

(R-2003-289)

RESOLUTION NUMBER R- 297046

ADOPTED ON SEP 10 2002

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING THE SALE OF PROPERTY LOCATED GENERALLY AT KETTNER BOULEVARD AND BROADWAY IN THE CENTRE CITY REDEVELOPMENT PROJECT AREA TO BROADWAY TOWER 655, LLC; APPROVING THE FIRST AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT AND THE PAYMENT AGREEMENT; AND MAKING CERTAIN FINDINGS WITH RESPECT TO SUCH 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 Centre City Redevelopment Project Area [Project Area]; and

WHEREAS, in order to carry out and implement the Redevelopment Plan, the Agency entered into a Disposition and Development Agreement, approved by Agency resolution number R-03383 and City Council resolution number R-295565 on October 9, 2001; a First Implementation Agreement, approved by Agency resolution number R-03444 on March 19, 2002; and a Second Implementation Agreement, approved by Agency resolution number R-03494 on July 9, 2002 [collectively the Agreement], with Broadway Tower 655, LLC, a California limited liability company [Developer]; and

WHEREAS, the Agreement contains a description of a parcel of land, located generally at Kettner Boulevard and Broadway in the Project Area, to be sold by the Agency to Developer

[Sales Parcel], and provides for the construction on the Sales Parcel and certain adjacent property, of a Class A office building with ancillary retail and residential uses; and

WHEREAS, in order to further implement the Redevelopment Plan and development under the Agreement, the Agency proposes to amend the Agreement by entering into a First Amendment to Disposition and Development Agreement [Amendment] and a proposed Payment Agreement; and

WHEREAS, the Developer has submitted to the Agency and City Council copies of the proposed Amendment and the Payment Agreement in a form desired by Developer; and

WHEREAS, the Centre City Development Corporation, Inc., has reviewed and discussed the proposed Amendment and the Payment Agreement, and has recommended that City Council approve and the Agency enter into the Amendment and the Payment Agreement; and

WHEREAS, pursuant to the California Community Redevelopment Law (California Health and Safety Code sections 33000, et seq.), the Agency and City Council held a joint public hearing on the proposed sale of such real property pursuant to the Amendment and the Payment Agreement; having duly published notice of such public hearing and made copies of the Amendment and the Payment Agreement and other reports and documents available for public inspection and comment; and

WHEREAS, the Council has duly considered all terms and conditions of the proposed sale of real property and believes that the development of the real property pursuant to the Agreement, the Amendment and the Payment Agreement 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 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 First Amendment to Disposition and Development Agreement and the Payment Agreement, to the proposed sale of the real property pursuant to the Agreement, the Amendment, and to the Payment Agreement, and to other matters pertaining to this transaction, and that all such oral and written objections are overruled.

2. The City Council finds and determines that the sale of the real property pursuant to the terms of the Agreement, the Amendment, and the Payment Agreement will assist in the elimination of blight within the Project Area, and is consistent with the Implementation Plan for the Centre City Redevelopment Project adopted pursuant to Section 33490 of the California Community Redevelopment Law.

3. The City Council finds and determines that the consideration to be paid by the Developer for the sale of the real property as described in the Amendment and the Payment Agreement is not less than the fair market value at its highest and best use in accordance with the Redevelopment Plan for the Project Area, and is not less than the fair reuse value at the use and with the covenants and conditions and development costs authorized by the sale.

4. The sale of the real property and the First Amendment to Disposition and Development Agreement and the Payment Agreement which establish amended terms and conditions for the sale and development of the real property are approved.

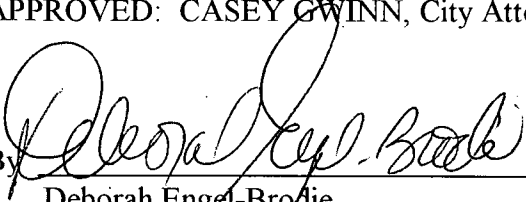
5. The City Council authorizes the City Clerk to deliver a copy of this resolution to the Executive Director and members of the Agency. A copy of the Amendment and the Payment

Agreement, when executed by the Agency, shall be placed on file in the office of the City Clerk as

Document Nos. RR- 297046-1 and RR- 297046-2

APPROVED: CASEY GWINN, City Attorney

By



Deborah Engel-Brodie
Deputy City Attorney

DEB:pev

8/19/02

Or.Dept:CCDC

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