

RESOLUTION NUMBER R- 291079

ADOPTED ON DEC 07 1998

WHEREAS, on May 5, 1992, the Council of The City of San Diego [the Council] adopted the City Heights Redevelopment Plan pursuant to the California Community Redevelopment Law (codified as California Health and Safety Code § 33000 et seq.) for the purposes of eliminating blight and stimulating economic development in the City Heights community; and

WHEREAS, on October 31, 1995, the Council approved in concept the City Heights Urban Village Business Plan which contemplated a phased mixed use project to be developed in the City Heights Urban Village [the Village] encompassing approximately nine (9) blocks within the City Heights Redevelopment Project area; and

WHEREAS, on April 2, 1996, the San Diego Community Foundation [the Foundation], pursuant to a grant to the Foundation from Mr. and Mrs. Sol Price, granted to the City five million dollars (\$5,000,000) for the purposes of developing a community center and park (including swim center), and a new library within the Village area [the Project], upon certain terms and conditions set out in the Design, Development and Construction Agreement [the Agreement] entered into by the City, Foundation, and CityLink Investment Corporation [CIC], and on file in the office of the City Clerk as Document No. RR-287136; and

WHEREAS, on March 4, 1997, the First Amendment to the Agreement, a copy of which is on file in the office of the City Clerk as Document No. RR-288399, increased the grant from the Foundation by two hundred fifty thousand dollars (\$250,000); and

WHEREAS, the First Amendment to the Agreement provided for a Guaranteed Maximum Price [GMP] in Phase II construction not to exceed seven million ninety-five thousand five hundred eighty-seven dollars (\$7,095,587) which was the price to be paid to CIC, as project developer, for all hard construction costs, reimbursable costs, and CIC's fixed fee for Phase II of the Agreement; and

WHEREAS, following execution of the First Amendment to the Agreement, changes to the Project have necessitated raising the GMP; and

WHEREAS, the Foundation has received an additional eighty thousand six hundred dollars (\$80,600) from a private donation to be added to its current five million two hundred fifty thousand dollars (\$5,250,000) grant for the Project; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

1. That it approves an increase in the GMP in the Design, Development and Construction Agreement to nine million five hundred thousand dollars (\$9,500,000), of which five million three hundred thirty thousand six hundred dollars (\$5,330,600) of that amount will come from the San Diego Community Foundation grant, and represents the Foundation's portion of the GMP.

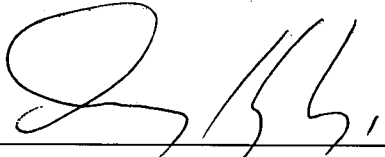
2. That it authorizes the City Manager to expend up to four million one hundred sixty-nine thousand four hundred dollars (\$4,169,400) of the City's share of the GMP at this time, pursuant to the terms and conditions of the Agreement and any amendments thereto, and providing that the City Auditor and Comptroller can furnish a certificate demonstrating that the funds are on deposit in the City Treasury.

3. That it authorizes the City Manager to negotiate the Second Amendment the Design, Development and Construction Agreement in order to increase the GMP by an amount

not to exceed one million eight hundred two thousand three hundred forty-eight dollars (\$1,802,348), bringing the total GMP to nine million five hundred thousand dollars (\$9,500,000), and expend the additional monies upon receiving the funds and providing that the City Auditor and Comptroller can furnish a certificate demonstrating that the funds are on deposit in the City Treasury.

4. That it authorizes the City Manager to execute, for and on behalf of the City, the Second Amendment to Design, Development and Construction Agreement with the Foundation and CityLink Investment Corporation, to reflect an increase in Phase I and Phase II GMP from seven million six hundred ninety-seven thousand six hundred fifty-two dollars (\$7,697,652) to nine million five hundred thousand dollars (\$9,500,000), and increase the Foundation grant from five million two hundred fifty thousand dollars (\$5,250,000) to five million three hundred thirty thousand six hundred dollars (\$5,330,600).

APPROVED: CASEY GWINN, City Attorney

By   
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Douglas K. Humphreys  
Deputy City Attorney

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Or.Dept:Eco.Dev.  
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