

(FA-95-4)
RESOLUTION NUMBER FA-95-4
ADOPTED ON MAY 25, 1995

WHEREAS, The City of San Diego ("City") owns and leases a multi-purpose sports stadium in Mission Valley, County of San Diego commonly known as the San Diego Jack Murphy Stadium ("Stadium"); and

WHEREAS, the Stadium is used for the exhibition of sports contests and other events, including, but not limited to, professional football; and

WHEREAS, the Chargers Football Company ("Chargers") is the owner of a professional football franchise in the National Football League and was utilizing the Stadium in accordance with that certain First Amended Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and The City of San Diego, dated April 11, 1983, ("Partial Use and Occupancy Agreement") as amended and supplemented by agreements on February 19, 1985, and July 11, 1988, copies of which are on file in the office of the San Diego City Clerk as Document Nos. RR-258236, RR-261527-2, RR-262549-1, and RR-271395, respectively; and

WHEREAS, in 1994 and 1995 the City and the Chargers entered into negotiations to extend the term of the Partial Use and Occupancy Agreement; and

WHEREAS, in order for the City to induce the Chargers to extend their commitment to the City from 2003 to 2020, the City entered into a new agreement with the Chargers for partial use and occupancy of the Stadium and agreed to the construction of improvements and additions to the Stadium ("Improvements"); and

WHEREAS, pursuant to the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium between the Chargers Football Company and The City of San Diego ("1995 Agreement") approved on May 15, 1995, by the San Diego City Council, a copy of which is on file in the office of the San Diego City Clerk, as Document No. OO-18182-1, the City is obligated to complete the Improvements by August 1997; and

WHEREAS, use of the competitive bidding process would make it impossible to meet the deadlines imposed upon the City in the 1995 Agreement; and

WHEREAS, the August 1997 deadline can be met by use of the design/build process; and

WHEREAS, the City has requested the Authority to issue lease revenue bonds secured by lease revenues from the City to finance the proposed Improvements and to let a design/build contract for the

construction of the Improvements; and

WHEREAS, the Public Facilities Financing Authority ("Authority") is amenable to these requests and is willing to construct, or cause to be constructed the Improvements and lease them to the City; and

WHEREAS, the Authority is willing to issue lease revenue bonds in order to complete the Improvements as set forth above; NOW, THEREFORE,

BE IT RESOLVED, by the Authority that the Authority agrees to issue lease revenue bonds in an amount not to exceed sixty million dollars (\$60,000,000) for the construction of the Improvements subject to approval by this Board of Directors of the Authority of definitive financing and lease documents.

BE IT FURTHER RESOLVED, that the San Diego City Manager ("Manager") on behalf of the Authority be and is hereby authorized to act for the Authority in soliciting proposals for the design/build contract for the Improvements as more generally set forth in the request for proposals dated May 26, 1995, a copy of which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, by the Authority that the San Diego City Attorney be and is hereby authorized to take such actions on behalf of the Authority as are necessary to effectuate the award of the design/build contract and the financing of the Improvements, including but not limited to, the commencement of an action under Section 860 et seq. of the California Code of Civil Procedures to validate enforceability of the design/build contract by the Authority.

APPROVED: JOHN W. WITT, General Counsel

By

Kelly J. Salt

Deputy General Counsel

KJS:pev

05/23/95

Or.Dept:fin.mgmt

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