

RESOLUTION NUMBER R- 294822

ADOPTED ON MAY 01 2001

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO CONSENTING TO THE ADDITIONAL PAYMENT BY THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO TOWARD THE COST OF THE LAND FOR AND/OR THE INSTALLATION AND CONSTRUCTION OF THE BASEBALL PARK AND RELATED IMPROVEMENTS WITHIN THE CENTRE CITY REDEVELOPMENT PROJECT AREA, APPROVING THE FIRST AMENDMENT TO BALLPARK COOPERATION AGREEMENT PERTAINING THERETO, AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH PAYMENT FOR THE BASEBALL PARK AND RELATED IMPROVEMENTS

WHEREAS, the Redevelopment Agency of the City of San Diego (the "Agency") is engaged in activities necessary to carry out and implement the Redevelopment Plan for the Centre City Redevelopment Project (the "Project"), and

WHEREAS, the Agency has heretofore approved and adopted the Implementation Plans for the Centre City and Horton Plaza Redevelopment Projects (July 1999-June 2004), and subsequently approved and adopted the First Amendment thereto (the "Implementation Plan") providing for the implementation of certain activities necessary or appropriate to carry out the Redevelopment Plan, and

WHEREAS, one of the projects proposed in the Redevelopment Plan and the Implementation Plan is the development of a baseball park and related improvements (the

“Baseball Park and Related Improvements”) within the East Village Redevelopment District of the Centre City Redevelopment Project area (the “Project Area”), and

WHEREAS, THE City of San Diego (the “City”) and the Agency plan to implement such Baseball Park and Related Improvements as redevelopment activities pursuant to a Memorandum of Understanding executed by them and others after approval thereof by the City’s electorate, as supplemented and implemented by the parties (the “MOU”), and

WHEREAS, in order to implement the Redevelopment Plan, and the MOU, the Agency has previously agreed to pay toward the cost of the land for and/or the installation and construction of the Baseball Park and Related Improvements, pursuant to the Ballpark Cooperation Agreement between the Agency and the City, in the form on file with the City Clerk as Document No RR-292800, and

WHEREAS, THE Agency and the City now propose to amend the Ballpark Cooperation Agreement to provide for the payment of additional funds by the Agency toward the cost of the Baseball Park and Related Improvements, pursuant to a proposed First Amendment to Ballpark Cooperation Agreement (the “First Amendment”), and

WHEREAS, the Baseball Park and Related Improvements are proposed to be located on various sites in East Village as generally illustrated and designated on the Site Map attached as Exhibit A to the Ballpark Cooperation Agreement and as more particularly identified and described in such Agreement, and

WHEREAS, pursuant to Section 33445 of the California Community Redevelopment Law (Cal Health & Safety Code § 33000 *et seq.*), the Agency is authorized to pay for all or part of the

land for and/or the installation and construction of any building, facility, or other improvement in the Project Area which is publicly owned, and

WHEREAS, pursuant to Section 33679 of the California Community Redevelopment Law, the Agency and the City Council held a public hearing on the proposed additional payment by the Agency toward the cost of the sites and applicable improvements as described in the Ballpark Cooperation Agreement and the First Amendment, having duly published notice of such public hearing, and made copies of the First Amendment to Ballpark Cooperation Agreement and a Summary Pertaining to the Additional Payment by the Agency for the Baseball Park and Related Improvements (the "Summary"), available for public inspection and comment, and

WHEREAS, pursuant to the California Community Redevelopment Law, this City Council has considered the information regarding (1) the benefit of the Baseball Park and Related Improvements to the Centre City Redevelopment Project Area and its immediate neighborhood, including the information contained in Section III of the Summary, (2) the availability of other means of financing the additional payment for the Baseball Park and Related Improvements to the community, including the information contained in Section IV of the Summary, (3) the assistance that will be given to the elimination of one or more blighting conditions inside the Project Area by implementing the Baseball Park and Related Improvements, including the information contained in Section V of the Summary, and (4) the consistency of the Baseball Park and Related Improvements with the Implementation Plan for the Project Area adopted pursuant to Section 33490 of the California Community Redevelopment Law, including the information contained in Section VI of the Summary, and

WHEREAS, the Agency has heretofore prepared, and the Agency and City Council have certified, the Master Environmental Impact Report for the Centre City Redevelopment Project (MEIR), and the Final Subsequent Environmental Impact Report Pertaining to the Ballpark and Ancillary Development Projects (SEIR), which include as implementation activities whose environmental impacts are covered thereby, the Baseball Park and Related Improvements proposed to be accomplished under the Ballpark Cooperation Agreement and the First Amendment thereto, and

WHEREAS, the City Council has duly considered all terms and conditions of the proposed additional payment toward costs as set forth in the First Amendment to Ballpark Cooperation Agreement, and believes that the payment by the Agency toward the cost of the Baseball Park and Related Improvements is in the best interests 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 City Council of the City of San Diego, as follows

1 The City Council recognizes that it has received and heard all oral and written objections to the proposed additional payment by the Agency toward the cost of the land for and/or the installation and construction of the Baseball Park and Related Improvements, and to other matters pertaining to this transaction, and that all such oral and written objections are hereby overruled

2 The City Council hereby finds and determines that

a The Baseball Park and Related Improvements for which the Agency proposes to pay under the First Amendment to Ballpark Cooperation Agreement is of benefit to the Centre City Redevelopment Project Area and the immediate neighborhood in which the Project Area is located, as described in Section III of the Summary,

b No other reasonable means of financing the additional payment for the Baseball Park and Related Improvements under the First Amendment to Ballpark Cooperation Agreement are available to the community, as described in Section IV of the Summary,

c The additional payment of funds for the cost of the Baseball Park and Related Improvements will assist in the elimination of one or more blighting conditions inside the Project Area, as described in Section V of the Summary, and

d The additional payment of funds for the cost of the Baseball Park and Related Improvements is consistent with the Implementation Plan for the Project Area adopted pursuant to Section 33490 of the California Community Redevelopment Law, as described in Section VI of the Summary

3 The City Council hereby consents to the additional payment by the Agency toward the cost of the land for and/or the installation and construction of the Baseball Park and Related Improvements, as described in the First Amendment to Ballpark Cooperation Agreement

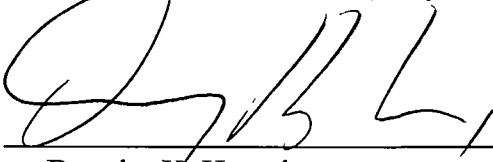
4 The First Amendment to Ballpark Cooperation Agreement is hereby approved

5 The City Manager (or his designee) is hereby authorized to execute the First Amendment to Ballpark Cooperation Agreement on behalf of the City A copy of the First

Amendment to Ballpark Cooperation Agreement when executed by the parties shall be placed on file in the office of the City Clerk as Document No RR- 294822

6 The City Manager (or his designee) is hereby authorized, on behalf of the City, to sign all documents necessary and appropriate to carry out and implement the First Amendment to Ballpark Cooperation Agreement, and to administer the City's obligations, responsibilities and duties to be performed under the First Amendment to Ballpark Cooperation Agreement

APPROVED CASEY GWINN, City Attorney

By 
Douglas K. Humphreys
Deputy City Attorney

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Or Dept CCDC
Aud Cert N/A
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