the Agency shall be placed on file in the office of the Secretary to the Agency as Document No. D-02702.

7. 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.

8. That the Executive Director of the Agency, or designee, is hereby authorized, on behalf of the Agency, to sign such subordination agreements as may be required by the Primary Lender in order to subordinate the covenants and restrictions of the Agreement, including those set forth in the Agreement Affecting Real Property, to the respective security interests and liens of the Primary Lender.

APPROVED: CASEY GWINN, City Attorney

By

Allisyn L. Thomas  
Deputy City Attorney

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