

(R-85-1307)

RESOLUTION NUMBER R- 262382

ADOPTED ON JAN 22 1985

WHEREAS, by Resolution No. R-261746, adopted October 15, 1984, (copy attached) the City Council authorized the City Manager to execute an agreement with the State Department of Health Services (copy attached) whereby the City agrees to assume full responsibility for development of the Mission Bay Landfill site including the portion proposed to be utilized for construction and operation of a Ramada Renaissance hotel; and

WHEREAS, the resolution authorizing the City Manager to execute the agreement with the State Department of Health Services contained a provision that "the effectiveness of this resolution is contingent upon the City Manager obtaining an agreement from Ramada Renaissance hotel acknowledging the fact that the property in question was a landfill site and agreeing that the City will not be held responsible for foreseeable problems which may result from the fact that the site was used as a landfill in the past."; and

WHEREAS, Mission Pacific Associates, the developer and owner of the proposed hotel, the City Manager and City Attorney executed an agreement "Acknowledgement of Conditions and Responsibilities" (copy attached) to satisfy the above described contingency; and


WHEREAS, representatives of the State Department of Health Services have asked for some assurance that the Acknowledgement

of Conditions and Responsibilities in fact satisfies the contingency contained in the resolution and requested that the Councilmembers who voted for Resolution No. R-261746 acknowledge the satisfaction of contingency; and

WHEREAS, this acknowledgement is required by the State Department of Health Services before they will execute the agreement with the City, and in order to allow the developer to proceed with development of the Ramada Renaissance hotel; NOW, THEREFORE, _____

BE IT RESOLVED, that the City Council hereby acknowledges that the attached agreement entitled "Acknowledgement of Conditions and Responsibilities" satisfies the contingency contained in the attached Resolution No. R-261746.

APPROVED: John W. Witt, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
01/22/85
Or.Dept:Prop.
R-85-1307
Form=r.none

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RESOLUTION NUMBER R- 261746

ADOPTED ON OCT 15 1984

BE IT RESOLVED, by the Council of The City of San Diego, that the City Manager is hereby authorized and empowered to execute, for and on behalf of The City of San Diego, an agreement with the STATE DEPARTMENT OF HEALTH SERVICES, under which agreement City agrees to assume responsibility for development on the former Mission Bay landfill site, including the proposed Ramada Renaissance hotel, under the terms and conditions set forth in that agreement on file in the office of the City Clerk as Document No. RR- 261746 .

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized to expend an amount not to exceed \$50,000 (\$25,000 from CIP 37.250; \$25,000 from the General Fund Unallocated Reserve) for monitoring services by the County of San Diego related to development of the site.

BE IT FURTHER RESOLVED, that the effectiveness of this resolution is contingent upon the City Manager obtaining an agreement from Ramada Renaissance hotel acknowledging the fact that the property in question was a landfill site and agreeing that the City will not be held responsible for foreseeable problems which may result from the fact that the site was used as a landfill in the past.

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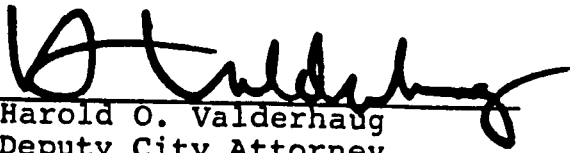
DEC 3 1984

DEV. DIV. / PROP. DEPT.

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R- 262382

APPROVED: John W. Witt, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

HOV:ps
9/19/84
Revised 10/3/84
Rev.2 10/26/84
Or.Dept:Prop.
Aud.Cert:85286
Form=r.none

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R-262382

5407

Passed and adopted by the Council of The City of San Diego on _____
by the following vote:

OCT 15 1984

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

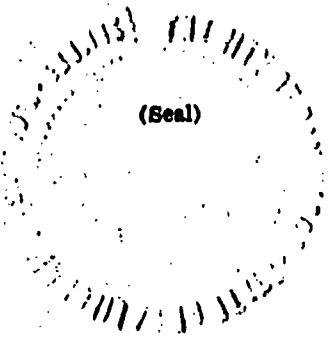
ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By *June A. Blackwell*, Deputy.



Office of the City Clerk, San Diego, California

Resolution Number R-261746 Adopted OCT 15 1984

AGREEMENT

WHEREAS: The City of San Diego (City) is considering developing part of the Mission Bay Landfill (Landfill) for a hotel complex, and

WHEREAS: The City has completed a site assessment study by Woodward-Clyde of the area which may be developed to determine the nature of materials deposited in that portion of the landfill, and

WHEREAS: The City has assured the State Department of Health Services (Department) that it will consider all issues relating to public health and safety in deciding whether to proceed with the project, and

WHEREAS: The City has assured the Department that, if the City decides to proceed with the hotel project, the City will take all appropriate measures to protect public health and safety both during construction of the project and after it is constructed, and

WHEREAS: The County of San Diego has assured the Department that it will oversee and monitor the activities of the City in order to protect public health and safety,

THEREFORE, it is agreed as follows:

The City agrees to assume full responsibility for any development of the Mission Bay Landfill site. The City further agrees to indemnify, release and forever save harmless the State Department of Health Services and its officers, agents and employees from and against any and all liability, loss,

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damage, claim or cost, including but not limited to, liability as a result of claims by third parties, arising as a result of or incident to or based upon any development of the Mission Bay Landfill site.

For purposes of this Agreement, the Mission Bay Landfill site is identified as the property shown on Attachment A to this Agreement.

The City of San Diego

by _____

State Department of Health Services

by _____

I HEREBY APPROVE the form and legality of the foregoing agreement this _____ day of _____, 1984.

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R- 262382

JAN 22 1985

Passed and adopted by the Council of The City of San Diego on _____,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

BY *Barbara Baxter* Deputy.

(Seal)

Office of the City Clerk, San Diego, California

Resolution Number R-262382 Adopted JAN 22 1985