

(O-2003-81)

ORDINANCE NUMBER O- 19131 (NEW SERIES)

ADOPTED ON DEC 09 2002

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE PARKING STRUCTURE OPERATING AGREEMENT WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO.

WHEREAS, the City previously entered into a Parking Structure Operating Agreement [Parking Agreement] with the Redevelopment Agency of the City of San Diego [Agency]; and

WHEREAS, the City and Agency desire to amend the Parking Agreement to add additional facilities to the Parking Agreement as set forth in Exhibit A of the Parking Agreement; NOW,

THEREFORE,

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

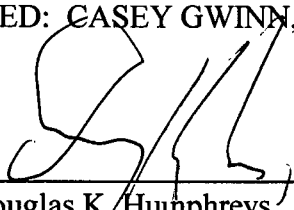
Section 1. That the First Amendment to the Parking Structure Operating Agreement, attached as Exhibit A, is hereby approved.

Section 2. That the City Manager is authorized to execute, for and on behalf of the City of San Diego, the First Amendment to the Parking Structure Operating Agreement, with the Redevelopment Agency of the City of San Diego, under the terms and conditions set forth in that First Amendment on file in the office of the City Clerk as Document No. OO- 19131.

Section 3. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

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FIRST AMENDMENT TO PARKING STRUCTURE OPERATING AGREEMENT

between the

CITY OF SAN DIEGO

and the

REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO

Dated as of January 1, 2003

FIRST AMENDMENT TO PARKING STRUCTURE OPERATING AGREEMENT

This **FIRST AMENDMENT TO PARKING STRUCTURE OPERATING AGREEMENT**, made and entered into as of January 1, 2003 [Amended Operating Agreement], between the **CITY OF SAN DIEGO**, a municipal corporation and charter city duly organized and existing under its charter and the Constitution of the State of California [City], and the **REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO**, a public body, corporate and politic, organized and existing under the laws of the State of California [Agency];

WITNESSETH:

WHEREAS, the Agency is a redevelopment agency, a public body, corporate and politic, duly created, established and authorized to transact business and exercise powers under and pursuant to the provisions of the Community Redevelopment Law of the State of California [Law], including the power to issue bonds, notes and other obligations for any of its corporate purposes;

WHEREAS, a redevelopment plan for a redevelopment project known and designated as the "Centre City Redevelopment Project" [Project Area] has been adopted and approved and all requirements of law for, and precedent to, the adoption and approval of said plan have been duly complied with; and

WHEREAS, the plan contemplates that the Agency will issue its bonds [Bonds] to finance a portion of the cost of such redevelopment; and

WHEREAS, the proceeds of the Bonds (as defined herein) will be used (i) to construct certain parking facilities [Facilities] within the Project Area; and

WHEREAS, in order to provide for the operation of the Facilities, the Agency and the City have executed and delivered that certain Parking Structure Operating Agreement, dated as of August 1, 1999 [Operating Agreement], between the Agency, as owner, and the City, as operator pursuant to which the City shall operate, or cause to be operated, the Facilities; and

WHEREAS, in order to add additional Facilities to the Operating Agreement, it is necessary to amend Exhibit A thereto, as permitted by Section 6.13(d) of the Operating Agreement.

NOW, THEREFORE, for and in consideration of the premises and the material covenants hereinafter contained, the Agency and the City agree as follows:

Section 1. Amendment of Exhibit A.

Exhibit A of the Operating Agreement is hereby amended to read as follows:

**“EXHIBIT A
COMPONENTS OF THE FACILITIES**

The Facilities consist of

(i) a single multi-level parking structure to be located on the north side of Market Street, between 6th and 7th Avenues in the City of San Diego. The structure will contain approximately 500 parking spaces and approximately 2,147 square feet of retail space.

(ii) a single multi-level parking structure to be located on the block bordered by “K” Street, “L” Street, 6th Avenue and 7th Avenue in the City of San Diego. The structure will contain approximately 1,231 parking spaces and approximately _____ square feet of retail space.”

Section 2. Entire Agreement

The Operating Agreement and the Amended Operating Agreement, constitute the entire Agreement between the parties with respect to operation of the Facilities. Except where altered by a specific provision of this Amended Operating Agreement, all other terms and conditions of the Operating Agreement shall remain in full force and effect.

Section 3. California Law.

This Amended Operating Agreement shall be construed and governed in accordance with the laws of the State of California.

Section 4. Effective Date.

This Amended Operating Agreement shall become effective upon its execution and delivery, and shall terminate as set forth in Section 2.01 of the Operating Agreement.

Section 5. Execution in Counterparts.

This Amended Operating Agreement may be executed in several counterparts, each of which shall be deemed an original, and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have executed and attested the Operating Agreement by their officers there unto duly authorized as of the day and year first written above.

* To be reviewed.

A 19131

**REDEVELOPMENT AGENCY OF THE
CITY OF SAN DIEGO, as Owner**

By:

Deputy Executive Director

CITY OF SAN DIEGO, as Operator

By:

City Manager

Approved as to form and legality this _____
day of _____, 2003

CASEY GWINN, City Attorney

By: _____
Douglas K. Humphreys, Esq.
Deputy City Attorney

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