

(RA-97-7)

REDEVELOPMENT AGENCY OF

THE CITY OF SAN DIEGO

RESOLUTION NO. 2674

ADOPTED ON SEPTEMBER 10, 1996

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO BERNARD M. SHEA, TRUSTEE; APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT PERTAINING THERETO; APPROVING THE TEMPORARY RIGHT OF ENTRY PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE SALE.

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 sell certain property in the Project area to Bernard M. Shea, Trustee of Declaration of Trust dated October 22, 1982 (the "Owner") 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 its improvement with a deck, staircase, and storage area to serve the existing

Yuma Building; and

WHEREAS, the Owner 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 Owner; and

WHEREAS, 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 sale 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 sale 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 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; and

WHEREAS, the Agency proposes to grant a temporary license to the Owner for construction staging on property owned by the Agency adjacent to the sale property, the temporary license to be evidenced by a Temporary Right of Entry in a form submitted to this Agency concurrently with the Agreement; 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 sale of the real property pursuant to the proposed Agreement, and to other matters pertaining to this transaction, and that all oral and written objections are hereby overruled.

2. That the Agency hereby finds and determines that the sale of the property will assist in the elimination of blight from the Centre City Redevelopment Project area, and is consistent with the Implementation Plan for the Centre City Redevelopment Project adopted pursuant to Section 33490 of the California Community Redevelopment Law.

3. That the Agency hereby finds and determines that the consideration to be paid by the Owner for the sale of the real property as described in the Agreement is not less than fair market value at its highest and best use in accordance with the

Redevelopment Plan for the Centre City Redevelopment Project.

4. That the Agency hereby finds and determines that the improvements to be made pursuant to the Agreement are among the implementation activities whose environmental impacts are assessed in the Final Master Environmental Impact Report for the Centre City Redevelopment Project, and in addition the improvements are exempt from further environmental review pursuant to Sections 15301 and 15311, Classes 1 and 6 respectively, of the State Guidelines for Implementation of the California Environmental Quality Act, and Sections 802.5 and 802.10, Classes 1 and 6 respectively, of the Agency's Procedures for Implementation of the California Environmental Quality Act and the State CEQA Guidelines.

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

6. That the Temporary Right of Entry is hereby approved.

7. That the Executive Director of the Agency, or designee, is hereby authorized to execute the Agreement, on behalf of the Agency, provided that the Council has first approved the Agreement and the sale 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-2674.

8. That the Executive Director of the Agency, or designee, is hereby authorized, on behalf of the Agency, to sign all documents (including without limitation the Temporary Right of Entry) 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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