RESOLUTION NUMBER R-__**288449**__

ADOPTED ON _____MAR 1 8 1997_____

WHEREAS, on January 6, 1981, pursuant to Resolution No. R-253397, the San Diego

City Council renamed San Diego Stadium to "San Diego Jack Murphy Stadium" to

commemorate the former sports editor of the San Diego Union and in recognition of his many

efforts to better the lives of the citizens of this City by direct and audience participation in

athletic competition; and

WHEREAS, on May 30, 1995, the City of San Diego ("City") and the Chargers Football

Company and the Chargers Associates (collectively the "Chargers") entered into the Facilities

Use and Occupancy Agreement, 1995 Agreement for the Partial Use and Occupancy of San

Diego Jack Murphy Stadium, and the 1995 Agreement for Use and Occupancy of the Skybox

Areas of San Diego Jack Murphy Stadium (collectively the "1995 Agreement"), which called, in

part, for the Chargers to pay additional rent to the City and for the City to construct certain

improvements to San Diego Jack Murphy Stadium ("Stadium") and a practice facility, in an

amount not exceeding $60 million. Copies of those documents are on file in the Office of the

City Clerk as Document Nos. OO-18182-1, 2 and 3, respectively; and

WHEREAS, to accomplish the construction at the Stadium the City entered into certain

agreements with the Public Facilities Financing Authority of the City of San Diego ("Financing

Authority") whereby the City would lease the Stadium property to the Financing Authority, the

Financing Authority would issue lease revenue bonds to finance the construction and would

award a construction contract, and the Financing Authority would then lease the improved

Stadium back to the City for a consideration sufficient to pay the debt financing on the lease revenue bonds; and

WHEREAS, the Financing Authority, after delay due to meritless legal challenges, issued lease revenue bonds in an amount sufficient to make available $60 million for the construction of the improvements to the Stadium and the practice facility; and

WHEREAS, on December 10, 1996, pursuant to Resolution No. R-288213, the City authorized and empowered the Financing Authority to award a construction contract in the amount of $55 million for the construction of improvements to the Stadium, contingent upon available financing; and

WHEREAS, on December 10, 1996, pursuant to Resolution No. FA-97-3, the Financing Authority awarded a construction contract to Nielsen-Dillingham Builders Joint Venture for the construction of improvements at the Stadium (the "Construction Contract"), contingent upon available financing; and

WHEREAS, on December 10, 1996, the City adopted Ordinance No. O-18365 which authorized certain amendments to the 1995 Agreement (the "Amendments") whereby, in part, the Chargers would pay additional rent to the City, and the City committed to construction of additional improvements to the Stadium, for which the Financing Authority would issue additional lease revenue bonds; and

WHEREAS, these amendments were necessitated in part by the delay resulting from litigation filed by various persons concerning the financing of improvements at the Stadium; and

WHEREAS, Ordinance No. O-18365 was successfully referred by a group of citizens and was therefore repealed by the City Council by the adoption of Ordinance No. O-18380 on

R-288449

February 3, 1997; and

WHEREAS, the repeal of Ordinance No. O-18365 effected only the repeal of the Amendments, which means that the City is no longer obligated to the Chargers to build the additional improvements with lease revenue bond financing and the Chargers are no longer obligated to pay additional rent sufficient to finance the construction of those additional improvements; and

WHEREAS, the City still desires that the additional improvements to the Stadium authorized by the Financing Authority in the Construction Contract be constructed even though the City is under no obligation to the Chargers to do so; and

WHEREAS, there are insufficient monies in the initial issuance of lease revenue bonds for the Financing Authority to construct all the improvements at the Stadium contemplated in the 1995 Agreement and the additional improvements that the City and the Financing Authority desire to make at the Stadium pursuant to the Construction Contract; and

WHEREAS, a prominent local company, QUALCOMM, Incorporated ("QUALCOMM"), has offered to purchase the naming rights to the Stadium from the City for a period of twenty (20) years, the purchase of which will provide sufficient funds for the City to undertake all the improvements to the Stadium contemplated in the current Construction Contract between Nielsen-Dillingham Builders Joint Venture and the Financing Authority, but without the need for additional lease revenue bonds; and

WHEREAS, the City Manager has negotiated an agreement with QUALCOMM which sets forth the basic terms and conditions for the purchase by QUALCOMM of the naming rights to the Stadium, which agreement is on file in the Office of the City Clerk as Document No.

R-288449

OO-___18397 - /___ ; and

WHEREAS, it is the express intention of the City Council that any documents attached as Exhibits hereto, incorporated herein by reference or on file in the Office of the City Clerk comprise, together with the text of this Resolution, the full action of the Council and are necessary for a full understanding of the Council's actions; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that San Diego Jack Murphy Stadium be and it is hereby renamed "QUALCOMM Stadium."

BE IT FURTHER RESOLVED, that this name change is pursuant to that agreement between the City and QUALCOMM, on file in the Office of the City Clerk as Document No. OO-___18397-/___, and shall be effective in accordance with its terms and conditions, and only upon receipt by the City of the consideration by QUALCOMM called for therein.

BE IT FURTHER RESOLVED, that this name change shall be effective only through and including the 2017 Regular Football Season (as that term is defined in the 1995 Agreement for Partial Use and Occupancy of San Diego Jack Murphy Stadium, on file in the Office of the City Clerk as Document No. OO-18182-2) and the Super Bowl to be held in January of 2017, unless extended or otherwise modified by the City Council.

R-288449

BE IT FURTHER RESOLVED, that the area surrounding QUALCOMM Stadium shall

be named "Jack Murphy Field," as more fully described in Document No. OO-___ **18397 -**/

to continue to commemorate the former sports editor of the San Diego Union as described in

Resolution No. R-253397.

APPROVED: CASEY GWINN, City Attorney

By _____

Leslie J. Girard
Assistant City Attorney

LJG:js
03/12/97
Or.Dept:Atty
R-97-930
Form=r-t.frm

R-288449