

RESOLUTION NUMBER R- 292980

ADOPTED ON APR 11 2000

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SALE OF CERTAIN PROPERTY IN THE SOUTHCREST REDEVELOPMENT PROJECT AREA TO THE CITY OF SAN DIEGO FOR THE DEVELOPMENT OF THE FATHER BROCKHAUS PARK; REPEALING CITY COUNCIL RESOLUTION NO. R-291003; APPROVING THE AMENDED COOPERATION AGREEMENT PERTAINING THERETO; AND MAKING CERTAIN FINDINGS WITH RESPECT TO THE SALE.

WHEREAS, the Redevelopment Agency of The City of San Diego [Agency] is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Southcrest Redevelopment Project [Project]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, on November 24, 1998, the Agency by Resolution No. R-02911 and the Council of The City of San Diego by Resolution No. R-291003, approved a Cooperation Agreement with The City of San Diego [the City] for the sale of real property in the Project area for the development of the Father Brockhaus Park [Park] on the western end of the 252 Corridor; and

WHEREAS, certain changes in the development specifics resulted in the Cooperation Agreement not being executed; and

WHEREAS, the City and the Agency have negotiated a Amended Cooperation Agreement [Amended Agreement] and the City proposes to enter into the Amended Agreement with the Agency; and

WHEREAS, pursuant to the Amended Agreement, the City proposes to purchase certain property as described in the Amended Agreement in the Project area from the Agency for the development of the Park; and

WHEREAS, the Board of Directors for the Southeastern Economic Development Corporation, Inc., has reviewed and discussed the proposed Amended Agreement and has recommended that the Council and the Agency enter into the Amended 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 Amended Agreement; having duly published notice of the public hearing and made copies of the proposed Amended Agreement, and other reports and documents (including the summary provided for in California Health and Safety Code section 33433) available for public inspection and comment; and

WHEREAS, the City has duly considered all terms and conditions of the proposed sale of real property and believes that the redevelopment of the real property pursuant to the proposed Amended 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; NOW, THEREFORE,

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

1. That City Council Resolution No. R-291003 which approved the original Cooperation Agreement is repealed.
2. That the Council has received and heard all oral and written objections to the proposed Amended Agreement, to the proposed sale of the real property pursuant to the

proposed Amended Agreement, and to other matters pertaining to this transaction, and that all the oral and written objections are hereby overruled.

3. That the Council finds and determines that the purchase of the real property for the development of the Park, as described in the Amended Agreement, will assist in the elimination of blight.

4. That the Council finds and determines that the consideration to be paid by the City for the purchase of the real property for the development of the Park is not less than fair market value in accordance with the covenants and conditions governing the purchase as set forth in the Amended Agreement. The Council further finds and determines that all consideration to be paid under the Amended Agreement is in an amount necessary to effectuate the purposes of the Redevelopment Plan for the Project.

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

6. That the Council authorizes the acceptance of the real property from the Agency.

7. That the Council authorizes the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency. A copy of the Amended Agreement, when executed by the Agency and the City, shall be placed on file in the office of the City Clerk as Document No. RR- 292980-R

8. That, as part of the consideration paid for the purchase of the property, the City agrees to forgive \$876,502, the current debt on the Lincoln High School site in exchange for the Father Brockhaus Park site.

9. That, as further consideration paid for the purchase of the property, the City accepts from the Agency concurrent with the close of escrow an amount not to exceed \$500,000 of the estimated development cost to facilitate the improvements of the Park. In addition, the City agrees to accept an in-lieu payment of \$44,500 from the Agency not later than Fiscal Year 2002 for additional park improvements. These funds shall be transferred to CIP No. 29-458.0, 252 Corridor Park.

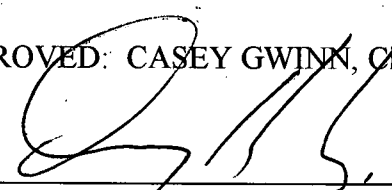
10. That the City further accepts from the Agency, for park development, any contingency funds remaining after the construction of public improvements for the 252 Phase II Residential development project adjacent to the park.

11. That the City Manager, or designee, is authorized to accept, on behalf of the City, a grant deed for the real property site located between 38th Street and Birch Streets, south and west of Chollas Creek, for the development of the Park. A copy of the Grant Deed is on file in the office of the City Clerk as Document No. RR- 292980-2

12. That by Council Resolution No. R-291004, adopted on November 24, 1998, The City of San Diego as Lead Agency under the California Environmental Quality Act certified that it reviewed and considered the final Secondary Study, dated November 1998, covering this activity.

APPROVED: CASEY GWINN, City Attorney

By

  
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Douglas K. Humphreys  
Deputy City Attorney

DKH:lc

03/29/00

Or. Dept: SEDC

Aud. Cert: See 2000945

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