

RESOLUTION NUMBER R- 294799

ADOPTED ON APR 23 2001

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING AN AMENDMENT OF THE CONTRACT FOR CONSTRUCTION OF THE ON-SITE PUBLIC IMPROVEMENTS ASSOCIATED WITH THE IMPERIAL MARKETPLACE PROJECT.

WHEREAS, on March 30, 1999, the Council of the City of San Diego [City Council] and the Redevelopment Agency of the City of San Diego [Agency] approved a Disposition and Development Agreement between the Agency and PDP Imperial Partners, LLC [Developer], for the development of the Imperial Marketplace Project, within the Central Imperial Redevelopment Project Area [Project Area] of the City; and

WHEREAS, the Disposition and Development Agreement contemplated the construction of certain public improvements within the Project Area; and

WHEREAS, the City is engaged in activities necessary to carry out and implement certain public improvements within the Project Area; and

WHEREAS, in conjunction with the public improvement activities and in order to carry out and implement the Central Imperial Redevelopment Plan (Redevelopment Plan), the Agency by Resolution No. R-03076, adopted November 23, 1999, authorized the transfer of \$5,885,000 from the Fiscal Year 1999/2000 Southeastern Economic Development Corporation [SEDC] Project Budget to the City for Capital Improvement Project No. 52-677.0 [Project]; and

WHEREAS, in order to carry out and implement the Project, the Council, by Resolution No. R-292483, adopted on November 23, 1999, authorized the City Manager or the President of

SEDC to award a contract for the construction of the Project, provided that the City Auditor and Comptroller furnish a certificate showing that the funding is, or will be, on deposit in the City Treasury, expected to come from various sources, including funds provided by the Developer; and

WHEREAS, the completion of certain on-site public improvements for the project have become necessary to be performed to accomplish the timely and efficient development of the Project; and

WHEREAS, it is timely and cost effective to have the Developer perform the necessary work; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the City Manager is hereby authorized to amend the contract with Erreca's, Inc., to allow for the completion of the on-site public improvements by the Developer.

BE IT FURTHER RESOLVED, that the City Manager and City Auditor and Comptroller are hereby authorized to take all actions necessary or appropriate to implement the purposes and intent of this resolution, the Project and the Contract.

APPROVED: CASEY GWINN, City Attorney

By *Elisa A. Ausoto for*  
Douglas K. Humphreys  
Deputy City Attorney

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